

The City Record

Official Publication of the Council of the City of Cleveland



March the First, Two Thousand and Six

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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www.clevelandcitycouncil.org

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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
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Michael A. House, 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 Counsel, Rm. 106
 Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Interim 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, Interim Director, 1201 Lakeside Avenue
 DIVISIONS – 1201 Lakeside Avenue
 Cleveland Public Power – James F. Majer, 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 – John Mok, Interim 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, Interim 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, Interim 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, Interim 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, Interim 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 – _____, 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, Interim Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
 Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Interim 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, Interim 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 – Gregory G. Huth, Interim Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

COMMUNITY RELATIONS BOARD – Room 11, Theasha A. Danieli, Interim Director;
 Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman;
 Councilman Kevin Conwell, 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; _____, 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 _____, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director _____, 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.

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connally, 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 _____; Council President Martin J. Sweeney; Councilman Dona Brady; Councilman _____.

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

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Bauknight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorik, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

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

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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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, MARCH 1, 2006

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CITY COUNCIL

MONDAY, FEBRUARY 27, 2006

The City Record

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Address all communications to

EMILY LIPOVAN

City Clerk, Clerk of Council
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 27, 2006

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, Westbrook, White and Zone.

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff; Darnell Brown, Chief Operation Officer; Valarie J. McCall, Chief of Government Affairs; Maureen Harper, Chief of Communications; Michael A. House, Press Secretary; Debra Linn Talley, Director of Equal Opportunity; Director Triozzi, Interim Directors Dumas, Wasik, Carroll, Flask, Cox, Rush, Rybka, Hutchinson, Huth, Directors Fumich, Guzman, Daniely and Brown.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Bishop Benjamin Douglass, Pentecostal

Church of God in Christ, 10515 Chester Avenue, located in Ward 6. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1290-05-D.

Response from property owners objecting to Resolution No. 1290-05 — assessment notice. Received.

File No. 346-06.

From Riverside Park Homes, L.P. — notification of new housing construction rehabilitation — 17800 Parkmount Ave. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 347-06.

Re: New Application — 2847706 — 4053 Marvin Avenue, Inc., d.b.a. Quick Shop Food Mart, 4053 Marvin Ave., first floor and basement. (Ward 14). Received.

File No. 348-06.

Re: New Application — 4566111 — Jerome David Kelly, 15430 Waterloo Road. (Ward 11). Received.

File No. 349-06.

Re: New Application — 6567730 — OPS, LLC, 1375 Euclid Avenue, basement, first and second floor. (Ward 13). Received.

File No. 350-06.

Re: Transfer of Ownership Application — 65204400005 — Ohio Restaurant Investment Corp., 3578 Independence Road. (Ward 13). Received.

File No. 351-06.

Re: Transfer of Ownership Application — 8915020 — 3535 West 117th Street, Inc., d.b.a. Squires Inn, 3535 West 117th Street, front. (Ward 19). Received.

File No. 352-06.

Re: Transfer of Ownership Application — 8836715 — Tell This Holding LLC., 10813 St. Clair Avenue. (Ward 8). Received.

File No. 353-06.

Re: Transfer of Ownership Application — 7140274 — Quiet Bob's Inc., d.b.a. Quiet Bob's Bar & Grill, 4625-29 West 130th Street. (Ward 20). Received.

File No. 354-06.
 Re: Transfer of Ownership Application — 8177655 — Simply Ours, LLC, d.b.a. Robin's Nest, 4059 St. Clair Avenue. (Ward 13). Received.

File No. 355-06.
 Re: Transfer of Ownership Application — 3105389 — General Petrol, Inc., d.b.a. Sunoco, 2165 East 55th Street. (Ward 5). Received.

PLATS

File No. 356-06.
 Beach Court and W. 75th Place — Additional right-of-way. (Ward 17). Received.

File No. 357-06.
 The Cloisters Phase II, Expansion Property and Re-plat of Part of Block A1. (Ward 12). Received.

CONDOLENCE RESOLUTIONS

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

- Res. No. 344-06** — Rosa Lee Garner.
- Res. No. 345-06**—Mildred Kathleen Vauss.
- Res. No. 358-06**—Francis Landrum, Sr.
- Res. No. 359-06**—Theresa McNea.
- Res. No. 360-06**—Sam Rocco.

RECOGNITION RESOLUTIONS

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

- Res. No. 361-06**—Eduardo Ehrenwald, M.D., Ph.D.

Res. No. 362-06 — Cleveland State University's Men's Basketball Team.

- Res. No. 363-06**—V-Fest.
- Res. No. 364-06**—University Circle Police Department.
- Res. No. 365-06** — 274th Anniversary of the Birth of George Washington.

WELCOME RESOLUTION

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

- Res. No. 366-06** — Vincent Battle (former U.S. Ambassador to Lebanon).

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 289-06.

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

An emergency ordinance establishing salary and wage schedules for various classifications, effective as of April 1, 2006, and repealing Ordinance No. 384-03, passed March 10, 2003, as amended.

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

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

Section 1. That this ordinance shall be known as the "General Salary Ordinance." Further, that except as otherwise provided, the schedules of compensation set forth in Sections 2 to 55 of this ordinance shall be effective as of April 1, 2006.

Section 2. Secretary to the Mayor, Directors of Departments, Planning Director, Executive Director Community Relations Board, four Executive Assistants to the Mayor.

(a) That the salary of the Secretary to the Mayor shall be fixed by the Mayor at not less than \$50,795.78 and not more than \$171,088.30 per annum.

(b) That the salary of the Directors of Law, Finance, Public Utilities, Economic Development, Public Safety, Parks, Recreation and Properties, Public Service, Public Health, Personnel and Human Resources, Community Development, Building and Housing, Aging, Consumer Affairs, the Planning Director, and the Executive Director of the Community Relations Board and four (4) Executive Assistants to the Mayor shall be fixed by the Mayor at not less than \$50,795.81 and not more than \$164,919.04 per annum.

(c) That the salary of the Director of Port Control shall be fixed by the Mayor at not less than \$100,000.00 and not more than \$214,240.00 per annum.

Section 3. Clerk of Council

That the salary of the Clerk of Council shall be fixed at not less than \$42,865.60 and not more than \$103,752.48 per annum.

Section 4. Employees of Council - Salary

That the Clerk of Council, with the approval of the President of Council, shall fix the salary of the employees of Council within the limits established in the following schedule for each classification:

	Minimum	Maximum
1. Administrative Assistant.....	\$21,851.06	\$ 71,329.44
2. Administrative Secretary.....	\$20,800.00	\$ 71,329.44
3. Assistant Legislative Clerk.....	\$20,800.00	\$ 55,902.08
4. Chief City Archivist.....	\$21,851.06	\$ 75,233.60
5. Chief Legislative Secretary.....	\$21,851.06	\$ 75,233.60
6. Council Receptionist.....	\$20,800.00	\$ 45,140.16
7. Deputy City Archivist.....	\$20,800.00	\$ 71,329.44
8. Deputy Clerk.....	\$21,851.06	\$ 71,329.44
9. Director of Communications.....	\$24,974.46	\$ 75,233.60
10. Director of Policy Research.....	\$24,974.46	\$ 75,233.60
11. Executive Assistant - Administration.....	\$24,974.46	\$ 75,233.60
12. Executive Assistant - Councilmembers.....	\$ 10.00	\$ 15.54
13. Executive Assistant to the Clerk of Council.....	\$24,974.46	\$ 75,233.60
14. Financial Assistant.....	\$20,800.00	\$ 45,140.16
15. Financial Manager.....	\$21,851.06	\$ 75,233.60
16. Financial Officer.....	\$20,800.00	\$ 71,329.44
17. First Assistant Clerk.....	\$24,975.91	\$ 75,233.60
18. Information and Technology Administrator.....	\$21,851.06	\$ 71,329.44
19. Information Systems Engineer.....	\$24,974.46	\$ 75,233.60

20.	Legislative Assistant.....	\$20,800.00	\$ 60,186.88
21.	Legislative Committee Clerk.....	\$20,800.00	\$ 60,186.88
22.	Legislative Secretary.....	\$20,800.00	\$ 60,186.88
23.	Personnel and Human Resources Assistant.....	\$20,800.00	\$ 71,329.44
24.	Personnel and Human Resources Manager.....	\$21,851.06	\$ 75,233.60
25.	Planning and Development Advisor.....	\$55,000.00	\$ 74,984.00
26.	Policy Research Analyst.....	\$21,851.06	\$ 71,329.44
27.	Public Relations Manager.....	\$21,851.06	\$ 75,233.60
28.	Sergeant-at-Arms.....	\$20,800.00	\$ 41,385.76
29.	Special Counsel.....	\$41,416.04	\$ 80,340.00

Section 5. Secretary of Civil Service Commission, Secretaries to Director, Secretary to Director of Department of Port Control, Assistant Directors of Finance and Executive Assistants to the Mayor

That the salary of the Secretary of the Civil Service Commission, the salary of the Secretary to each Director of a Department, the salary of the Assistant Director of Finance and the salaries of four Executive Assistants to the Mayor shall be fixed by the Mayor in accordance with the following schedule:

	Minimum	Maximum
1. Four Executive Assistants to the Mayor.....	\$35,410.47	\$138,854.69
2. Special Assistant to the Mayor.....	\$20,800.00	\$ 92,699.36
3. Secretary to Directors of Departments	\$36,590.39	\$132,828.80
4. Secretary of the Civil Service Commission	\$25,011.85	\$ 92,700.00
5. Secretary to Director of Department of Port Control	\$41,312.22	\$137,793.76
6. Assistant Director of Finance	\$36,590.39	\$132,828.80
7. Assistant Director of Finance for Technology	\$36,590.39	\$132,828.80

Section 6. Department of Law

That the Director of Law shall fix the salary of each member of his staff of lawyers in accordance with the following schedule:

CIVIL BRANCH		Minimum	Maximum
1.	Assistant Director of Law I.....	\$26,250.00	\$ 74,984.00
2.	Assistant Director of Law I(s).....	\$26,250.00	\$ 80,340.00
3.	Assistant Director of Law II.....	\$31,500.00	\$ 91,052.00
4.	Assistant Director of Law II(s).....	\$31,500.00	\$101,352.16
5.	Chief Assistant Director of Law	\$31,500.00	\$117,832.00
6.	Chief Corporate Counsel	\$36,750.00	\$129,708.80
7.	Chief Counsel	\$36,750.00	\$129,708.80
8.	Chief Trial Counsel.....	\$36,750.00	\$129,708.80
9.	Deputy Law Director.....	\$36,750.00	\$129,708.80

CRIMINAL BRANCH		Minimum	Maximum
1.	Chief Assistant Prosecutor.....	\$36,750.00	\$129,708.80
2.	First Assistant Prosecutor	\$31,500.00	\$117,832.00
3.	Assistant Prosecutor.....	\$23,100.00	\$ 91,052.00

Section 7. Service Employees International Union, District 1199, AFL-CIO. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Custodial Worker.....	\$ 10.00	\$ 13.95
2. Window Washer.....	\$ 12.54	\$ 18.92
3. Bridge Oiler.....	\$ 10.00	\$ 16.82

Section 8. International Local 100, AFSCME Ohio Council 8 AFL-CIO. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant I.....	\$ 9.20	\$ 17.95
1. Accountant I.....	\$ 10.00	\$ 18.48
2. Accountant II.....	\$ 10.00	\$ 20.28
3. Accountant III.....	\$ 10.00	\$ 22.48
4. Accountant Clerk I.....	\$ 10.00	\$ 14.98
5. Accountant Clerk II.....	\$ 10.00	\$ 16.18
6. Activities Therapist.....	\$ 10.00	\$ 14.24
7. AIDS Support Services Coordinator.....	\$ 10.49	\$ 15.92
8. Air Pollution Control Engineer I.....	\$ 10.00	\$ 23.77
9. Air Pollution Control Engineer II.....	\$ 10.00	\$ 25.06
10. Air Pollution Control Engineer III.....	\$ 10.00	\$ 26.40
11. Air Pollution Engineer.....	\$ 12.04	\$ 18.56
12. Air Pollution Inspector I.....	\$ 12.12	\$ 19.12
13. Air Pollution Inspector II.....	\$ 10.00	\$ 21.33
14. Air Pollution Technician I.....	\$ 10.00	\$ 20.28
15. Air Pollution Technician II.....	\$ 10.00	\$ 21.33

16.	Air Pollution Technician III.....	\$ 10.00	\$ 23.77
17.	Airport Information Representative.....	\$ 10.02	\$ 15.53
18.	Airport Operations Agent I.....	\$ 14.14	\$ 19.20
19.	Airport Operations Agent II.....	\$ 17.77	\$ 22.60
20.	Airport Safety Man.....	\$ 14.19	\$ 19.64
21.	Architect.....	\$ 10.00	\$ 27.95
22.	Associate Engineer.....	\$ 17.83	\$ 26.15
23.	Assistant Buyer.....	\$ 10.00	\$ 19.40
24.	Assistant City Planner.....	\$ 10.00	\$ 20.28
25.	Assistant Civil Engineer.....	\$ 10.00	\$ 20.28
26.	Assistant Electrical Engineer.....	\$ 10.00	\$ 20.28
27.	Assistant Mechanical Engineer.....	\$ 10.00	\$ 20.28
28.	Assistant Plan Examiner.....	\$ 13.42	\$ 21.33
29.	Associate Programmer.....	\$ 10.00	\$ 21.73
30.	Bacteriologist.....	\$ 10.00	\$ 22.48
31.	Bill Collector.....	\$ 10.02	\$ 15.53
32.	Billing Clerk.....	\$ 10.00	\$ 15.52
33.	Building Inspector.....	\$ 14.26	\$ 20.62
34.	Camera Room Operator.....	\$ 10.00	\$ 17.65
35.	Caseworker I.....	\$ 10.00	\$ 16.86
36.	Caseworker II.....	\$ 10.00	\$ 18.48
37.	Cashier/Starter.....	\$ 10.00	\$ 18.49
38.	Chemist.....	\$ 10.00	\$ 24.57
39.	Chief Miscellaneous Investigator.....	\$ 10.00	\$ 21.33
40.	Citizens Information Representative.....	\$ 10.00	\$ 17.65
41.	Civil Engineer.....	\$ 10.00	\$ 27.95
42.	Claims Examiner.....	\$ 10.00	\$ 21.33
43.	Clerk Typist.....	\$ 10.00	\$ 11.58
44.	Clinical Laboratory Assistant.....	\$ 10.00	\$ 17.65
45.	Clinical Laboratory Technician I.....	\$ 10.00	\$ 20.28
46.	Clinical Laboratory Technician II.....	\$ 10.00	\$ 21.73
47.	Cocaine Treatment Counselor I.....	\$ 10.00	\$ 16.79
48.	Cocaine Intake Specialist.....	\$ 10.00	\$ 15.11
49.	Community Development Code Enforcement Inspector I.....	\$ 14.08	\$ 22.50
50.	Community Development Code Enforcement Inspector II.....	\$ 14.89	\$ 23.77
51.	Community Development Code Enforcement Inspector III.....	\$ 15.70	\$ 25.06
52.	Community Development Code Enforcement Inspector/Heating I.....	\$ 14.08	\$ 22.50
53.	Community Development Code Enforcement Inspection/Heating II.....	\$ 14.89	\$ 23.77
54.	Community Development Code Enforcement Inspection/Heating III.....	\$ 15.70	\$ 25.06
55.	Community Development Code Enforcement Inspector/Refrigeration I.....	\$ 14.05	\$ 22.50
56.	Community Development Code Enforcement Inspector/Refrigeration II.....	\$ 14.89	\$ 23.77
57.	Community Development Code Enforcement Inspector/Refrigeration III.....	\$ 15.70	\$ 25.06
58.	Community Development Code Enforcement Inspector/Trainee.....	\$ 10.00	\$ 18.15
59.	Community Development Planner.....	\$ 10.00	\$ 26.89
60.	Community Health Aide.....	\$ 10.00	\$ 14.97
61.	Community Relations Representative I.....	\$ 10.00	\$ 17.65
62.	Community Relations Representative II.....	\$ 10.00	\$ 21.33
63.	Community Relations Representative III.....	\$ 10.00	\$ 26.40
64.	Composing Equipment Operator.....	\$ 10.00	\$ 19.40
65.	Computer Monitor Assistant.....	\$ 10.00	\$ 12.82
66.	Computer Operator.....	\$ 10.00	\$ 21.33
67.	Construction Technician.....	\$ 12.02	\$ 21.33
68.	Consumer Protection Specialist.....	\$ 10.00	\$ 16.86
69.	Contract and Monitoring Specialist.....	\$ 10.00	\$ 22.57
70.	Cook.....	\$ 11.38	\$ 14.59
71.	Copy Center Operator.....	\$ 10.00	\$ 17.14
72.	Cost Construction Estimator.....	\$ 10.00	\$ 20.77
73.	Customer Service Representative.....	\$ 10.03	\$ 16.17
74.	Data Control Clerk.....	\$ 10.00	\$ 15.54
75.	Data Conversion Operator.....	\$ 10.00	\$ 14.08
76.	Dental Assistant.....	\$ 10.00	\$ 14.68
77.	Development Officer.....	\$ 10.00	\$ 25.05
78.	Dietician.....	\$ 10.00	\$ 18.48
79.	Disease Surveillance Specialist.....	\$ 14.42	\$ 29.72

80.	Drug and Alcohol Counselor.....	\$ 10.00	\$ 13.74
81.	Electrical Engineer.....	\$ 10.00	\$ 27.95
82.	Electronic Engineer.....	\$ 10.00	\$ 28.46
83.	Elevator Inspector.....	\$ 14.23	\$ 22.62
84.	Engineer.....	\$ 22.78	\$ 31.83
85.	Environmental Compliance Specialist I.....	\$ 14.95	\$ 21.25
86.	Environmental Compliance Specialist II.....	\$ 16.35	\$ 22.26
87.	Environmental Compliance Specialist III.....	\$ 17.90	\$ 28.64
88.	Environmental Enforcement Specialist I.....	\$ 14.95	\$ 22.13
89.	Environmental Enforcement Specialist II.....	\$ 16.35	\$ 23.19
90.	Environmental Enforcement Specialist III.....	\$ 17.90	\$ 24.30
91.	Environmental Monitoring Specialist I.....	\$ 13.33	\$ 21.93
92.	Environmental Monitoring Specialist II.....	\$ 14.18	\$ 22.96
93.	Environmental Monitoring Specialist III.....	\$ 15.74	\$ 24.06
94.	Environmental Technician.....	\$ 12.35	\$ 16.88
95.	Family Planning Clerk.....	\$ 10.00	\$ 12.95
96.	Financial Analyst.....	\$ 10.00	\$ 20.28
97.	Financial Counselor.....	\$ 10.00	\$ 21.33
98.	First Press Operator.....	\$ 12.00	\$ 20.35
99.	Fuel System Technician.....	\$ 10.00	\$ 18.84
100.	General Health Aide.....	\$ 10.00	\$ 14.98
101.	General Storekeeper.....	\$ 10.00	\$ 22.83
102.	Geriatric Outreach Worker.....	\$ 10.00	\$ 20.28
103.	Hardware Analyst.....	\$ 14.48	\$ 46.60
104.	Hazardous Material Specialist.....	\$ 21.63	\$ 29.87
105.	Head Cook.....	\$ 10.00	\$ 16.15
106.	Head Storekeeper.....	\$ 10.00	\$ 21.10
107.	Health Educator I.....	\$ 10.00	\$ 18.49
108.	Health Educator II.....	\$ 10.00	\$ 20.28
109.	Heating Inspector.....	\$ 14.23	\$ 20.62
110.	Help Desk Analyst.....	\$ 12.02	\$ 23.18
111.	HIV Educator.....	\$ 10.00	\$ 11.80
112.	House Connection Inspector.....	\$ 12.70	\$ 17.24
113.	Housing Inspector.....	\$ 14.60	\$ 18.35
114.	Human Resources Contract Specialist.....	\$ 10.00	\$ 27.94
115.	Human Resources On-the-Job Training Specialist.....	\$ 10.21	\$ 23.76
116.	Human Resources Planner.....	\$ 10.74	\$ 29.52
117.	Human Resources Special Projects Coordinator.....	\$ 10.21	\$ 23.76
118.	Income Tax Tracer.....	\$ 10.04	\$ 16.34
119.	Industrial Hygiene Engineer.....	\$ 10.00	\$ 27.94
120.	Industrial Nuisance Inspector.....	\$ 10.00	\$ 18.49
121.	Information Control Analyst.....	\$ 10.00	\$ 19.35
122.	Inspector of Weight and Measures.....	\$ 10.00	\$ 16.38
123.	Instrumentation Technician I.....	\$ 16.87	\$ 19.85
124.	Instrumentation Technician II.....	\$ 18.83	\$ 21.87
125.	Instrument Repairman.....	\$ 10.00	\$ 19.55
126.	Intake Specialist.....	\$ 10.00	\$ 14.98
127.	Job Retraining Assistant.....	\$ 10.00	\$ 20.28
128.	Junior Cashier.....	\$ 10.00	\$ 15.53
129.	Junior Chemist.....	\$ 10.00	\$ 16.18
130.	Junior City Planner.....	\$ 10.00	\$ 18.49
131.	Junior Civil Engineer.....	\$ 10.00	\$ 18.49
132.	Junior Clerk.....	\$ 10.00	\$ 12.94
133.	Junior Draftsman.....	\$ 10.00	\$ 15.87
134.	Junior Engineering Aide.....	\$ 10.00	\$ 16.18
135.	Lab Coordinator.....	\$ 16.82	\$ 24.60
136.	Laboratory Assistant.....	\$ 10.00	\$ 17.65
137.	Laboratory Helper.....	\$ 10.00	\$ 13.95
138.	Landscape Architect.....	\$ 10.00	\$ 26.40
139.	Lead Pressman.....	\$ 10.00	\$ 20.57
140.	Life Guard.....	\$ 10.00	\$ 14.78
141.	Life Guard Captain.....	\$ 10.00	\$ 18.31
142.	Mechanical Engineer.....	\$ 10.00	\$ 27.94
143.	Messenger.....	\$ 10.00	\$ 13.95
144.	Meter Reader.....	\$ 12.82	\$ 17.63
145.	Minority Business Consultant.....	\$ 11.15	\$ 31.11
146.	Miscellaneous Investigator.....	\$ 10.00	\$ 17.04
147.	Monitoring, Auditing and Evaluation Coordinator.....	\$ 13.65	\$ 20.59
148.	Network Analyst I.....	\$ 14.52	\$ 32.27
149.	Office Machine Operator.....	\$ 10.00	\$ 13.56
150.	On The Job Training Specialist.....	\$ 12.71	\$ 19.89
151.	Park and Recreation Planner.....	\$ 10.00	\$ 26.40
152.	Parking Attendant.....	\$ 10.00	\$ 14.98
153.	Parking Meter Collector.....	\$ 10.00	\$ 14.95

154.	Parking Meter Serviceman.....	\$ 13.62	\$ 15.73
155.	Permit Processing Specialist.....	\$ 10.00	\$ 12.55
156.	Pharmacist.....	\$ 10.74	\$ 29.51
157.	Pharmacodependent Rehabilitation Counselor I.....	\$ 10.00	\$ 14.32
158.	Pharmacodependent Rehabilitation Counselor II.....	\$ 10.00	\$ 16.91
159.	Photographer.....	\$ 10.00	\$ 20.28
160.	Photographic Laboratory Technician.....	\$ 10.00	\$ 17.65
161.	Photo-Litho Operator.....	\$ 10.00	\$ 16.18
162.	Physical Director.....	\$ 10.00	\$ 18.24
163.	Plan Examiner.....	\$ 10.00	\$ 24.12
164.	Play Director.....	\$ 10.00	\$ 12.78
165.	Police Data Specialist.....	\$ 10.00	\$ 16.87
166.	Police Radio Technician.....	\$ 16.38	\$ 19.21
167.	Pressman.....	\$ 10.00	\$ 19.90
168.	Preventive Health Counselor.....	\$ 13.59	\$ 20.63
169.	Preventive Health Educator.....	\$ 10.00	\$ 13.86
170.	Principal Cashier.....	\$ 10.00	\$ 21.73
171.	Principal Clerk.....	\$ 11.93	\$ 18.38
172.	Print Shop Helper.....	\$ 10.61	\$ 13.69
173.	Private Secretary.....	\$ 10.00	\$ 19.40
174.	Program Analyst.....	\$ 16.64	\$ 28.12
175.	Programmer.....	\$ 10.00	\$ 25.06
176.	Programmer Analyst.....	\$ 10.00	\$ 28.12
177.	Property Clerk.....	\$ 11.37	\$ 31.13
178.	Psychiatric Social Worker.....	\$ 12.48	\$ 20.23
179.	Psychologist I.....	\$ 10.74	\$ 26.90
180.	Psychologist II.....	\$ 12.88	\$ 31.71
181.	Public Health Nursing Aide.....	\$ 10.63	\$ 12.92
182.	Public Health Sanitarian I.....	\$ 12.78	\$ 17.26
183.	Public Health Sanitarian II.....	\$ 14.35	\$ 19.33
184.	Public Health Sanitarian III.....	\$ 15.49	\$ 20.17
185.	Public Health Sanitarian IV.....	\$ 10.00	\$ 27.30
186.	Public Information Officer.....	\$ 10.00	\$ 21.33
187.	Quality Assurance Analyst.....	\$ 10.00	\$ 25.05
188.	Quality Control Coordinator.....	\$ 16.82	\$ 24.61
189.	Radio Dispatcher.....	\$ 17.33	\$ 19.21
190.	Radio Technician.....	\$ 16.38	\$ 19.21
191.	Receptionist.....	\$ 10.00	\$ 14.28
192.	Records Manager.....	\$ 10.00	\$ 14.97
193.	Recreation Aide.....	\$ 10.00	\$ 10.30
194.	Recreation Instructor.....	\$ 10.00	\$ 14.98
195.	Recreation Instructor I.....	\$ 10.00	\$ 15.96
196.	Recreation Instructor II.....	\$ 10.00	\$ 16.57
197.	Recreation Instructor III.....	\$ 10.00	\$ 17.53
198.	Recreation Program Supervisor.....	\$ 10.00	\$ 16.30
199.	Redevelopment Advisor.....	\$ 10.00	\$ 22.49
200.	Redevelopment Coordinator.....	\$ 10.00	\$ 25.06
201.	Refrigeration Inspector.....	\$ 14.26	\$ 20.62
202.	Refugee Outreach Worker.....	\$ 10.00	\$ 13.94
203.	Registered Animal Health Technician.....	\$ 10.00	\$ 14.98
204.	Rehabilitation Advisor.....	\$ 10.00	\$ 19.40
205.	Rehabilitation Inspector.....	\$ 14.60	\$ 25.04
206.	Sanitarian Aide.....	\$ 11.62	\$ 14.53
207.	Second Press Operator.....	\$ 10.00	\$ 18.21
208.	Secretary.....	\$ 10.00	\$ 16.18
209.	Secretary to Director of Consumer Affairs.....	\$ 10.00	\$ 26.40
210.	Senior Assistant Architect.....	\$ 10.00	\$ 22.49
211.	Senior Assistant City Planner.....	\$ 10.00	\$ 22.49
212.	Senior Assistant Civil Engineer.....	\$ 10.00	\$ 22.49
213.	Senior Assistant Electrical Engineer.....	\$ 10.00	\$ 22.49
214.	Senior Assistant Mechanical Engineer.....	\$ 10.00	\$ 22.49
215.	Senior Assistant Traffic Engineer.....	\$ 10.00	\$ 22.49
216.	Senior Bacteriologist.....	\$ 10.00	\$ 19.40
217.	Senior Cashier.....	\$ 10.00	\$ 18.48
218.	Senior Chemist.....	\$ 10.00	\$ 21.33
219.	Senior Clerk.....	\$ 10.29	\$ 15.17
220.	Senior Computer Operator.....	\$ 10.00	\$ 25.06
221.	Senior Contract and Monitoring Specialist.....	\$ 11.34	\$ 26.56
222.	Senior Data Conversion Operator.....	\$ 10.80	\$ 16.87
223.	Senior Development Officer.....	\$ 12.63	\$ 32.87
224.	Senior Draftsman.....	\$ 10.00	\$ 18.13
225.	Senior Engineering Draftsman and Photographer.....	\$ 10.00	\$ 20.28
226.	Senior Information Control Analyst.....	\$ 10.00	\$ 21.33
227.	Senior Laboratory Technician.....	\$ 10.86	\$ 16.50

228.	Senior Landscape Architect	\$ 10.00	\$ 27.94
229.	Senior Site Inspector - Demolition	\$ 10.00	\$ 23.76
230.	Sewer Service Man	\$ 14.99	\$ 17.63
231.	Site Inspector.....	\$ 10.00	\$ 21.33
232.	Social Worker for Homeless	\$ 13.82	\$ 20.98
233.	Starter (Golf)	\$ 10.00	\$ 12.40
234.	S.T.D. Clerk	\$ 10.00	\$ 11.98
235.	Stenographer I	\$ 10.00	\$ 13.59
236.	Stenographer II.....	\$ 10.77	\$ 15.17
237.	Stenographer III.....	\$ 10.00	\$ 16.86
238.	Stock Clerk.....	\$ 10.00	\$ 16.68
239.	Storekeeper	\$ 10.00	\$ 18.99
240.	Street Obstruction Inspector	\$ 10.00	\$ 17.65
241.	Surveyor.....	\$ 10.00	\$ 25.06
242.	Tax Auditor I.....	\$ 10.60	\$ 17.15
243.	Tax Auditor II.....	\$ 12.41	\$ 18.97
244.	Technical Specialist.....	\$ 10.00	\$ 21.33
245.	Technical Specifications Writer.....	\$ 10.00	\$ 22.50
246.	Telecommunications Analyst.....	\$ 14.53	\$ 38.83
247.	Telephone Operator.....	\$ 10.00	\$ 15.53
248.	Telephone Supervisor	\$ 10.00	\$ 16.18
249.	Timekeeper.....	\$ 10.00	\$ 16.18
250.	Traffic Engineer.....	\$ 10.00	\$ 26.40
251.	Traffic Sign and Marking Technician	\$ 13.68	\$ 16.18
252.	Typist	\$ 10.00	\$ 14.08
253.	Urban Planning and Development Technician	\$ 10.00	\$ 14.09
254.	Utility Adjuster.....	\$ 10.64	\$ 15.17
255.	Vector Control Assistant.....	\$ 10.00	\$ 13.50
256.	Veteran's Counselor.....	\$ 10.00	\$ 18.37
257.	Water Hydraulic Repairman	\$ 14.99	\$ 17.63
258.	Water Meter Repairman	\$ 14.99	\$ 17.63
259.	Water Pipe Repairman.....	\$ 13.58	\$ 17.63
260.	Water Serviceman.....	\$ 10.00	\$ 15.06
261.	Water System Construction Inspector	\$ 15.67	\$ 22.03
262.	Web Content Editor.....	\$ 10.00	\$ 27.23

Section 9. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Guard	\$ 10.00	\$ 15.91
2. Correctional Officer.....	\$ 12.18	\$ 15.91
3. Institutional Guard	\$ 12.18	\$ 15.91

Section 10. Cleveland Police Patrolmen's Association (C.P.P.A.) Civilian Personnel. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Bilingual Communication Specialist.....	\$22,882.82	\$ 35,547.20
2. Police Radio Dispatcher.....	\$22,885.90	\$ 38,923.04
3. Police Safety Aide.....	\$20,800.00	\$ 27,709.76
4. Safety Telephone Operator.....	\$21,266.04	\$ 30,630.08

Section 11. International Union of Operating Engineers, Local 10. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Superintendent of Distribution	\$ 14.77	\$ 24.37
2. Assistant Superintendent of Sewer Maintenance	\$ 14.77	\$ 24.74
3. Chief Meter Reader.....	\$ 13.26	\$ 19.48
4. Chief Radio Dispatcher-Water	\$ 15.12	\$ 22.13
5. Data Conversion Supervisor.....	\$ 11.92	\$ 19.68
6. Engineer of Hydraulic Surveys	\$ 18.59	\$ 27.10
7. Meter Reader Supervisor.....	\$ 14.47	\$ 21.16
8. Sewer Construction Unit Leader.....	\$ 15.67	\$ 23.24
9. Sewer Maintenance Unit Leader.....	\$ 14.09	\$ 21.61
10. Sewer Maintenance Unit Leader Operator.....	\$ 14.09	\$ 20.62
11. Supervisor of Radio Service	\$ 15.13	\$ 23.30

12.	Unit Supervisor.....	\$ 13.29	\$ 21.88
13.	Water Hydraulic Unit Leader.....	\$ 14.09	\$ 20.62
14.	Water Hydraulic Supervisor.....	\$ 15.96	\$ 23.24
15.	Water Meter Department Unit Leader.....	\$ 14.09	\$ 20.62
16.	Water Meter Department Supervisor.....	\$ 15.96	\$ 23.24
17.	Water Pipe Repair Unit Leader.....	\$ 14.09	\$ 20.98
18.	Water Pipe Repair Supervisor.....	\$ 15.97	\$ 23.60

Section 12. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Building Stationary Engineer.....	\$ 10.14	\$ 17.98
2. Chief Building Stationary Engineer.....	\$ 12.37	\$ 19.23
3. Chief Stationary Engineer.....	\$ 10.00	\$ 20.43
4. Stationary Boiler Room Operator.....	\$ 12.29	\$ 18.65
5. Water Plant Operator I.....	\$ 15.70	\$ 19.69
6. Water Plant Operator II.....	\$ 17.73	\$ 21.09

Section 13. International Union of Painters and Allied Trades, District Council No. 6, AFL-CIO. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Sign Painter.....	\$ 23.23	\$ 30.28
2. Sign Painter Unit Leader.....	\$ 24.23	\$ 31.38
3. Spray Painter.....	\$ 20.83	\$ 27.58
4. Traffic Sign and Marking Supervisor.....	\$ 13.28	\$ 24.09
5. Traffic Sign Process Operator.....	\$ 13.28	\$ 24.09

Section 14. Fraternal Order of Police, Ohio Labor Council, Inc. (Security Officers). That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Security Officer.....	\$ 10.80	\$ 19.12

Section 15. Ohio Patrolmen's Benevolent Association (Chief Dispatcher). That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Chief Radio Dispatcher.....	\$39,788.00	\$ 44,688.80

Section 16. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Man.....	\$ 11.97	\$ 16.79
2. Concrete Mixer Driver.....	\$ 14.82	\$ 20.83
3. Dog Warden.....	\$ 11.04	\$ 15.50
4. Ground Maintenance Truck Driver II.....	\$ 12.34	\$ 17.35
5. Hostler.....	\$ 10.00	\$ 13.77
6. Parking Enforcement Officer.....	\$ 10.00	\$ 13.69
7. Street Carry-all Driver.....	\$ 15.55	\$ 21.84
8. Street Maintenance Equipment Leader.....	\$ 16.15	\$ 22.69
9. Street Equipment Maintenance Specialist.....	\$ 15.55	\$ 21.84
10. Tanker Truck Driver.....	\$ 15.55	\$ 21.84
11. Tow Truck Operator.....	\$ 11.80	\$ 16.60
12. Traffic Controller.....	\$ 10.00	\$ 13.69
13. Truck Driver.....	\$ 12.50	\$ 17.58
14. Waste Collection Driver.....	\$ 12.33	\$ 17.33
15. Waste Collection Roll-Off Driver.....	\$ 15.52	\$ 22.27

Section 17. International Association of Machinists District Council 54, Local 439. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Machinist.....	\$ 15.83	\$ 20.60
2. Machinist Helper.....	\$ 13.72	\$ 17.41

Section 18. S.E.M.E., Local 1. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Auto Body Repair Unit Leader.....	\$ 12.88	\$ 23.52
2. Auto Body Repair Worker.....	\$ 15.73	\$ 19.55
3. Automobile Repair Helper.....	\$ 10.13	\$ 15.42
4. Automobile Repair Worker.....	\$ 12.60	\$ 19.38
5. Automobile Repairman Unit Leader.....	\$ 17.78	\$ 23.52
6. Blacksmith.....	\$ 15.79	\$ 22.91
7. Garage Worker.....	\$ 12.42	\$ 16.48
8. Heavy Duty Mechanic.....	\$ 15.75	\$ 23.22
9. Heavy Duty Unit Leader.....	\$ 23.85	\$ 28.78
10. Small Equipment Repair Worker.....	\$ 12.26	\$ 17.83
11. Tire Repair Worker.....	\$ 14.08	\$ 17.66
12. Welder.....	\$ 18.36	\$ 22.58

Section 19. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Bridge Attendant.....	\$ 10.00	\$ 14.81
2. Electric Bridge Operator.....	\$ 10.00	\$ 17.88
3. Electric Bridge Operator Leader.....	\$ 10.00	\$ 18.05

Section 20. International Brotherhood of Electrical Workers, Local 38. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Chief Electrical Inspector.....	\$31,747.58	\$ 46,804.16
2. Code Enforcement Inspector/Electrical I.....	\$ 14.83	\$ 22.50
3. Code Enforcement Inspector/Electrical II.....	\$ 15.66	\$ 23.77
4. Code Enforcement Inspector/Electrical III.....	\$ 16.49	\$ 25.05
5. Electrical Inspector.....	\$30,094.45	\$ 44,368.48

Section 21. Plumbers Inspectors, Local 55. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Chief Plumbing Inspector.....	\$31,747.58	\$ 46,804.16
2. Code Enforcement Inspector/Plumbing I.....	\$ 14.83	\$ 22.50
3. Code Enforcement Inspector/Plumbing II.....	\$ 15.66	\$ 23.77
4. Code Enforcement Inspector/Plumbing III.....	\$ 16.49	\$ 25.05
5. Plumbing Inspector.....	\$30,094.45	\$ 44,368.48

Section 22. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Emergency Medical Dispatcher.....	\$24,765.24	\$ 37,797.11
2. Emergency Medical Technician.....	\$26,336.35	\$ 41,231.31
3. Paramedic I.....	\$27,741.02	\$ 42,788.65
4. Paramedic II.....	\$29,239.09	\$ 43,177.99
5. Paramedic III.....	\$33,570.30	\$ 44,567.34
6. Emergency Medical Dispatcher Trainee.....	\$ 10.50	\$ 10.50

Section 23. Ohio Nurses Association. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Nurse II.....	\$20,800.00	\$ 46,248.80
2. Public Health Nurse.....	\$20,800.00	\$ 46,248.80
3. Public Health Nurse I.....	\$23,146.64	\$ 45,029.92
4. Public Health Nurse II.....	\$35,887.06	\$ 43,490.72
5. Public Health Nurse III.....	\$39,098.75	\$ 47,998.08
6. Public Health Nurse IV.....	\$28,151.33	\$ 52,380.64
7. Supervising Public Health Nurse.....	\$23,647.11	\$ 50,477.44

Section 24. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Apprentice Cable Splicer.....	\$ 14.78	\$ 22.77
2. Apprentice Lineman.....	\$ 14.89	\$ 22.95
3. Cable Foreman.....	\$ 20.92	\$ 29.93

4.	Cable Splicer.....	\$ 17.46	\$ 25.00
5.	Cable Splicer I.....	\$ 18.72	\$ 26.80
6.	Cable Splicer II.....	\$ 17.14	\$ 24.52
7.	Cable Splicer Helper.....	\$ 12.62	\$ 21.05
8.	Dispatcher Electric System Operator.....	\$ 17.64	\$ 25.24
9.	Electric Meter Industrial Installer.....	\$ 18.64	\$ 26.70
10.	Electric Meter Instrument Specialist and General Tester.....	\$ 18.86	\$ 27.00
11.	Electric Meterman Apprentice.....	\$ 14.55	\$ 22.44
12.	Electric Meter Service Foremen.....	\$ 20.92	\$ 29.93
13.	Electric Meter Service Installer I.....	\$ 17.38	\$ 24.86
14.	Electric Meter Service Installer II.....	\$ 16.18	\$ 23.17
15.	Electric Motor and Transformer Repairman.....	\$ 17.38	\$ 24.86
16.	Electric Switchboard Operator Foreman.....	\$ 20.92	\$ 29.93
17.	Electric Transmission and Distribution Inspector.....	\$ 18.72	\$ 26.80
18.	Foreman Low Tension.....	\$ 20.55	\$ 29.42
19.	Gas Turbine Mechanic.....	\$ 17.38	\$ 24.86
20.	Gas Turbine Mechanic Apprentice.....	\$ 14.78	\$ 22.77
21.	Junior Electric Switchboard Operator.....	\$ 14.86	\$ 21.28
22.	Leader Lineman Low-Tension.....	\$ 19.93	\$ 28.54
23.	Line Foreman.....	\$ 20.92	\$ 29.93
24.	Line Clearance Man.....	\$ 14.62	\$ 22.14
25.	Line Helper Driver.....	\$ 12.44	\$ 21.69
26.	Lineman.....	\$ 18.72	\$ 26.80
27.	Lineman Leader.....	\$ 20.06	\$ 28.71
28.	Line Switchman.....	\$ 20.06	\$ 28.71
29.	Low Tension Lineman.....	\$ 17.46	\$ 25.00
30.	Low Tension Lineman Apprentice.....	\$ 14.37	\$ 22.14
31.	Low Tension Trouble Lineman.....	\$ 18.30	\$ 28.41
32.	Police Division Trouble Lineman.....	\$ 19.19	\$ 27.47
33.	Safety Signal Trouble Lineman.....	\$ 19.19	\$ 27.47
34.	Senior Cable Splicer.....	\$ 19.71	\$ 28.22
35.	Senior Electric Switchboard Operator.....	\$ 16.39	\$ 23.45
36.	Senior Lineman.....	\$ 19.71	\$ 28.22
37.	Signal System Powerman.....	\$ 19.54	\$ 27.98
38.	Telecommunications Technician.....	\$ 19.54	\$ 27.98
39.	Traffic Signal Control Technician.....	\$ 20.69	\$ 29.61
40.	Transformer Repairman Foreman.....	\$ 20.92	\$ 29.93
41.	Trouble Lineman.....	\$ 19.71	\$ 28.22
42.	Underground Conduit Foreman.....	\$ 20.92	\$ 29.93

Section 25. Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO) (Non-Supervisory). That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum	
1.	Accident and Safety Inspector.....	\$ 18.45	\$ 20.45
2.	Arborist I.....	\$ 16.11	\$ 18.11
3.	Assistant Gardener.....	\$ 12.68	\$ 14.68
4.	Cemeteries Maintenance Man I.....	\$ 14.42	\$ 16.42
5.	Cemeteries Maintenance Man II.....	\$ 22.38	\$ 24.38
6.	Cold Patch and Crack Sealing Worker.....	\$ 15.83	\$ 17.83
7.	Crematory and Mausoleum Operator.....	\$ 16.11	\$ 18.11
8.	Engineering and Construction Inspector.....	\$ 17.26	\$ 19.26
9.	Gardener.....	\$ 16.11	\$ 18.11
10.	Ground Maintenance Man.....	\$ 14.42	\$ 16.42
11.	Lead Program Assistant.....	\$ 15.64	\$ 17.64
12.	Mechanical Handyman.....	\$ 15.04	\$ 17.04
13.	Municipal Service Laborer.....	\$ 14.42	\$ 16.42
14.	Practical Nurse.....	\$ 14.36	\$ 16.36
15.	Radio Operator.....	\$ 16.52	\$ 18.52
16.	Real Estate Maintenance Man.....	\$ 15.25	\$ 17.25
17.	Sidewalk Inspector.....	\$ 15.78	\$ 17.78
18.	Street Permit Supervisor.....	\$ 14.39	\$ 16.39
19.	Street Sweeper - Waste Collection.....	\$ 14.03	\$ 16.03
20.	Tire Shredder.....	\$ 15.14	\$ 17.14
21.	Transfer Station Attendant.....	\$ 19.33	\$ 21.33
22.	Waste Collector.....	\$ 14.42	\$ 16.42
23.	Waste Collector - Cushman Operator.....	\$ 14.81	\$ 16.81
24.	Watchman.....	\$ 12.15	\$ 14.15

Section 26. Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO)(Supervisory) That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Field Foreman	\$ 18.30	\$ 20.30
2. Arborist II	\$ 18.62	\$ 20.62
3. Arborist III.....	\$ 20.99	\$ 22.99
4. Assistant Manager of Parks and Urban Forestry.....	\$ 22.66	\$ 24.66
5. Assistant Superintendent of Waste Collection.....	\$ 23.21	\$ 25.21
6. Cemetery Foreman	\$ 18.31	\$ 20.31
7. Cemetery Supervisor	\$ 21.00	\$ 23.00
8. Chief Engineering and Construction Inspector	\$ 23.06	\$ 25.06
9. Chief Horticulturist.....	\$ 27.48	\$ 29.48
10. Cold Patch and Crack Sealing Foreman.....	\$ 21.11	\$ 23.11
11. District Paving Repair Foreman.....	\$ 28.58	\$ 30.58
12. General Construction Foreman.....	\$ 28.83	\$ 30.83
13. General Shop Foreman	\$ 23.23	\$ 25.23
14. Greenskeeper	\$ 19.01	\$ 21.01
15. Ground Maintenance Crew Foreman.....	\$ 15.56	\$ 17.56
16. Ground Maintenance Foreman.....	\$ 18.31	\$ 20.31
17. Horticulturist	\$ 26.33	\$ 28.33
18. Horticulturist Maintenance Foreman	\$ 20.53	\$ 22.53
19. Labor Foreman	\$ 18.30	\$ 20.30
20. Maintenance Foreman.....	\$ 17.52	\$ 19.52
21. Parking Coordinator	\$ 19.33	\$ 21.33
22. Set-Up Foreman.....	\$ 15.28	\$ 17.28
23. Shop Foreman.....	\$ 18.30	\$ 20.30
24. Street Cleaning District Foreman	\$ 18.30	\$ 20.30
25. Street Maintenance Foreman.....	\$ 18.30	\$ 20.30
26. Street Maintenance General Foreman.....	\$ 23.23	\$ 25.23
27. Waste Collection Foreman.....	\$ 18.30	\$ 20.30
28. Waste Collection Foreman I.....	\$ 20.08	\$ 22.08
29. Waste Collection Transfer Foreman.....	\$ 20.83	\$ 22.83
30. Watchman Supervisor.....	\$ 15.20	\$ 17.20

Section 27. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Fingerprint Examiner.....	\$22,000.00	\$ 37,764.48
2. Scientific Examiner.....	\$25,000.00	\$ 54,905.76

Section 28. Cleveland Fire Fighters Union, Local 93 Safety Supervisors. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Safety Supervisor.....	\$38,762.61	\$ 52,232.96

Section 29. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Budget Analyst.....	\$20,800.00	\$ 49,468.64
2. Buyer	\$20,800.00	\$ 45,227.52
3. Civil Service Examiner I.....	\$20,800.00	\$ 37,918.40
4. Civil Service Examiner II.....	\$20,800.00	\$ 40,780.48
5. Civil Service Examiner III	\$20,800.00	\$ 46,810.40
6. Civil Service Examiner IV.....	\$20,800.00	\$ 58,092.32
7. Court Stenographer	\$20,800.00	\$ 37,995.36
8. Docket Clerk.....	\$20,800.00	\$ 33,897.76
9. Junior Personnel Assistant.....	\$20,800.00	\$ 36,736.96
10. Law Librarian.....	\$20,800.00	\$ 36,630.88
11. Legal Secretary.....	\$20,800.00	\$ 42,848.00
12. Misdemeanor Investigator	\$20,800.00	\$ 44,360.16
13. Office Manager.....	\$20,800.00	\$ 46,350.72
14. Parking Enforcement Analyst.....	\$20,800.00	\$ 41,585.44
15. Paralegal.....	\$20,800.00	\$ 40,780.48
16. Personnel Assistant.....	\$20,800.00	\$ 44,268.64
17. Private Secretary to Director.....	\$20,800.00	\$ 44,372.64
18. Senior Personnel Assistant	\$20,800.00	\$ 46,810.40
19. Tape Librarian.....	\$20,800.00	\$ 38,918.88

Section 30. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum	
1.	Administrative Officer	\$20,800.00	\$ 49,439.52
2.	Cable Protection Specialist	\$20,800.00	\$ 35,963.20
3.	Case Worker Supervisor.....	\$20,800.00	\$ 42,207.36
4.	Chief Air Pollution Inspector	\$20,800.00	\$ 47,767.20
5.	Chief Caseworker Supervisor.....	\$22,426.64	\$ 42,872.96
6.	Chief Clerk.....	\$22,050.00	\$ 44,372.64
7.	Chief Photographer.....	\$20,800.00	\$ 47,767.20
8.	Reserved * moved to Section 15 on 8-11-04		
9.	Chief Telephone Operator.....	\$20,800.00	\$ 46,696.00
10.	Cocaine Treatment Supervisor.....	\$22,426.64	\$ 44,372.64
11.	Composing Supervisor	\$20,800.00	\$ 40,780.48
12.	Consumer Protection Supervisor	\$20,800.00	\$ 42,872.96
13.	Custodial Worker Supervisor	\$20,800.00	\$ 39,436.80
14.	Epidemiologist.....	\$40,000.00	\$ 77,249.12
15.	Personnel Analyst I.....	\$21,000.00	\$ 44,100.16
16.	Safety Programs Officer I.....	\$25,000.00	\$ 61,800.96
17.	Safety Programs Officer II.....	\$25,000.00	\$ 43,259.84
18.	Secretary to Board of Examiner of Board of Review (Electrical).....	\$20,800.00	\$ 37,123.84
19.	Secretary - Boxing and Wrestling Commission.....	\$30,573.46	\$ 33,897.76
20.	Superintendent of Maintenance	\$23,606.98	\$ 53,399.84
21.	Superintendent of Street Cleaning	\$25,967.68	\$ 43,563.52
22.	Superintendent of Waste Collection	\$29,508.73	\$ 53,399.84
23.	Supervisor of Income Tax Files.....	\$20,800.00	\$ 37,123.84
24.	Supervisor of Storeroom and Mailing	\$20,800.00	\$ 33,897.76

Section 31. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum	
1.	Airport Maintenance Supervisor.....	\$21,019.66	\$ 56,773.60
2.	Assistant Chief Building Inspector	\$20,800.00	\$ 54,814.24
3.	Assistant Chief Housing Inspector.....	\$20,800.00	\$ 47,767.20
4.	Assistant Custodian	\$20,800.00	\$ 45,225.44
5.	Assistant Superintendent of Electrical Generation	\$21,019.66	\$ 52,933.92
6.	Bridge Inspector.....	\$20,800.00	\$ 38,918.88
7.	Bureau Manager - Housing.....	\$26,797.11	\$ 76,662.56
8.	Bureau Manager - Demolition.....	\$26,797.11	\$ 76,662.56
9.	Bureau Manager - Building	\$26,797.11	\$ 76,662.56
10.	Cable Production Manager.....	\$20,800.00	\$ 86,850.40
11.	Chief Bridge Operator.....	\$20,800.00	\$ 46,808.32
12.	Chief of Electric Meter Bureau	\$26,274.57	\$ 66,077.44
13.	Chief Guard.....	\$20,800.00	\$ 38,704.64
14.	Chief Safety Signal System	\$ 18.60	\$ 34.34
15.	Chief Sidewalk Inspector.....	\$20,800.00	\$ 42,875.04
16.	Chief Street Permit Inspector.....	\$20,800.00	\$ 40,780.48
17.	Chief of Traffic Signal Unit	\$ 18.60	\$ 34.34
18.	Community Development Code Enforcement Inspector Supervisor	\$34,464.91	\$ 53,060.80
19.	Coordinator of Parking Enforcement	\$20,800.00	\$ 48,861.28
20.	Correctional Supervisor.....	\$20,800.00	\$ 47,767.20
21.	District Forester.....	\$31,043.38	\$ 54,446.08
22.	Environmental Assistant.....	\$20,800.00	\$ 47,767.20
23.	Field Operations Forester.....	\$32,445.00	\$ 56,503.20
24.	General Superintendent of Waste Collection	\$30,473.96	\$ 59,506.72
25.	House Sergeant.....	\$20,800.00	\$ 34,191.04
26.	Instrumentation Supervisor	\$29,200.50	\$ 62,664.16
27.	Parking Meter Foreman.....	\$24,679.38	\$ 38,475.84
28.	Printing Foreman	\$28,404.92	\$ 48,613.76
29.	Supervisor of Landscape Construction	\$20,800.00	\$ 43,563.52
30.	Supervisor of Parking Enforcement Unit	\$20,800.00	\$ 37,949.60
31.	Supervisor of Markets.....	\$20,800.00	\$ 42,207.36
32.	Supervisor of Weights and Measures	\$20,800.00	\$ 59,381.92
33.	Survey Party Chief	\$20,800.00	\$ 52,561.60
34.	Tunnel Maintenance Foreman	\$20,800.00	\$ 34,603.01
35.	Tunnel Maintenance Man	\$20,800.00	\$ 31,593.60

Section 32. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant IV	\$20,800.00	\$ 55,448.64
2. Airport Operations Agent III.....	\$20,800.00	\$ 52,060.32
3. Assistant Bureau Chief-Demolition	\$20,800.00	\$ 50,298.56
4. Assistant Financial Systems Coordinator.....	\$20,800.00	\$ 50,298.56
5. Assistant Personnel Administrator	\$20,800.00	\$ 52,060.32
6. Assistant Water Plant Manager.....	\$ 10.00	\$ 30.90
7. Assistant Water Plant Manager - Parma	\$ 10.00	\$ 30.90
8. Budget and Management Analyst.....	\$20,800.00	\$ 52,060.32
9. Chief Dog Warden.....	\$20,800.00	\$ 76,591.84
10. Labor Relations Assistant.....	\$20,800.00	\$ 50,298.56
11. Machinist Unit Leader	\$ 14.28	\$ 23.33
12. Rehabilitation Supervisor	\$20,800.00	\$ 50,298.56
13. Superintendent of Sewer Maintenance.....	\$20,800.00	\$ 69,628.00
14. Supervisor of Architectural Construction	\$20,800.00	\$ 52,081.12
15. Supervisor of Personnel Records.....	\$20,800.00	\$ 50,298.56
16. Supervisor of Site Development	\$20,800.00	\$ 50,298.56
17. Supervisor of Vital Statistics.....	\$20,800.00	\$ 52,060.32
18. Systems Analyst	\$20,800.00	\$ 57,680.48
19. Water System Construction Inspector Supervisor.....	\$20,800.00	\$ 58,379.36

Section 33. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Superintendent.....	\$20,092.80	\$ 58,916.00
2. Assistant Commissioner of Recreation.....	\$20,092.80	\$ 66,955.20
3. Assistant Contract Compliance Officer	\$20,092.80	\$ 53,048.32
4. Assistant Director of Public Health Nurses	\$20,092.80	\$ 53,048.32
5. Assistant Income Tax.....	\$20,092.80	\$ 53,048.32
6. Assistant Manager of Audit Control and Personnel.....	\$20,092.80	\$ 54,905.76
7. Assistant Manager of Recreation.....	\$20,092.80	\$ 53,048.32
8. Assistant Superintendent of Pumping.....	\$20,092.80	\$ 53,048.32
9. Assistant Superintendent of Purification	\$20,092.80	\$ 53,048.32
10. Auditor	\$20,092.80	\$ 54,905.76
11. Chief Alcoholism Coordinating Service.....	\$20,092.80	\$ 53,048.32
12. Chief of the Demolition Bureau	\$20,092.80	\$ 53,048.32
13. Chief Plan Examiner	\$20,092.80	\$ 54,905.76
14. City Planner.....	\$30,000.00	\$ 56,650.88
15. Deputy Commissioner of Recreation Fiscal Control.....	\$20,092.80	\$ 66,955.20
16. Deputy Project Director.....	\$20,092.80	\$ 58,637.28
17. Desktop Publishing Specialist	\$20,231.40	\$ 54,231.84
18. District Supervisor - Environmental Health	\$20,092.80	\$ 56,650.88
19. Emergency Medical Technician Supervisor.....	\$20,092.80	\$ 54,905.76
20. Income Tax Supervisor.....	\$20,092.80	\$ 53,048.32
21. Office of Professional Standards - Investigative Auditor	\$20,092.80	\$ 53,048.32
22. Office of Professional Standards - Standards Research/Analyst.....	\$20,092.80	\$ 53,048.32
23. Assistant Plumbing Inspector.....	\$20,092.80	\$ 38,419.68
24. Project Program Director of Consumer Affairs	\$20,092.80	\$ 53,048.32
25. Recreation Center Manager.....	\$32,500.00	\$ 66,955.20
26. Superintendent of Light Equipment Maintenance	\$20,092.80	\$ 53,048.32
27. Superintendent of Vehicle Administrative Services.....	\$20,092.80	\$ 66,075.36
28. Supervisor Administrative Services-Data Processing Center.....	\$20,092.80	\$ 53,048.32
29. Supervisor of Milk Program.....	\$20,092.80	\$ 53,048.32
30. Supervisor of Vector Control.....	\$20,092.80	\$ 53,048.32
31. Welfare Liaison.....	\$20,092.80	\$ 53,048.32

Section 34. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Air Pollution Control, Engineer IV.....	\$20,800.00	\$ 56,128.80
2. Airport Safety Shift Commander	\$20,800.00	\$ 56,128.80
3. Assistant Administrator.....	\$20,800.00	\$ 59,835.36
4. Assistant Health Center Director.....	\$20,800.00	\$ 56,128.80
5. Assistant Manager of Marketing.....	\$20,800.00	\$ 56,128.80
6. Assistant Security Manager.....	\$20,800.00	\$ 59,356.96
7. Central Payroll Supervisor.....	\$20,800.00	\$ 80,340.00

8.	Chief Building Inspector.....	\$20,800.00	\$ 59,381.92
9.	Chief Electrical Inspector	\$20,800.00	\$ 56,128.80
10.	Chief Elevator Inspector.....	\$20,800.00	\$ 56,128.80
11.	Chief Environmental Health-Engineering.....	\$20,800.00	\$ 56,128.80
12.	Chief Heating Inspector.....	\$20,800.00	\$ 57,175.04
13.	Chief Housing Inspector.....	\$20,800.00	\$ 58,092.32
14.	Chief Plumbing Inspector.....	\$20,800.00	\$ 56,128.80
15.	Chief Rehabilitation Supervisor.....	\$20,800.00	\$ 58,092.32
16.	Contract Supervisor - Division of Purchases and Supplies.....	\$20,800.00	\$ 56,128.80
17.	Data Processing Supervisor.....	\$20,800.00	\$ 56,128.80
18.	Human Resources Contract Administrator.....	\$20,800.00	\$ 74,917.44
19.	Manager of Public Utilities - Building Maintenance	\$20,800.00	\$ 74,984.00
20.	Public Health Nurse V.....	\$30,653.67	\$ 57,584.80
21.	Public Health Nurse VI	\$35,658.35	\$ 66,557.92
22.	Senior Systems Analyst.....	\$20,800.00	\$ 76,219.52
23.	Shift Supervisor Operations.....	\$20,800.00	\$ 56,128.80
24.	Superintendent of Distribution.....	\$20,800.00	\$ 69,628.00
25.	Superintendent of Pumping.....	\$20,800.00	\$ 56,128.80
26.	Superintendent of Purchased Power	\$27,325.56	\$ 69,879.68
27.	Superintendent of Purification	\$20,800.00	\$ 56,128.80
28.	Supervising Tax Auditor	\$20,800.00	\$ 56,128.80
29.	Supervisor of Civil Service Records.....	\$20,800.00	\$ 56,128.80

Section 35. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum	
1.	Airport Operations Superintendent.....	\$23,333.40	\$ 61,434.88
2.	Airport Security Coordinator.....	\$23,333.40	\$ 59,356.96
3.	Assistant Airport Safety Chief/Training Officer	\$23,333.40	\$ 59,356.96
4.	Assistant Chief of Pumping.....	\$23,333.40	\$ 59,356.96
5.	Assistant Chief of Purification	\$23,333.40	\$ 59,356.96
6.	Assistant Manager of Box Office.....	\$23,333.40	\$ 61,434.84
7.	Assistant Manager-Human Resources Planning Management	\$22,333.40	\$ 59,356.96
8.	Assistant Manager of Stage	\$22,333.40	\$ 59,356.96
9.	Chief of Bureau of Accounts and Collections.....	\$22,333.40	\$ 59,356.96
10.	Chief of Bureau of Industrial Air Pollution	\$22,333.40	\$ 59,356.96
11.	Chief of Bureau of Smoke Abatement.....	\$22,333.40	\$ 59,356.96
12.	Chief Engineer-Traffic.....	\$22,333.40	\$ 69,153.76
13.	Chief Senior Electric Switchboard Operator	\$22,333.40	\$ 61,434.88
14.	Chief of Tax Auditing Bureau.....	\$22,333.40	\$ 61,434.88
15.	Chief of Tax Records Bureau	\$22,333.40	\$ 59,356.96
16.	Deputy Commissioner of Purchases and Supplies.....	\$22,333.40	\$ 70,152.16
17.	Grants Administrator.....	\$22,333.40	\$ 70,152.16
18.	Health Center Director.....	\$22,333.40	\$ 70,152.16
19.	Human Resources Fiscal Administrator.....	\$22,333.40	\$ 59,356.96
20.	Income Tax Financial Supervisor.....	\$22,333.40	\$ 59,356.96
21.	Manager of Assigned Maintenance.....	\$22,333.40	\$ 69,153.76
22.	Manager of Parks and Recreation Research and Planning.....	\$22,333.40	\$ 69,153.76
23.	Manager of Parks and Urban Forestry	\$22,333.40	\$ 69,153.76
24.	Manager of Shops and Field Equipment	\$22,333.40	\$ 69,153.76
25.	Manager of Site Development.....	\$22,333.40	\$ 69,153.76
26.	Project Director.....	\$22,333.40	\$ 74,917.44
27.	Programming Supervisor.....	\$22,333.40	\$ 59,356.96
28.	Superintendent of Sidewalks	\$22,333.40	\$ 59,356.96
29.	Superintendent of Water Plant Maintenance.....	\$22,333.40	\$ 59,356.96
30.	Warehouse Inventory Manager	\$22,333.40	\$ 74,917.44
31.	Water Business Plan Assistant Manager.....	\$22,333.40	\$ 74,917.44

Section 36. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum	
1.	Accountant Supervisor	\$23,647.11	\$ 67,691.52
2.	Assistant Chief of Water Distribution.....	\$23,647.11	\$ 80,876.64
3.	Assistant Commissioner of Assessments and Licenses	\$23,647.11	\$ 78,936.00
4.	Assistant Commissioner, Division of Printing and Reproduction.....	\$23,647.11	\$ 78,936.00
5.	Assistant Commissioner of Engineering and Construction	\$23,647.11	\$ 78,936.00
6.	Building Manager.....	\$23,647.11	\$ 72,862.40

7.	Chief Architect.....	\$23,647.11	\$ 78,936.00
8.	Chief Auditor - Utilities.....	\$23,647.11	\$ 78,936.00
9.	Chief City Planner.....	\$30,000.00	\$ 77,249.12
10.	Chief, Computer Operations.....	\$23,647.11	\$ 78,936.00
11.	Chief Engineer - Civil.....	\$23,647.11	\$ 78,936.00
12.	Chief Engineer - Mechanical.....	\$23,647.11	\$ 78,936.00
13.	Chief Legal Investigator - Civil Branch.....	\$23,647.11	\$ 62,539.36
14.	Chief of Street Lighting and Electrical Services.....	\$23,647.11	\$ 91,052.00
15.	Chief of Laboratories.....	\$23,647.11	\$ 74,984.00
16.	Chief of Purification.....	\$23,647.11	\$ 80,876.64
17.	Chief Surveyor.....	\$23,647.11	\$ 62,539.36
18.	Convention Manager.....	\$23,647.11	\$ 72,862.40
19.	Financial Systems Coordinator.....	\$23,647.11	\$ 62,539.36
20.	Fiscal Grants Administrator.....	\$40,000.00	\$ 80,340.00
21.	Fiscal Manager.....	\$23,647.11	\$ 78,936.00
22.	Health Promotion Coordinator.....	\$22,333.40	\$ 72,099.04
23.	Investment Manager.....	\$23,647.11	\$ 78,936.00
24.	Manager of Enterprise Unit.....	\$23,647.11	\$ 72,862.40
25.	Manager of Events.....	\$23,647.11	\$ 72,862.40
26.	Manager of General Maintenance.....	\$23,647.11	\$ 72,862.40
27.	Manager of Markets.....	\$23,647.11	\$ 72,862.40
28.	Manager of Parking.....	\$23,647.11	\$ 72,862.40
29.	Manager of Production Power Generation.....	\$23,647.11	\$ 72,862.40
30.	Manager of Recreation.....	\$40,000.00	\$ 72,862.40
31.	Purchasing Supervisor - Division of Purchases and Supplies.....	\$23,647.11	\$ 62,539.36
32.	Secretary to the Board of Building Standards and Building Appeals.....	\$23,647.11	\$ 77,249.12
33.	Secretary to the Board of Zoning Appeals.....	\$23,647.11	\$ 77,249.12
34.	Security Manager.....	\$23,647.11	\$ 84,624.80
35.	Senior Internal Auditor.....	\$23,647.11	\$ 62,539.36
36.	Senior Programmer Analyst.....	\$23,647.11	\$ 64,729.60
37.	Supervisor of Food and Drug Administration.....	\$23,647.11	\$ 62,539.36
38.	Supervisor - Information Control.....	\$23,647.11	\$ 62,539.36
39.	Theatrical Manager.....	\$23,647.11	\$ 62,539.36
40.	Water Plant Manager.....	\$23,647.11	\$ 91,052.00

Section 37. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Manager.....	\$26,273.96	\$ 83,395.52
2. Airport Operations Manager.....	\$26,273.96	\$ 83,395.52
3. Airport Safety Chief.....	\$26,273.96	\$ 83,395.52
4. Assistant Commissioner of Administrative Services.....	\$26,273.96	\$ 83,395.52
5. Assistant Commissioner of Cleveland Public Power.....	\$26,273.96	\$ 83,395.52
6. Assistant Commissioner of Code Enforcement.....	\$26,273.96	\$ 83,395.52
7. Assistant Commissioner of Construction Permitting.....	\$26,273.96	\$ 83,395.52
8. Assistant Commissioner of Information Technology and Services.....	\$23,647.11	\$ 80,188.16
9. Assistant Commissioner of Motor Vehicles Maintenance.....	\$26,273.96	\$ 83,395.52
10. Assistant Commissioner of Neighborhood Development.....	\$26,273.96	\$ 83,395.52
11. Assistant Commissioner of Neighborhood Revitalization.....	\$26,273.96	\$ 83,395.52
12. Assistant Commissioner of Neighborhood Services.....	\$26,273.96	\$ 83,395.52
13. Assistant Commissioner of Streets.....	\$26,273.96	\$ 83,395.52
14. Assistant Commissioner of Waste Collection and Disposal.....	\$26,273.96	\$ 83,395.52
15. Assistant Commissioner of Water Pollution Control.....	\$26,273.96	\$ 83,395.52
16. Assistant Director of Community Relations Board.....	\$26,273.96	\$ 83,395.52
17. Assistant Income Tax Administrator.....	\$26,273.96	\$ 83,395.52
18. Assistant Superintendent of Electric Transmission and Distribution.....	\$26,273.96	\$ 68,388.32
19. Building and Housing Executive Assistant.....	\$26,273.96	\$ 83,395.52
20. Chief of Air Pollution Enforcement.....	\$22,333.40	\$ 74,917.44
21. Chief of Air Pollution Engineering.....	\$22,333.40	\$ 74,917.44
22. Chief of Air Pollution Information Systems.....	\$22,333.40	\$ 74,917.44
23. Chief of Air Pollution Monitoring.....	\$22,333.40	\$ 74,917.44
24. Chief Civil Service Examiner.....	\$26,273.96	\$ 66,075.36

25.	Chief of Pharmacy Service	\$26,273.96	\$ 83,395.52
26.	Chief of Pumping	\$26,273.96	\$ 82,482.40
27.	Chief of Water Distribution	\$26,273.96	\$ 85,696.00
28.	Chief Training Officer.....	\$26,273.96	\$ 66,075.36
29.	City Hall Custodian.....	\$26,273.96	\$ 66,075.36
30.	Community Development Executive Assistant.....	\$26,273.96	\$ 83,395.52
31.	Contract Compliance Officer.....	\$26,273.96	\$ 66,075.36
32.	Deputy Commissioner of Accounts	\$26,273.96	\$ 82,482.40
33.	Deputy Commissioner of Air Pollution Control.....	\$26,273.96	\$ 76,980.80
34.	Deputy Commissioner of Airports.....	\$26,273.96	\$ 76,980.80
35.	Deputy Commissioner of Air Quality	\$26,273.96	\$ 76,980.80
36.	Deputy Commissioner of Convention Center and Stadium.....	\$26,273.96	\$ 76,980.80
37.	Deputy Commissioner of Convention Center.....	\$26,273.96	\$ 76,980.80
38.	Deputy Commissioner of Environment.....	\$26,273.96	\$ 76,980.80
39.	Deputy Commissioner of Health.....	\$26,273.96	\$ 76,980.80
40.	Deputy Commissioner of Information Technology and Systems Services	\$30,214.95	\$ 93,215.20
41.	Deputy Commissioner of Maintenance	\$26,273.96	\$ 76,980.80
42.	Deputy Commissioner of Park and Urban Forestry	\$26,273.96	\$ 76,980.80
43.	Deputy Commissioner of Parks and Urban Forestry/Golf Courses and Cemeteries.....	\$26,273.96	\$ 76,980.80
44.	Deputy Commissioner of Recreation	\$26,273.96	\$ 76,980.80
45.	Director of Public Health Nurses.....	\$26,273.96	\$ 76,980.80
46.	Fair Housing Administrator.....	\$31,500.00	\$ 82,182.88
47.	General Manager of Administrative Services.....	\$26,273.96	\$ 83,395.52
48.	Office of Professional Standards Administrator.....	\$26,273.96	\$ 66,075.36
49.	Manager of Human Resources Program Planning and Management.....	\$26,273.96	\$ 76,980.80
50.	Personnel Administrator	\$26,273.96	\$ 76,980.80
51.	Senior Budget and Management Analyst.....	\$26,273.96	\$ 73,035.04
52.	Superintendent of Industrial Claims	\$26,273.96	\$ 66,075.36
53.	Superintendent of Motorized Equipment	\$26,273.96	\$ 66,075.36
54.	Utilities Comptroller	\$26,273.96	\$ 83,395.52

Section 38. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum	
1.	Administrative Manager.....	\$27,193.55	\$ 83,395.52
2.	Assistant Commissioner of Water.....	\$27,325.56	\$114,083.84
3.	Assistant Secretary of Sinking Fund Commission	\$27,325.56	\$ 91,282.88
4.	Chief of Health Planning and Evaluation	\$27,325.56	\$ 72,323.68
5.	Chief-Systems Analysis.....	\$27,325.56	\$ 91,282.88
6.	Consulting Engineer.....	\$36,000.00	\$ 88,643.36
7.	Harbor Manager	\$27,325.56	\$ 91,282.88
8.	Labor Relations Officer.....	\$27,325.56	\$ 72,323.68
9.	Manager of Architecture.....	\$27,325.56	\$ 84,260.80
10.	Manager of Compensation and Classifications	\$27,325.56	\$ 84,260.80
11.	Manager of Education and Research	\$27,325.56	\$ 84,260.80
12.	Manager of Employee Accident Control.....	\$27,325.56	\$ 84,260.80
13.	Manager of Employee Relations	\$27,325.56	\$ 84,260.80
14.	Manager of Equal Employment Opportunity.....	\$27,325.56	\$ 84,260.80
15.	Manager of Recruitment	\$27,325.56	\$ 84,260.80
16.	Minority Business Development Administrator.....	\$27,325.56	\$ 72,323.68
17.	Project Coordinator	\$27,325.56	\$ 84,260.80
18.	Risk Manager.....	\$27,325.56	\$ 91,282.88
19.	Superintendent of Electric Trouble Operations	\$27,325.56	\$ 72,323.68
20.	Water Business Plan Manager.....	\$27,325.56	\$ 84,260.80

Section 39. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum	
1.	Administrator of Engineering and Planning.....	\$30,214.95	\$105,006.72
2.	Airport Chief Engineer.....	\$30,214.95	\$105,006.72
3.	Assistant City Comptroller.....	\$41,312.22	\$106,048.80
4.	Airport Planning Environmental Officer.....	\$30,214.95	\$ 83,197.92
5.	Airport Project Director.....	\$60,000.00	\$128,544.00
6.	Air Trade Development Manager.....	\$30,214.95	\$96,928.00
7.	Assistant Director of Human Resources and Economic Development.....	\$30,214.95	\$105,006.72
8.	Budget Administrator.....	\$30,214.95	\$ 96,928.00
9.	Chief of Personnel Management.....	\$30,214.95	\$ 96,928.00
10.	Comptroller-Airports.....	\$30,214.95	\$105,006.72
11.	Data Base Analyst.....	\$30,214.95	\$ 83,197.92

12.	Deputy Commissioner of Building and Housing.....	\$30,214.95	\$ 96,928.00
13.	Deputy Commissioner of Cleveland Hopkins International Airport.....	\$30,214.95	\$ 96,928.00
14.	Deputy Commissioner of Parks, Maintenance and Properties.....	\$30,214.95	\$ 96,928.00
15.	Deputy Commissioner of Water.....	\$30,214.95	\$121,045.60
16.	Deputy Commissioner of Water Pollution Control.....	\$30,214.95	\$ 96,928.00
17.	Environmental Programs Manager.....	\$45,000.00	\$ 81,411.20
18.	Executive Commissioner of Public Safety - Operations.....	\$36,590.39	\$132,828.80
19.	Executive Commissioner of Public Safety - Projects, Grants and Technology.....	\$36,590.39	\$132,828.80
20.	Field Manager.....	\$35,000.00	\$ 55,469.44
21.	Fleet Management Data Manager.....	\$30,000.00	\$ 62,314.72
22.	GIS/IS Coordinator.....	\$52,000.00	\$ 87,549.28
23.	In-Charge Senior Internal Auditor.....	\$49,500.00	\$ 78,732.16
24.	Labor Relations Manager.....	\$30,214.95	\$105,006.72
25.	Manager of Electric System Operation.....	\$30,214.95	\$ 96,928.00
26.	Manager of Human Resources Monitoring and Evaluation.....	\$30,214.95	\$ 96,928.00
27.	Manager of Marketing.....	\$30,214.95	\$ 96,928.00
28.	Manager of Properties.....	\$30,214.95	\$ 96,928.00
29.	Manager of Public Service Operations.....	\$30,214.95	\$ 96,928.00
30.	Manager of Telecommunications.....	\$30,214.95	\$ 96,928.00
31.	Nurse Practitioner.....	\$45,000.00	\$ 85,696.00
32.	Permit Review Manager.....	\$35,000.00	\$ 61,164.48
33.	Project Leader/Applications.....	\$30,214.95	\$ 83,197.92
34.	Regulatory Compliance Manager.....	\$50,000.00	\$ 91,282.88
35.	Safety Programs Manager.....	\$45,000.00	\$ 81,411.20
36.	Section Chief - Engineering & Construction.....	\$50,000.00	\$ 92,699.36
37.	Software Analyst.....	\$30,214.95	\$ 83,197.92
38.	Superintendent of Electric Transmission and Distribution.....	\$30,214.95	\$ 83,197.92
39.	Supervisor of Computer Operations.....	\$30,214.95	\$ 83,197.92
40.	Supervisor Hardware Evaluation.....	\$30,214.95	\$ 83,197.92
41.	Veterinarian in Charge of Spay and Neuter Clinic.....	\$30,214.95	\$ 83,197.92

Section 40. That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

		Minimum	Maximum
1.	City Comptroller.....	\$42,758.15	\$128,648.00
2.	City Treasurer.....	\$42,758.15	\$118,751.36
3.	Chief Technology Officer.....	\$45,000.00	\$144,612.00
4.	Commissioner of Accounts.....	\$40,314.82	\$123,235.84
5.	Commissioner of Administrative Services - Community Development.....	\$40,314.82	\$123,235.84
6.	Commissioner of Air Quality.....	\$42,758.15	\$128,648.00
7.	Commissioner of Architecture.....	\$42,758.15	\$137,793.76
8.	Commissioner of Assessments and Licenses.....	\$40,314.82	\$113,755.20
9.	Commissioner of Burke Airport.....	\$40,314.92	\$113,755.20
10.	Commissioner of Cleveland Hopkins International Airport.....	\$42,758.15	\$137,793.76
11.	Commissioner of Cleveland Public Power.....	\$45,201.46	\$136,764.16
12.	Commissioner of Code Enforcement.....	\$42,758.15	\$128,648.00
13.	Commissioner of Construction Permitting.....	\$42,758.15	\$128,648.00
14.	Commissioner of Convention Center.....	\$45,201.46	\$121,975.36
15.	Commissioner of Emergency Medical Services.....	\$42,758.15	\$128,648.00
16.	Commissioner of Engineering and Construction.....	\$45,201.46	\$136,764.16
17.	Commissioner of Environment.....	\$42,758.15	\$128,648.00
18.	Commissioner of Health.....	\$45,021.46	\$136,764.16
19.	Commissioner of House of Corrections.....	\$40,314.82	\$113,640.80
20.	Commissioner of Information Technology and Services.....	\$52,734.82	\$136,764.16
21.	Commissioner of Motor Vehicle Maintenance.....	\$40,314.82	\$123,235.84
22.	Commissioner of Neighborhood Development.....	\$40,314.82	\$113,755.20
23.	Commissioner of Neighborhood Revitalization.....	\$42,758.15	\$118,751.36
24.	Commissioner of Neighborhood Services.....	\$42,758.15	\$118,751.36
25.	Commissioner of Park Maintenance and Properties.....	\$42,758.15	\$137,793.76
26.	Commissioner of Parking Facilities.....	\$40,314.82	\$123,235.84
27.	Commissioner of Printing and Reproduction.....	\$40,314.82	\$123,235.84
28.	Commissioner of Property Management.....	\$45,201.46	\$136,764.16
29.	Commissioner of Purchases and Supplies.....	\$42,758.15	\$118,751.36
30.	Commissioner of Recreation.....	\$42,758.15	\$137,793.76

31.	Commissioner of Research/Planning and Development.....	\$40,314.82	\$123,235.84
32.	Commissioner of Streets.....	\$40,314.82	\$123,235.84
33.	Commissioner of Traffic Engineering.....	\$42,758.15	\$118,751.36
34.	Commissioner of Utilities Engineering.....	\$42,758.15	\$113,755.20
35.	Commissioner of Utilities Fiscal Control.....	\$40,314.82	\$113,755.20
36.	Commissioner of Waste Collection and Disposal.....	\$40,314.82	\$123,235.84
37.	Commissioner of Water.....	\$45,201.46	\$160,680.00
38.	Commissioner of Water Pollution Control.....	\$40,314.82	\$123,235.84
39.	Deputy Director Department of Building and Housing.....	\$36,590.39	\$128,648.00
40.	Income Tax Administrator.....	\$42,758.15	\$128,648.00
41.	Manager of Internal Audit.....	\$40,314.82	\$113,755.20

Section 41. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administration Bureau Manager.....	\$40,314.82	\$123,235.84
2. Assistant Manager - Applications Development and Technical Support.....	\$46,224.91	\$116,484.16
3. Assistant Manager - Data Processing Operations.....	\$46,224.91	\$107,525.60
4. Assistant to Manager of Planning.....	\$46,224.91	\$107,525.60
5. Deputy Commissioner of Cleveland Public Power.....	\$46,224.91	\$107,525.60

Section 42. That the salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Application Delivery Services Manager.....	\$65,000.00	\$ 91,052.00
2. Customer Support Center Manager.....	\$65,000.00	\$ 91,052.00
3. Database Administrator.....	\$39,937.34	\$102,454.56
4. Database Coordinator.....	\$30,214.00	\$ 75,697.44
5. Information Technology Electronic Data Processing Auditor.....	\$35,000.00	\$ 74,984.00
6. Information Technology Security Officer.....	\$30,215.00	\$ 75,402.08
7. IT Asset Management Analyst.....	\$25,000.00	\$ 48,204.00
8. IT Asset Management Coordinator.....	\$22,333.00	\$ 72,384.00
9. IT Network and Data Center Operations Manager.....	\$55,000.00	\$ 90,049.44
10. IT Project Manager I.....	\$20,800.00	\$ 56,655.04
11. IT Project Manager II.....	\$22,333.00	\$ 74,526.40
12. IT Quality Assurance and Control Analyst.....	\$20,800.00	\$ 56,655.04
13. IT Telecommunications Analyst I.....	\$30,214.00	\$ 67,129.92
14. IT Telecommunications Analyst II.....	\$30,214.00	\$ 83,197.92
15. IT Telecommunications Technician II.....	\$44,803.00	\$ 68,848.00
16. IT Training Analyst.....	\$38,000.00	\$ 58,916.00
17. IT Training Coordinator.....	\$38,000.00	\$ 69,216.16
18. Network Analyst II.....	\$30,214.00	\$ 84,227.52
19. PC Technician.....	\$25,000.00	\$ 46,350.72
20. Program Manager.....	\$30,214.00	\$ 78,041.60
21. Supervisor Applications Development.....	\$39,937.34	\$ 81,174.08
22. Supervisor of Systems and Technical Support.....	\$55,000.00	\$ 80,340.00
23. Supervisor Quality Assurance.....	\$39,937.34	\$ 81,174.08
24. Supervisor Software Support.....	\$39,937.34	\$ 81,174.08
25. Web Developer.....	\$30,215.00	\$ 78,041.60
26. Web Master.....	\$30,215.00	\$ 93,652.00

Section 43. That the appointing authority shall fix the salary of the Manager, Data Processing Center, at not less than \$52,308.90 per annum and not more than \$120,294.72 per annum. Moreover, not more than one person shall be appointed to such classification.

Section 44. Part-Time/Seasonal Group

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Box Office Cashier.....	\$ 10.33	\$ 15.49
2. Chaplain.....	\$ 10.00	\$ 11.83
3. Checker.....	\$ 10.00	\$ 10.30
4. Conservation Aide.....	\$ 10.00	\$ 10.30
5. Dentist.....	\$ 13.38	\$ 29.44
6. Head Usher.....	\$ 10.00	\$ 11.69
7. Law Clerk.....	\$ 10.00	\$ 12.85
8. Medical Examiner.....	\$ 21.40	\$ 60.37
9. Organ Tuner.....	\$ 10.00	\$ 25.82
10. Park Maintenance Aide.....	\$ 10.00	\$ 10.30
11. Ranger.....	\$ 10.00	\$ 11.54
12. School Crossing Guard (Per Day).....	\$ 20.50	\$ 26.78

13.	Section Supervisor.....	\$ 10.00	\$ 10.00
14.	Snow Removal Vehicle Operator.....	\$ 10.40	\$ 15.04
15.	Stage Hand.....	\$ 19.11	\$ 27.34
16.	Stage Hand Casual.....	\$ 20.60	\$ 27.00
17.	Stage Hand - Show Rate (Per Show).....	\$ 64.89	\$ 88.75
18.	Student Aide.....	\$ 10.00	\$ 10.30
19.	Student Assistant.....	\$ 10.00	\$ 10.30
20.	Usher.....	\$ 10.00	\$ 10.30
21.	Usher Captain.....	\$ 10.00	\$ 10.30

Section 45. Hourly Rate - Building & Construction Trades Council

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

		Effective Date	Minimum	Maximum
1.	Asbestos Worker.....	5/1/04	\$ 32.22	\$ 41.90
2.	Boiler Maker.....	7/1/04	\$ 33.88	\$ 42.35
3.	Bricklayer.....	5/1/04	\$ 28.06	\$ 36.16
4.	Bricklayer Foreman.....	5/1/04	\$ 28.86	\$ 37.73
5.	Carpenter.....	5/1/04	\$ 27.76	\$ 35.77
6.	Carpenter Foreman.....	5/1/04	\$ 28.76	\$ 37.34
7.	Carpenter Apprentice.....	5/1/04	\$ 14.45	\$ 18.06
8.	Cement Finisher.....	5/1/04	\$ 28.13	\$ 36.36
9.	Cement Finisher Foreman.....	5/1/04	\$ 28.93	\$ 37.93
10.	Electrical Worker.....	5/1/04	\$ 33.87	\$ 44.17
11.	Electrical Worker Foreman.....	5/1/04	\$ 34.67	\$ 45.74
12.	Glazier.....	5/1/04	\$ 27.86	\$ 34.82
13.	Ironworker.....	8/1/04	\$ 32.37	\$ 41.56
14.	Ironworker Foreman.....	8/1/04	\$ 34.17	\$ 43.13
15.	Painter.....	6/1/04	\$ 27.26	\$ 35.20
16.	Painter - Apprentice.....	5/1/04	\$ 14.46	\$ 18.06
17.	Painter Foreman.....	6/1/04	\$ 28.06	\$ 36.76
18.	Pipefitter (Welder).....	5/1/04	\$ 33.52	\$ 43.42
19.	Pipefitter Foreman.....	5/1/04	\$ 34.32	\$ 44.99
20.	Plasterer.....	5/1/04	\$ 27.86	\$ 35.89
21.	Plasterer Foreman.....	5/1/04	\$ 28.66	\$ 37.45
22.	Plumber (Welder).....	5/1/04	\$ 33.53	\$ 43.53
23.	Plumber Foreman.....	5/1/04	\$ 34.33	\$ 45.09
24.	Roofer.....	5/1/04	\$ 28.42	\$ 36.63
25.	Sheet Metal Worker.....	5/1/04	\$ 31.50	\$ 40.99
26.	Sheet Metal Worker Foreman.....	5/1/04	\$ 32.30	\$ 42.56

Section 46. Hourly Rate - 1099 Crafts

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

		Effective Date	Minimum	Maximum
1.	Asphalt Construction Foreman.....	5/1/02	\$ 20.77	\$ 34.43
2.	Asphalt Raker.....	5/1/02	\$ 20.54	\$ 33.01
3.	Asphalt Tamper.....	5/1/02	\$ 20.54	\$ 33.01
4.	Bricklayer Helper.....	5/1/02	\$ 22.14	\$ 33.90
5.	Curb Cutter.....	5/1/02	\$ 21.00	\$ 33.76
6.	Jackhammer Operator.....	5/1/02	\$ 20.54	\$ 33.01
7.	Paver.....	5/1/02	\$ 20.83	\$ 33.48
8.	Paving Foreman.....	5/1/02	\$ 21.42	\$ 34.43
9.	Superintendent of Construction Equipment.....	5/1/02	\$ 21.42	\$ 34.43

Section 47. Hourly Rate - MCEO

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

		Minimum	Maximum
1.	Construction Equipment - Group A.....	\$ 27.42	\$ 31.96
2.	Construction Equipment - Group B.....	\$ 27.27	\$ 33.87
3.	Master Mechanic.....	\$ 27.92	\$ 32.48

Section 48. Municipal Court Employees

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		Minimum	Maximum
1.	Deputy Bailiff Law Clerk.....	\$20,000.00	\$ 24,000.00
2.	Deputy Bailiff Clerk Typist.....	\$24,525.00	\$ 49,362.00
3.	Deputy Bailiff Data Processor I.....	\$27,083.00	\$ 39,000.00
4.	Deputy Bailiff Psychology Assistant.....	\$27,083.00	\$ 39,000.00
5.	Deputy Bailiff Technical Support Specialist I.....	\$27,083.00	\$ 39,000.00
6.	Deputy Bailiff.....	\$27,491.00	\$ 52,266.00
7.	Deputy Bailiff Central Scheduler.....	\$27,492.00	\$ 52,266.00

8.	Deputy Bailiff Clerical Staff.....	\$27,492.00	\$ 52,266.00
9.	Deputy Bailiff Warrant Officer.....	\$27,492.00	\$ 56,400.00
10.	Deputy Bailiff Private Secretary.....	\$33,554.00	\$ 40,765.00
11.	Probation Officer General.....	\$34,035.00	\$ 60,176.00
12.	Deputy Bailiff Administrative Assistant I.....	\$34,167.00	\$ 49,200.00
13.	Deputy Bailiff Intake Coordinator.....	\$34,167.00	\$ 49,200.00
14.	Deputy Bailiff Psychiatric Social Worker.....	\$34,167.00	\$ 49,200.00
15.	Deputy Bailiff Court Reporter.....	\$36,509.00	\$ 60,154.00
16.	Deputy Bailiff Administrative Assistant II.....	\$39,167.00	\$ 56,400.00
17.	Deputy Bailiff Network Engineer I.....	\$39,167.00	\$ 56,400.00
18.	Deputy Bailiff Program Analyst I.....	\$39,167.00	\$ 56,400.00
19.	Deputy Bailiff Technical Support Specialist II.....	\$39,167.00	\$ 56,400.00
20.	Deputy Bailiff Clerk Typist Supervisor.....	\$39,167.00	\$ 56,400.00
21.	Deputy Bailiff Magistrate Project Coordinator.....	\$39,167.00	\$ 63,000.00
22.	Deputy Bailiff Assistant Jury Commissioner.....	\$44,167.00	\$ 63,000.00
23.	Deputy Bailiff Supervisor.....	\$44,167.00	\$ 63,000.00
24.	Deputy Bailiff Network Engineer II.....	\$44,167.00	\$ 63,000.00
25.	Deputy Bailiff Technical Support Specialist III.....	\$44,167.00	\$ 63,000.00
26.	Deputy Bailiff Probation Training Coordinator.....	\$44,167.00	\$ 63,000.00
27.	Deputy Bailiff Alcohol & Drug Treatment Coordinator/Drug Court Case Manager.....	\$48,750.00	\$ 70,200.00
28.	Deputy Bailiff Assistant Chief of Security.....	\$48,750.00	\$ 70,200.00
29.	Deputy Bailiff Chief of Security.....	\$48,750.00	\$ 70,200.00
30.	Deputy Bailiff Deputy Court Reporter.....	\$48,750.00	\$ 70,200.00
31.	Deputy Bailiff Deputy Director Central Scheduling.....	\$48,750.00	\$ 70,200.00
32.	Deputy Bailiff Jury Commissioner.....	\$48,750.00	\$ 70,200.00
33.	Deputy Bailiff Office Manager.....	\$48,750.00	\$ 70,200.00
34.	Deputy Bailiff Probation Officer Supervisor.....	\$48,750.00	\$ 70,200.00
35.	Deputy Bailiff Chief Social Worker.....	\$48,750.00	\$ 75,600.00
36.	Deputy Bailiff Public Information Officer.....	\$48,750.00	\$ 70,200.00
37.	Deputy Bailiff Special Projects Officer.....	\$48,750.00	\$ 70,200.00
38.	Deputy Bailiff Probation Systems Administrator/Trainer.....	\$48,750.00	\$ 70,200.00
39.	Deputy Bailiff Chief Court Reporter.....	\$52,500.00	\$ 75,600.00
40.	Deputy Bailiff Database Administrator II.....	\$52,500.00	\$ 75,600.00
41.	Deputy Bailiff Director Central Scheduling.....	\$52,500.00	\$ 75,600.00
42.	Deputy Bailiff Drug Court Coordinator.....	\$52,500.00	\$ 75,600.00
43.	Deputy Bailiff Finance Director.....	\$52,500.00	\$ 75,600.00
44.	Deputy Bailiff Network Engineer III.....	\$52,500.00	\$ 75,600.00
45.	Deputy Bailiff Program Analyst II.....	\$52,500.00	\$ 75,600.00
46.	Deputy Bailiff System Analyst II.....	\$52,500.00	\$ 75,600.00
47.	Deputy Bailiff Chief Deputy Bailiff.....	\$58,333.00	\$ 84,000.00
48.	Deputy Bailiff Chief Probation Officer.....	\$58,333.00	\$ 84,000.00
49.	Deputy Bailiff HR/Personnel Director.....	\$58,333.00	\$ 84,000.00
50.	Deputy Bailiff Magistrate.....	\$58,333.00	\$ 84,000.00
51.	Personal Bailiff.....	\$63,969.00	\$ 76,763.00
52.	Deputy Bailiff Chief Bailiff.....	\$42,000.00	\$ 92,400.00
53.	Deputy Bailiff Chief Probation Officer.....	\$64,167.00	\$ 92,400.00
54.	Deputy Bailiff Deputy Chief Magistrate.....	\$64,167.00	\$ 92,400.00
55.	Deputy Bailiff Project Manager II.....	\$64,167.00	\$ 92,400.00
56.	Deputy Bailiff Deputy Director Information Technology.....	\$64,167.00	\$ 92,400.00
57.	Deputy Bailiff Chief Magistrate.....	\$71,667.00	\$103,200.00
58.	Deputy Bailiff Deputy Court Administrator.....	\$71,667.00	\$103,200.00
59.	Deputy Bailiff Director Information Technology.....	\$71,667.00	\$103,200.00
60.	Deputy Bailiff Court Administrator.....	\$79,167.00	\$114,000.00

Section 49. Housing Court Employees

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1.	Chief Housing Court Specialist.....	\$ 83,722.08
2.	Housing Court Administrative Assistant.....	\$ 49,616.32
3.	Housing Court Administrator.....	\$ 94,095.04
4.	Housing Court ADR Specialist.....	\$ 81,565.12
5.	Housing Court Chief Bailiff.....	\$ 82,719.52
6.	Housing Court Chief Magistrate.....	\$ 92,266.72
7.	Housing Court Coordinator.....	\$ 50,891.36
8.	Housing Court Court Reporter.....	\$ 56,472.00
9.	Housing Court Deputy Bailiff.....	\$ 52,784.16
10.	Housing Court Deputy Bailiff - Uniformed.....	\$ 52,784.16
11.	Housing Court Deputy Bailiff Supervisor.....	\$ 67,753.92
12.	Housing Court Deputy Bailiff/Finance Officer.....	\$ 64,534.08
13.	Housing Court Deputy Bailiff/Judicial Clerk.....	\$ 49,358.40
14.	Housing Court Deputy Bailiff/Staff Attorney.....	\$ 67,866.24
15.	Housing Court Magistrate.....	\$ 81,565.12
16.	Housing Court Magistrates' Personal Bailiff.....	\$ 49,616.32
17.	Housing Court Personal Bailiff.....	\$ 79,065.89

18.	Housing Court Project Coordinator.....	\$31,050.00	\$ 65,407.68
19.	Housing Court Receptionist.....	\$23,064.00	\$ 34,062.08
20.	Housing Court Scheduler.....	\$23,063.94	\$ 49,616.32
21.	Housing Court Secretary.....	\$20,815.92	\$ 35,066.72
22.	Housing Court Specialist.....	\$29,585.48	\$ 56,904.64
23.	Housing Court Specialist - Mediation Coordinator.....	\$29,585.48	\$ 57,068.96
24.	Housing Court Student Aide.....	\$ 9.00	\$ 9.00

Section 50. Division of Police; Chief of Police and Deputy Chief of Police

The annual salaries of persons appointed to the following ranks of the Division of Police shall be fixed by the appointing authority within the limits established in the following schedules:

	Rank	Minimum	Maximum
1.	Chief of Police.....	\$69,682.20	\$159,342.56
2.	Deputy Chief of Police.....	\$63,966.00	\$134,243.20

Notwithstanding the provisions of Section 171.05 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Chief of Police shall not be entitled to receive any overtime compensation while serving as Chief of Police.

Section 51. Fraternal Order of Police, Lodge No. 8 (F.O.P.) The annual salaries of persons appointed to the following ranks of the Division of Police shall be fixed by the appointing authority within the limits established in the following schedules:

	Rank	Minimum	Maximum
1.	Commander of Police.....	\$88,822.72	\$ 92,002.56
2.	Commissioner of Traffic Control.....	\$88,822.72	\$ 92,002.56
3.	Captain.....	\$76,502.35	\$ 79,312.48
4.	Lieutenant.....	\$65,881.34	\$ 68,373.76
5.	Sergeant.....	\$56,725.29	\$ 58,943.04

Section 52. Division of Police; Patrol Officers

The annual salaries of persons appointed to the ranks of patrol officer shall be fixed by the appointing authority within the limits established in the following schedules:

		Minimum	Maximum
1.	Patrol Officer I.....	\$48,832.15	\$ 49,332.15
2.	Patrol Officer II.....	\$41,980.86	\$ 44,660.09
3.	Patrol Officer III.....	\$41,447.84	\$ 43,105.75
4.	Patrol Officer IV.....	\$40,381.79	\$ 41,997.06
5.	Trainee.....	\$ 10.50	\$ 10.50

Section 53. Division of Police; Various Positions

The annual salaries of persons appointed to the following classifications within the Division of Police shall be fixed by the Director of Public Safety within the limits established in the following schedules:

		Minimum	Maximum
1.	Junior Assistant Secretary of Police.....	\$26,213.25	\$ 57,308.16
2.	Surgeon of Police.....	\$43,107.75	\$ 77,161.76
3.	Superintendent of Criminalistics.....	\$30,086.70	\$ 72,448.48
4.	Superintendent of Safety Buildings.....	\$30,086.70	\$ 67,631.20

Section 54. Division of Fire; Fire Chief and Assistant Fire Chief

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

		Minimum	Maximum
1.	Fire Chief.....	\$64,407.00	\$159,342.56
2.	Assistant Fire Chief.....	\$56,790.30	\$116,024.02

Section 55. Division of Fire; Various Positions

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

		Minimum	Maximum
1.	Battalion Chief.....	\$72,039.84	\$ 75,441.43
2.	Captain.....	\$62,034.36	\$ 65,035.73
3.	Lieutenant.....	\$53,408.93	\$ 56,065.29
4.	Firefighter - Journeyman.....	\$45,973.21	\$ 48,332.14
5.	Apprentice - Medic III.....	\$41,881.79	\$ 43,557.06
6.	Apprentice - Medic II.....	\$41,381.79	\$ 43,557.06
7.	Apprentice - Medic I.....	\$40,381.79	\$ 41,997.06
8.	Trainee.....	\$ 10.00	\$ 10.00

Section 56. That existing Ordinance No. 384-03, passed March 10, 2003, as from time to time amended, are repealed, effective April 1, 2006

Section 57. 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 Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 290-06.

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

An emergency ordinance authorizing the issuance of Bonds by the City for the purpose of refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds to obtain debt service savings; authorizing hedge agreements; authorizing a supplemental indenture or an amended and restated indenture and certain other documents related thereto; and authorizing and approving related matters.

Whereas, the City of Cleveland, Ohio (the "City"), a municipal corporation and political subdivision in and of the State of Ohio, is authorized and empowered pursuant to Article XVIII of the Constitution of the State of Ohio and the Charter of the City, among other things: (a) to own and operate the public utility hereinafter defined and referred to as "Cleveland Public Power"; (b) to make, from time to time, such additions, extensions, improvements, replacements and alterations to Cleveland Public Power as it may deem advisable; (c) to borrow money for the purpose of providing funds for such additions, extensions, improvements, replacements and alterations and to refund obligations issued for such purpose; (d) to issue its bonds and notes in anticipation thereof, in evidence of money borrowed for such purpose in the manner and on the terms set forth in the Indenture, as hereinafter defined, and to issue Series 2006 Bonds to refund, in advance or otherwise, such bonds or notes; and (e) to secure any bonds, or notes issued in anticipation thereof, by a pledge of and lien on the Net Revenues, as hereinafter defined, of Cleveland Public Power and by a mortgage on the properties of Cleveland Public Power, including with respect to any bonds, as a part of the mortgaged properties a franchise stating the terms upon which, in the event of foreclosure, a purchaser at a foreclosure sale of the mortgaged properties may operate the same for a period of years from the date of such sale; and

Whereas, by and pursuant to Ordinance No. 1516-91, duly passed on July 24, 1991 (the "Original Bond Legislation"), this Council authorized the issuance of Public Power System Improvement First Mortgage Revenue Bonds, dated September 1, 1991 in the aggregate principal amount of \$66,930,000 consisting of Series 1991A Bonds in the aggregate amount of \$13,895,000 for the purposes of paying Capital Costs and Series 1991B Bonds in the aggregate amount of \$53,035,000 for the purpose of refunding all of the outstanding revenue bonds that had previously been issued for Cleveland Public Power (collectively herein the "Series 1991 Bonds"), all as defined in the Original Bond Legislation; and

Whereas, the Series 1991 Bonds were issued under and secured on a parity with any Additional Bonds by a Trust Indenture, dated as of September 1, 1991 (the "Original Indenture"), between the City and Star Bank, N.A., Cincinnati, Ohio, as

Trustee, now known as U.S. Bank National Association (the "Trustee"); and

Whereas, the Original Bond Legislation provides, in Section 12 thereof, that the City may issue Additional Bonds on a parity with the Series 1991 Bonds for certain purposes including the payment of Capital Costs and the refunding of obligations issued for that purpose; and

Whereas, pursuant to Ordinance No. 1133-93, duly passed on June 7, 1993, this Council authorized the issuance of Additional Bonds, entitled Public Power System First Mortgage Revenue Bonds, Series 1994A (the "Series 1994A Bonds"), in the aggregate principal amount of \$179,775,000, for the purpose of providing funds for Capital Costs and to refund notes issued for such purpose; and

Whereas, pursuant to Ordinance No. 55-94, duly passed on June 6, 1994, this Council authorized the issuance of Additional Bonds, entitled Public Power System First Mortgage Revenue Bonds, Series 1994B (the "Series 1994B Bonds") in the aggregate principal amount of \$39,330,000, for the purpose of providing funds for the payment of a judgment involving the City and Cleveland Public Power and to refund notes issued for such purposes (the Series 1994A Bonds and the Series 1994B Bonds are hereinafter collectively referred to as the "Series 1994 Bonds"); and

Whereas, pursuant to Ordinance No. 1003-95, duly passed on June 19, 1995, this Council authorized the issuance of Additional Bonds entitled Public Power System First Mortgage Revenue Bonds, Series 1996, Sub-Series 1 (the "Series 1996 Bonds") in the aggregate principal amount of \$123,720,000, for the purpose of providing funds for the refunding of a portion of the Series 1994A Bonds; and

Whereas, pursuant to Ordinance No. 816-98, duly passed on June 8, 1998, this Council authorized the issuance of Additional Bonds entitled Public Power System Revenue Bonds, Series 1998 (the "Series 1998 Bonds") in the aggregate principal amount of \$44,840,000, for the purpose of providing funds for the refunding of a portion of the Series 1991 Bonds and a portion of the Series 1994A Bonds; and

Whereas, further pursuant to Ordinance No. 816-98, this Council authorized the issuance of Additional Bonds entitled Public Power System Refunding Revenue Bonds, Series 2001 (the "Series 2001 Bonds") in the aggregate principal amount of \$41,925,000, for the purpose of providing funds for the current refunding of a portion of the Series 1991 Bonds; and

Whereas, this Council has determined that the City may achieve further reductions in the Bond Service Charges by refunding certain Outstanding Bonds through the issuance and sale of Additional Bonds ("Series 2006 Bonds"); and

Whereas, this Council has determined to authorize the City to enter into interest rate swap, swaption and other hedging arrangements with respect to the Outstanding

Bonds and the Series 2006 Bonds in order to obtain reductions in Bond Service Charges as provided in this Ordinance; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the Series 2006 Bonds to refund Outstanding Bonds is necessary to enable Cleveland Public Power to take advantage of favorable market conditions on a timely basis to obtain debt service savings; now, therefore,

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

Section 1. Definitions. In addition to the words and terms defined in the Original Bond Legislation and in the Original Indenture as previously amended and supplemented, which shall have the same meaning herein as therein unless otherwise defined herein or unless the context or use otherwise indicates, the following words and terms as used in this Ordinance, the Indenture and the Series 2006 Bonds (each as hereinafter defined) shall have the following meanings unless the context or use otherwise indicates. Words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "herein," "hereby," "hereto," and "hereunder" and similar terms refer to this Series 2006 Bond Legislation and the Indenture, unless the context otherwise indicates. The use of 2006 in the definition of the Bonds, Bond Legislation, Certificate of Award and other defined terms shall not be construed to require the issuance of the Series 2006 Bonds of any series in calendar year 2006. The Director of Finance shall replace 2006 with the calendar year in which the bonds are actually issued and may make further designations in nomenclature as may be appropriate.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance the security or liquidity of any Series 2006 Bonds or any Hedge Agreements in accordance with the Indenture.

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with the Series 2006 Bonds or any Hedge Agreement.

"Hedge Agreement" has the meaning given in Section 4 of this Series 2006 Bond Legislation.

"Indenture" means the Original Indenture as amended and supplemented by the First Supplemental Indenture, the Second Supplemental Indenture, the Third Supplemental Indenture, the Fourth Supplemental Indenture, the Fifth Supplemental Indenture and the Sixth Supplemental Indenture, and as the same may be further supplemented, amended or modified from time to time in accordance with the provisions thereof.

"Refunded Bonds" means those Outstanding Bonds designated in the Series 2006 Certificate of Award to be refunded from proceeds of the Series 2006 Bonds.

"Series 2006 Bond Legislation" means this Ordinance, constituting part of the Sixth Supplemental Indenture.

"Series 2006 Bond Purchase Agreement" means one or more Bond Purchase Agreements between the City and the Original Purchaser of the Series 2006 Bonds, authorized in Section 6 hereof.

"Series 2006 Bonds" means the City's Public Power System Revenue Bonds Series 2006 authorized pursuant to Section 3 hereof.

"Series 2006 Certificate of Award" means the one or more certificates authorized pursuant to Section 6 hereof.

"Series 2006 Escrow Agent" means the Trustee, acting as escrow agent under the Series 2006 Escrow Agreement with respect to the Refunded Bonds.

"Series 2006 Escrow Agreement" means the escrow agreement (which may consist of more than one escrow agreement with appropriate distinguishing definitions if the Series 2006 Bonds are issued in more than one series) between the City and the Series 2006 Escrow Agent authorized pursuant to Section 7 hereof.

"Series 2006 Escrow Fund" means the escrow fund established in the Series 2006 Escrow Agreement.

"Sixth Supplemental Indenture" means the Sixth Supplemental Indenture (which may consist of more than one Supplemental Indenture with appropriate distinguishing designations if the Series 2006 Bonds are issued in more than one series), provided for in Section 8 hereof between the City and the Trustee, including this Series 2006 Bond Legislation as part thereof, as the same may be duly supplemented, amended or modified from time to time in accordance with the provisions hereof.

Section 2. Authority. This Series 2006 Bond Legislation is adopted pursuant to Sections 3, 4 and 12 of Article XVIII of the Constitution of the State, Section 12 of the Original Bond Legislation, and the City's Charter.

Section 3. Authorization of Series 2006 Bonds. This Council finds and determines it is necessary and proper and in the best interest of the City to authorize the issuance of the Series 2006 Bonds for the purpose of refunding one or more series of the Outstanding Bonds, or designated maturities thereof, to obtain aggregate net present value debt service savings of not less than three percent (3%). The Series 2006 Bonds may be issued in one or more separate series so long as the aggregate net present value savings achieved by each series shall be not less than three percent (3%). The principal amount of each series of Series 2006 Bonds is to be the amount set forth in the Series 2006 Certificate of Award authorized in Section 6 and shall be the amount determined by the Director of Finance, based on

the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded Bonds, (ii) to fund any deposit to the Bond Service Reserve Fund or the Renewal and Replacement Fund required under the Indenture, (iv) to pay costs of any Credit Support Instruments, (v) to pay identified amounts owed under Hedge Agreements, and (vi) to pay costs of issuing the Series 2006 Bonds and refunding the Refunded Bonds. The proceeds from the sale of each series of Series 2006 Bonds shall be allocated, deposited and applied as provided in Section 7 of this Ordinance.

The Series 2006 Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series 2006 Bonds of each series satisfy the requirements of this Series 2006 Bond Legislation and the Indenture. Separate series of Series 2006 Bonds may be issued at the same or different times. The Series 2006 Bonds of each series shall be designated as provided in the applicable Certificate of Award (including replacing references to 2006 to the calendar year in which the obligations are issued). A separate Certificate of Award and a separate Supplemental Indenture may be delivered for each series. Costs of issuance of the Series 2006 Bonds and any required deposit to the Bond Service Reserve Fund attributable to the Series 2006 Bonds shall, in each case, be included in the costs funded from the proceeds of the Series 2006 Bonds. The Series 2006 Bonds shall constitute Bonds for all purposes of the Indenture.

This Council finds and determines that the issuance of the Series 2006 Bonds to obtain debt service savings with respect to Outstanding Bonds serves a proper, public, municipal purpose by reducing the cost at which Cleveland Public Power can provide electric power.

Section 4. Authorization of Hedging Arrangements.

This Council finds that by engaging in interest rate hedging arrangements from time to time, the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations and minimizing the risk of variations in its debt service costs. Certain types of hedging arrangements (referred to in this Series 2006 Bond Legislation as "swaptions") may enable the City to obtain savings prior to the issuance of Series 2006 Bonds by providing for an upfront payment to the City by a financial institution or other organization that is the counterparty to the hedge arrangement in consideration of the City's giving the counterparty the option to make effective at a future date an interest rate exchange transaction with the City. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement") and any relat-

ed agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements, and are all subject to the requirements and restrictions of the Indenture.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to any Bonds issued or to be issued under the Indenture, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the counterparty shall be rated at the time of signing the Hedge Agreement not lower than A+ or A1 by at least one rating agency or its obligations under the Hedge Agreement shall be guaranteed or insured by an entity rated at the time of signing the Hedge Agreement not lower than A+ or A1 by at least one rating agency, and (b) the term of each hedge transaction shall not exceed the final maturity of the Bonds to which the hedge relates or (in the case of an option) will relate. The requirements of this paragraph are in addition to, and not in place or in derogation of, any other applicable requirements of the Indenture.

The Director of Finance shall negotiate the terms of each Hedge Agreement with a counterparty satisfying the credit criteria in this Series 2006 Bond Legislation and the Indenture. The City shall receive a written opinion of a Financial Advisor that the upfront payment or the periodic payments, as the case may be, to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, given the credit of the counterparty and the terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of its option under the Hedge Agreement, whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument, and the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement in the event of the exercise of the option. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The City's obligations under any Hedge Agreement shall be payable from the Net Revenues and the Pledged Funds as permitted by the Indenture, and may be payable also from other funds permitted by law to be used for the purpose, as iden-

tified by the Director of Finance in the Hedge Agreement. Those payments may be secured by a pledge of the Net Revenues and the Pledged Funds to the extent permitted by the Indenture, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

Section 5. Terms of Series 2006 Bonds.

The Series 2006 Bonds shall contain the terms provided in or determined pursuant to, the Indenture, this Series 2006 Bond Legislation, the Series 2006 Certificate of Award and the Sixth Supplemental Indenture. Each series of Series 2006 Bonds may be secured by a separate Supplemental Indenture, or a single Supplemental Indenture may secure more than one series of Series 2006 Bonds, and the authorization in this Series 2006 Bond Legislation for the Sixth Supplemental Indenture shall encompass the authorization for those one or more Supplemental Indentures, regardless of their designation.

(a) General. In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a series of Series 2006 Bonds to be Variable Rate Bonds, then the Director of Finance is authorized to so specify in the Series 2006 Certificate of Award. If the Director of Finance so determines, then the method and procedure by which the variable rate of interest to be borne by the Series 2006 Bonds of that series shall be determined as provided in the Sixth Supplemental Indenture, whether by auction, by reference to a market index, by a remarketing agent or otherwise, provided that no series of variable rate Series 2006 Bonds shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any Series 2006 Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate series of Series 2006 Bonds may or may not permit the holders to tender their variable rate Series 2006 Bonds for purchase by the City. If the Director of Finance designates any series of Series 2006 Bonds as Variable Rate Bonds, and if the Holders of that series of Series 2006 Bonds are to be entitled to tender those Series 2006 Bonds for purchase, then the Director of Finance shall also designate for those variable rate Series 2006 Bonds (and may designate others, from time to time, in substitution therefor) the tender agent or agents and the remarketing agent or agents, which

designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the Series 2006 Bonds, and from time to time thereafter so long as the Series 2006 Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchaser) and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate Series 2006 Bonds. In the event the variable rate Series 2006 Bonds are issued as auction rate obligations, the Director of Finance is authorized to enter into agreements, from time to time, with auction agents and others, or to cause the Trustee to enter into those agreements, based on the written advice of a Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Director of Finance, in connection with the original issuance of any series of Series 2006 Bonds, and regardless of whether that series of Series 2006 Bonds bears interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Series 2006 Bonds, if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instrument will result in a savings in the cost of the financing to the City.

(b) Form; Exchange and Transfer. All Series 2006 Bonds shall be issued in fully registered form. The Series 2006 Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Sixth Supplemental Indenture. No Series 2006 Bonds shall be exchanged for or transferable into a coupon Revenue Bond or Bonds except to the extent that the Indenture permits such exchanges or transfers.

If any Depository determines not to continue to act as a Depository for the Series 2006 Bonds of any series for use in a book entry system, the Director of Finance and the Trustee may attempt to establish a

securities depository/book entry relationship with another qualified Depository. If the Director of Finance and the Trustee do not or are unable to do so, the Director of Finance and the Trustee, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 2006 Bonds of any series from the Depository, and authenticate and deliver registered Bond certificates to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of action or inaction of the City, of those persons requesting such issuance.

The Director of Finance is authorized to enter into any agreements determined by the Director to be necessary in connection with the book entry system for the Series 2006 Bonds, after determining that those agreements will not endanger the funds or securities of the City under the Indenture (as evidenced by the Director's signing of those agreements).

(c) Dates; Denominations. The Series 2006 Bonds of each series shall be dated as of the date or dates provided in the Series 2006 Certificate of Award for that series. The Series 2006 Bonds of each series shall be issued in the denominations permitted in the Sixth Supplemental Indenture.

(d) Interest and Place of Payment. The Series 2006 Bonds of each series shall bear interest at their respective interest rates specified in the Series 2006 Certificate of Award (or, in the case of variable rate Series 2006 Bonds, determined pursuant to the Sixth Supplemental Indenture) for that series. The Series 2006 Bonds of each series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each series of Series 2006 Bonds shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(e) Maturities. The Series 2006 Bonds of each series shall mature on the Principal Retirement Dates and in accordance with the Principal Retirement Schedule specified in the Series 2006 Certificate of Award, consistent with this Series 2006 Bond Legislation and the Indenture and subject to any provisions for their optional or mandatory redemption specified in the Series 2006 Certificate of Award pursuant to this Series 2006 Bond Legislation.

(f) Optional and Mandatory Redemption. The Series 2006 Bonds of each series may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Series 2006

Certificate of Award for that series. Any Series 2006 Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Series 2006 Certificate of Award and in accordance with the Indenture. The Series 2006 Bonds designated in the Series 2006 Certificate of Award as Term Bonds subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each Mandatory Redemption Date designated in the Series 2006 Certificate of Award in the aggregate amount of the Mandatory Sinking Fund Installment to be paid on such Mandatory Redemption Date, all as provided in the Series 2006 Certificate of Award and in accordance with the Indenture.

(g) **Signing.** The Series 2006 Bonds shall be signed by the Mayor and the Director of Finance, and approved as to form by the Director of Law. Any or all of the signatures of those officials may be facsimiles. The Series 2006 Bonds shall bear the corporate seal of the City or a facsimile thereof.

(h) **Numbering.** The Series 2006 Bonds shall be numbered as determined by the Director of Finance.

Section 6. Award and Sale of Series 2006 Bonds.

The Director of Finance shall sign and deliver a Series 2006 Certificate of Award for the Series 2006 Bonds. In the event the Series 2006 Bonds are issued in more than one series sold at different times, a separate Series 2006 Certificate of Award shall be signed and delivered for each separately delivered series. Each series of Series 2006 Bonds shall bear such designation as the Director of Finance determines to be appropriate (including, without limitation, changing 2006 to the year in which the series is issued). The sale of the Series 2006 Bonds shall be awarded to the firm or firms (collectively, the "Original Purchaser") identified in the Certificate of Award, following consultation with the Director of Public Utilities and based on an evaluation of the qualifications of firms that have proposed to underwrite the Series 2006 Bonds. Each Series 2006 Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Series 2006 Bond Legislation and the Indenture:

(a) the aggregate principal amount of Series 2006 Bonds issued;

(b) the Purchase Price to be paid to the City by the Original Purchaser, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate principal amount of the Series 2006 Bonds any aggregate original issue premium and subtracting from that amount any aggregate original issue discount, plus (ii) any accrued interest on the Series 2006 Bonds from their date to the date of their delivery to the Original Purchaser;

(c) whether any Series 2006 Bonds are to be subject to optional redemption prior to maturity, and, if so, the earliest optional redemption date for those Series 2006 Bonds that are subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable series, and the applicable Optional Redemption Price, which shall be not greater than 102% of the principal amount redeemed;

(d) the Principal Retirement Dates, the Term Maturity Dates (if any), and the Mandatory Redemption Dates (if any) on which principal of the Series 2006 Bonds is to be paid, which shall be not later than thirty (30) years from their respective dates of issuance;

(e) the Specified Interest Rates to be borne by Series 2006 Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed six percent (6%) as to Series 2006 Bonds of any series and the method by which the interest rate is to be determined for Series 2006 Bonds bearing interest at variable rates, consistent with Section 6 (Series 2006 Bonds of the same series and same maturity may bear interest at different interest rates);

(f) the particular Outstanding Bonds or portions thereof to be Refunded Bonds;

(g) the title and series designation for the Series 2006 Bonds;

(h) the amount, if any, of proceeds of the sale of the Series 2006 Bonds to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Bond Reserve Requirement, if and to the extent required by the Sixth Supplemental Indenture, and any determination as to whether there shall be special reserve fund for the Series 2006 Bonds of any series, separate from the common Bond Service Reserve Fund, or a Credit Facility from a Qualified Credit Facility Provider or any other instrument in lieu of a funded reserve fund, all as may be permitted by the Indenture;

(i) the Paying Agent; and

(j) whether any Series 2006 Bonds are to be secured by or payable from a Credit Support Instrument.

It is determined that the terms of the Series 2006 Bonds as so determined and specified in the Series 2006 Certificate of Award within the limitations set forth in this Series 2006 Bond Legislation and as permitted or required by the Indenture will be in the best interest of the City and consistent with all legal requirements.

The Director of Finance may enter into one or more Series 2006 Bond Purchase Agreements with the Original Purchaser of Series 2006 Bonds setting forth the conditions for delivery of the Series 2006 Bonds that are consistent with this Series 2006 Bond Legislation, the Series 2006 Certificate of Award, and the Indenture and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for comparable revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness

of information contained in the Official Statement of the City described in Section 11.

Section 7. Allocation of Purchase Price for the Series 2006 Bonds; Refunding of Refunded Bonds; Escrow Agreements. The net proceeds from the sale of the Series 2006 Bonds (consisting of the Purchase Price less bond insurance premiums and other costs of Credit Support Instruments) shall be received and receipted for by the Director of Finance or by the Trustee on the City's behalf and shall be allocated, deposited and credited as follows, all pursuant to and in accordance with the Indenture: (a) to the Interest Payment Account in the Bond Service Fund, that portion, if any, representing accrued interest on the Series 2006 Bonds from their date to the date of their delivery; (b) to the Bond Service Reserve Fund, the amount, if any, necessary to cause the balance therein to equal the Bond Reserve Requirement; (c) to the Renewal and Replacement Fund, the amount, if any, necessary to cause the balance therein to equal the Renewal and Replacement Fund Required Balance; (d) to the Series 2006 Escrow Fund, the amount necessary to provide for the defeasance of the Refunded Bonds; (e) to the counterparty under any Hedge Agreement, any payment determined by the Director of Finance to be paid from the proceeds of the Refunding Bonds, including any termination payment in the event that the Director of Finance determines it is in the best interests of the City to terminate a Hedge Agreement relating to Outstanding Bonds; and (f) to an account to be created under the Indenture for the payment of costs of issuance, such amounts as are needed to pay costs of issuing the Series 2006 Bonds and refunding the Refunded Bonds. The proceeds from the sale of the Series 2006 Bonds are appropriated and shall be used for the purposes for which the Series 2006 Bonds are issued as provided in this Series 2006 Bond Legislation.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a Series 2006 Escrow Agreement between the City and the Trustee, as Series 2006 Escrow Agent, providing for, among other matters: the investment and holding in escrow of the proceeds of the Series 2006 Bonds to be applied to the refunding of the Refunded Bonds; the application of the moneys derived from those investments to the payment of the Bond Service Charges on those Refunded Bonds; and the irrevocable call for redemption of the Refunded Bonds to be called for redemption prior to maturity. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Series 2006 Escrow Agreement from proceeds of the Series 2006 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. Provision shall be made in the Series 2006 Escrow Agreement to give the Trustee any

written notice of redemption required under Article III of the Original Indenture. The Director of Finance, the Director of Public Utilities and other appropriate City officials shall sign all documents and take all other actions necessary or appropriate on the part of the City to effect such refunding in accordance with the Indenture and to cause the Refunded Bonds to be deemed paid and discharged, including without limitation, the retention of an independent firm of accountants to verify the mathematical accuracy of the calculations relating to the escrow.

Section 8. Sixth Supplemental Indenture. In order to secure the payment of Bond Service Charges as and when due and payable, the Director of Finance and the Director of Public Utilities are hereby authorized, in the name and on behalf of the City, to make, execute, acknowledge and deliver to the Trustee, a Sixth Supplemental Indenture, approved as to form and correctness by the Director of Law, not inconsistent with this Series 2006 Bond Legislation, the Series 2006 Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers executing the same on behalf of the City. The determination by such officers that the Sixth Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the execution of the Sixth Supplemental Indenture by such officers. This Series 2006 Bond Legislation shall constitute a part of the Sixth Supplemental Indenture as therein provided and for all purposes thereof, including, without limitation, the application to this Series 2006 Bond Legislation of the provisions of the Sixth Supplemental Indenture relating to amendment, modification, supplementation and severability.

Without limiting the generality of the authorization contained in the preceding paragraph, the Sixth Supplemental Indenture may also (subject to Article VIII of the Original Indenture and any applicable requirements thereof for the obtaining of consent of Bondholders and further subject to any applicable requirement for the obtaining of consent from any insurer of any outstanding Bonds) include provisions for such additional amendments, supplements and modifications to the Original Indenture, as previously amended and supplemented, as the officers executing the Sixth Supplemental Indenture on behalf of the City determine serve the best interests of the City by making the Indenture more flexible, useful and advantageous for the City's purposes of financing Capital Costs or refunding outstanding Bonds without materially increasing the City's obligations under the Indenture or materially increasing the restrictions imposed on the City by the Indenture, and their execution of the Sixth Supplemental Indenture shall conclusively evidence their having made that determination. The authority conferred by the preceding sentence shall include the authorization to cause the Original

Indenture as amended and supplemented by the Sixth Supplemental Indenture and all preceding Supplemental Indentures to be restated in a single amended and restated Indenture, and the authorization in this Section 8 for the execution of the Sixth Supplemental Indenture shall encompass the authorization for the execution of any such amended and restated Indenture.

Section 9. Tax Covenants.

With respect to Series 2006 Bonds that are to be issued and sold as obligations bearing interest to be excluded from gross income for federal income tax purposes (the "Tax-Exempt Bonds"), the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (a) the interest on the Tax-Exempt Bonds will be excluded from gross income for federal income tax purposes, and (b) in the case of any Tax-Exempt Bonds qualifying as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code ("Non-AMT Bonds"), such Tax-Exempt Bonds will be treated as Non-AMT Bonds.

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

The Director of Finance, or any other officer of the City having responsibility for issuance of the Tax-Exempt Bonds, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt 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 the favorable tax treatment or status of the Tax-Exempt 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 of 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 Tax-Exempt Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Tax-Exempt Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Tax-Exempt Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Bonds.

Each covenant made in this Section 9 with respect to the Tax-Exempt Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Tax-Exempt Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Tax-Exempt Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Tax-Exempt Bonds.

Section 10. Additional Documents.

The Director of Finance, the Director of Public Utilities and other City officials are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Series 2006 Bond Legislation, the Series 2006 Bond Purchase Agreement, the Sixth Supplemental Indenture, the Indenture, the Series 2006 Escrow Agreement and the Hedge Agreements.

The Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each series of Series 2006 Bonds to the Original Purchaser and to take all actions necessary to effect due signing, authentication and delivery of each series of Series 2006 Bonds under the terms of this Series 2006 Bond Legislation, the Sixth Supplemental Indenture, the Series 2006 Bond Purchase Agreement and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchaser a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Series 2006 Bonds along with such information for the records as is necessary to

determine the regularity and validity of the issuance of the Series 2006 Bonds.

Section 11. Official Statements; Continuing Disclosure.

The Director of Finance, the Director of Public Utilities and other City officials as deemed appropriate, each are authorized, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of a preliminary official statement relating to the issuance of the Series 2006 Bonds of one or more series, and (ii) determine, and certify or otherwise represent, when each preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1). The distribution and use of one or more preliminary official statements are hereby authorized and approved.

Those officers and each of them are also authorized, on behalf of the City and in their official capacities, to complete each preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b) (3) and (4). Those officers each are further authorized to use and distribute, or authorize the use and distribution of, one or more final official statements and supplements thereto in connection with the original issuance of the Series 2006 Bonds as may, in their judgment, be necessary or appropriate. Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, each final official statement and such certificates in connection with the accuracy of each preliminary official statement and each final official statement and any amendments thereto as may, in their judgment, also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Series 2006 Bonds, the City agrees, in accordance with, and as an obligated person with respect to the Series 2006 Bonds under, SEC Rule 15c2-12, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of SEC Rule 15c2-12. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance and the Director of Public Utilities are

authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Series 2006 Bonds in accordance with SEC Rule 15c2-12. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

Section 12. Lien of Pledge.

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

Section 13. Financial Advisors and Consultants.

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 Series 2006 Bond Legislation to be determined by the Director of Finance or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Public Utilities may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Series 2006 Bonds or the delivery of any Hedge Agreements concerning the utilization and operation of Cleveland Public Power, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Series 2006 Bond Legislation shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 14. Appointment of Successor Trustee.

The Director of Finance is hereby authorized to appoint a successor Trustee on behalf of the City in the event that the current Trustee shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Indenture, or in case it shall be taken under the control of any pub-

lic officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 6.08 of the Original Indenture.

Section 15. Open Meeting Determination.

It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Series 2006 Bond Legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

Section 16. Separability.

Each section of this Series 2006 Bond Legislation and each subdivision of any section is declared to be independent, and the finding or holding of any section or subdivision of any section to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Series 2006 Bond Legislation.

Section 17. Recitals.

It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2006 Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Series 2006 Bonds.

Section 18. Emergency.

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

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

Ord. No. 291-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of General Obligation Refunding Bonds to refund outstanding General Obligation Bonds of the City to obtain debt service savings and authorizing and approving related matters.

Whereas, this Council has determined to authorize the City to issue refunding Bonds for the purpose of obtaining debt service savings with respect to outstanding general obligation Bonds of the City issued in the years 1994, 1996 through 2000, and 2002 through 2005 for the project purposes described below; and

Whereas, pursuant to Ordinance Nos. 872-94, 873-94, 874-94 and 875-94, all passed on May 23, 1994, Various Purpose General Obligation Bonds, Series 1994, in the aggregate princi-

pal amount of \$41,790,000, dated as of October 1, 1994 (the "1994 Various Purpose Bonds"), were issued for the purpose of providing funds to pay costs of the following: (i) \$24,545,000 principal amount for improving the municipal street system and related facilities, including certain streets and expressways between certain termini, and improving certain roadways, driveways and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under said streets, expressways, roadways, driveways and pedestrian walkways, by planting trees and landscaping, by relocating City-owned utility lines in connection therewith, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto (Ordinance No. 872-94) ("Project 1"); (ii) \$6,325,000 principal amount for improving municipal recreational facilities by constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interest in real estate for, pools, parks, playgrounds, recreation centers, and recreation facilities, together with all appurtenances necessary and incidental thereto (Ordinance No. 873-94) ("Project 2"); (iii) \$1,020,000 principal amount for certain improvements related to urban renewal and residential development and redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, the installation of street lighting and traffic signs and signalization, and the installation of utility lines and improvements, together with all appurtenances necessary and incidental thereto (Ordinance No. 874-94) ("Project 3"); and (iv) \$9,900,000 principal amount for constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, safety facilities, vehicle and equipment maintenance facilities for various City Departments, street maintenance facilities, waste collection facilities, parking facilities, West Side Market facilities, City Hall, and facilities for administrative functions related to the foregoing, and together with all appurtenances necessary and incidental thereto, and to pay the costs of acquiring any necessary interests in real estate therefor (Ordinance No. 875-94) ("Project 4); and

Whereas, pursuant to Ordinance Nos. 938-96, 939-96, 940-96, 941-96 and 943-96, all passed on June 18, 1996,

Various Purpose General Obligation Bonds, Series 1996, in the aggregate principal amount of \$45,140,000, dated as of July 15, 1996 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1996 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$17,835,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, 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 off-street parking lot improvements to facilitate the flow of traffic, and together with the payment of all associated preliminary and computerization costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 938-96) ("Project 5"); (ii) \$1,055,000 principal amount for public improvements of streets and municipal properties and easements in residential areas by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 939-96) ("Project 6"); (iii) \$2,545,000 principal amount for reconstructing, rehabilitating, remodeling, renovating 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, the Municipal Courts, fire stations and police, correctional and health facilities and the provision of the necessary furnishings, equipment and site improvements for the purpose (Ordinance No. 940-96) ("Project 7"); (iv) \$5,045,000 principal amount for improving municipal recreational facilities by constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging and otherwise improving pools, recreation centers and other buildings, structures and facilities, providing necessary furnishings, equipment and site improvements, together with all necessary and incidental appurtenances, in all cases, including the acquisition of any required real estate and interests in real estate

(Ordinance No. 941-96) ("Project 8"); and (v) \$2,010,000 principal amount for remodeling, renovating, rehabilitating, equipping and otherwise improving the Cleveland Convention Center, together with all appurtenances necessary and incidental thereto (Ordinance No. 943-96) ("Project 9"); and

Whereas, pursuant to Ordinance Nos. 920-97, 921-97, 922-97 and 925-97, all passed on June 9, 1997, Various Purpose General Obligation Bonds, Series 1997, in the aggregate principal amount of \$70,145,000, dated as of August 1, 1997 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1997 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$9,900,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 920-97) ("Project 10"); (ii) \$10,710,000 principal amount for constructing, reconstructing, rehabilitating, remodeling, renovating, protecting 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, the Municipal Court, fire stations, service stations, waste transfer and disposal facilities, and correctional and health facilities and the provision of necessary furnishings, equipment and site improvements for the purpose (Ordinance No. 921-97) ("Project 11"); (iii) \$2,905,000 principal amount for improving municipal park and recreation facilities by constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging and otherwise improving pools, park and recreation centers and other buildings, structures and facilities, and providing necessary drainage, lighting, signage, furnishings, equipment, safety modifications and site improvements, together with the payment of all preliminary associated costs and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 922-97) ("Project 12"); and (iv) \$980,000 principal amount for public improvements of municipal proper-

ties and easements in residential area neighborhoods by constructing and reconstructing sidewalks, curbs, gutters and driveway approaches, together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 925-97) ("Project 13"); and

Whereas, pursuant to Ordinance Nos. 980-98, 981-98, 982-98, 983-98 and 984-98, each passed on July 29, 1998, Various Purpose General Obligation Bonds, Series 1998 in the aggregate principal amount of \$49,075,000, dated as of October 1, 1998 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1998 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$3,615,000 principal amount for improving municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, playgrounds, playfields, 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 preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 980-98) ("Project 14"); (ii) \$1,020,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 981-98) ("Project 15"); (iii) \$1,880,000 principal amount for improving municipal cemetery facilities, buildings, structures and grounds by constructing, reconstructing, installing, enlarging, renovating, and rehabilitating such facilities, 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 appurtenances necessary and incidental thereto, and including the acquisition of any required real estate and interests in real estate (Ordinance No. 982-98) ("Project 16"); (vi)

\$6,930,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services and permitting the performance of services utilized by the public or otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, safety stations, service stations, centers and facilities, waste collection, transfer and disposal facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities and other infrastructure, and site improvements for the purpose, together with all preliminary associated research, planning and development (Ordinance No. 983-98) ("Project 17"); and (v) \$10,900,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 984-98) ("Project 18").

Whereas, pursuant to Ordinance Nos. 900-99, 901-99, 902-99, 903-99 and 904-99, each passed on June 7, 1999, Various Purpose General Obligation Bonds, Series 1999, in the aggregate principal amount of \$26,330,000, dated as of August 15, 1999 (the "1999 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$15,335,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, 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 the payment of all associated preliminary costs and costs of site clear-

ance and all appurtenances necessary and incidental thereto (Ordinance No. 900-99) ("Project 19"); (ii) \$840,000 principal amount for acquiring, rehabilitating, installing, enlarging, renovating, equipping, and otherwise improving fire-fighting apparatus and equipment, including fire trucks and aerial ladders, together with all appurtenances necessary and incidental thereto (Ordinance No. 901-99) ("Project 20"); (iii) \$4,590,000 principal amount for 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, transfer and disposal facilities, and health facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 902-99) ("Project 21"); (iv) \$3,410,000 principal amount for improving 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, 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 preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 903-99) ("Project 22"); and (v) \$2,155,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 904-99) ("Project 23"); and

Whereas, pursuant to Ordinance Nos. 897-00, 898-00 and 900-00, each passed on June 19, 2000, Various Purpose General Obligation Bonds, Series 2000, in the aggregate principal amount of \$26,795,000, dated as of September 15, 2000 (the "2000 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$9,260,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and

otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefitting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and other public facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 897-00) ("Project 24"); (ii) \$5,190,000 principal amount for improving 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, golf courses 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 preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 898-00) ("Project 25"); (iii) \$10,200,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 899-00) ("Project 26"); and (iv) \$2,145,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 900-00) ("Project 27"); and

Whereas, pursuant to Ordinance Nos. 373-02, 374-02, 375-02 and 376-02, each passed on March 11, 2002, Various Purpose General Obligation Bonds, Series 2002, in the aggregate principal amount of \$43,600,000, dated as of November 1, 2002 (the "2002 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$5,880,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefitting 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, 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 (Ordinance No. 373-02) ("Project 28"); (ii) \$2,535,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary, and installing street lighting and signs, signals, markings and other devices for traffic control, together with the provision of all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 374-02) ("Project 29"); (iii) \$10,875,000 principal amount for improving 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, 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 preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 375-02) ("Project 30"); and (iv) \$24,310,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways as designated, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting, curbing and ramping, installing gutters, sidewalks and related pedestrian and site improvements, constructing and improving retaining walls, relocating certain utilities, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 376-02) ("Project 31"); and

Whereas, pursuant to Ordinance No. 377-02, passed on March 11, 2002, Final Judgment General Obligation Bonds, Series 2002, in the aggregate principal amount of \$6,375,000, dated as of November 1, 2002 (the "2002 Final Judgment Bonds"), were issued to pay final judgments, including settlements of claims approved by a court ("Project 32"); and

Whereas, pursuant to Ordinance Nos. 1205-03, 1206-03, passed on August 13, 2003, Ordinance No. 1708-03, passed on September 8, 2003 amending Ordinance No. 1203-03 passed on August 13, 2003 and Ordinance No. 1204-03 passed on September 8, 2003, Various Purpose General Obligation Bonds, Series 2003, in the aggregate principal amount of \$64,100,000, dated as of November 15, 2003 (the "2003 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$17,850,000 principal amount for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefitting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and other public facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose (Ordinance No. 1203-03 as amended by Ordinance No. 1708-03) ("Project 33"); (ii) \$29,000,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveway approaches and pedestrian walkways, as designated by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving retaining walls, relocating certain utilities, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 1204-03) ("Project 34"); (iii) \$10,150,000 principal amount for improving 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, golf courses 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 preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 1205-03) ("Project 35") and (iv) \$7,100,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities as necessary, and installing street lighting and signs, signals, markings and other devices for traffic control together with the provision of all necessary and incidental appurtenances in all cases, acquiring real estate and interests in real estate, including easements necessary for such purpose, together with the payment of all associated preliminary costs and costs of site clearance (Ordinance No. 1206-03) ("Project 36"); and

Whereas, pursuant to Ordinance Nos. 1305-04 and 1307-04, passed on August 11, 2004, Various Purpose General Obligation Bonds, Series 2004, in the aggregate principal amount of \$16,760,000, dated November 10, 2004 (the "2004 Various Purpose Bonds"), were issued to pay costs of the following improvements: (i) \$13,735,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways, underground vaults, sidewalks and pedestrian walkways, by acquiring, constructing, 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 the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto (Ordinance No. 1305-04) ("Project 37") and (ii) \$3,025,000 principal amount for improving 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 preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities (Ordinance No. 1307-04) ("Project 38"); and

Whereas, pursuant to Ordinance Nos. 720-05, 721-05, 722-05 and 723-05, passed on May 9, 2005, May 16, 2005, May 16, 2005 and May 9, 2005, respectively, Various Purpose General Obligation Bonds, Series 2005A, in the aggregate principal amount of \$36,925,000, dated July 14, 2005 (the "Series 2005A Various Purpose Bonds") were issued for the purpose of providing funds to pay costs of the following: (i) \$6,380,000 principal amount for improving 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, and, in all cases, including the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities (Ordinance No. 720-05) ("Project 39"); (ii) \$7,180,000 principal amount for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities, incidental appurtenances, and, in all cases, including the acquisition of any required real estate and interests in real estate (Ordinance No. 721-05) ("Project 40"); (iii) \$7,540,000 principal amount for demolishing, constructing, renovating, rehabilitating, relocating, furnishing, equipping and otherwise improving safety facilities, vehicle and equipment maintenance facilities, fire stations, service stations, facilities for various City Departments, street maintenance facilities, waste collection facilities, East Side Market facilities, West Side Market facilities, buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safe-

ty, health and welfare, including facilities in, of and for the City Hall, and together with all appurtenances necessary and incidental thereto, and costs of acquiring any necessary interests in real estate (Ordinance No. 722-05) ("Project 41"); and (iv) \$16,900,000 principal amount for improving the municipal street system and related facilities, including streets, expressways, roadways, driveways, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, 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 (Ordinance No. 723-05) ("Project No. 42"); and

Whereas, pursuant to Ordinance No. 924-97 passed on June 9, 1997, Various Purpose General Obligation Bonds, Series 1997 in the aggregate principal amount of \$70,145,000, dated as of August 1, 1997 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1997 Various Purpose Bonds") (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1997 Various Purpose Refunding Bonds"), were issued to refund (i) certain of the City's outstanding Various Purpose General Obligation Bonds, Series 1992, aggregate principal amount of \$26,000,000, dated as of June 1, 1992, which were issued in part to pay the costs of the following improvements: (a) \$6,975,000 principal amount for constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving safety facilities, vehicle and equipment maintenance facilities for various City departments, street maintenance facilities, public convention facilities, waste collection facilities, judicial facilities, greenhouse facilities, and facilities for administrative functions related thereto, and together with all appurtenances necessary and incidental thereto, and to pay the costs of acquiring any necessary interests in real estate ("Project No. 43"); (b) \$1,030,000 principal amount for certain improvements related to residential development and redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, the installation of street lighting and traffic signs and signalization, and the installation of utility lines and improvements, together with all appurtenances necessary and incidental thereto ("Project No. 44"); (c)

\$9,650,000 principal amount for improving the municipal street system and related facilities, including certain streets and expressways, between certain termini, and improving certain roadways, driveways and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under said streets, expressways, roadways, driveways and pedestrian walkways by planting trees and landscaping, by relocating City-owned utility lines in connection therewith, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto ("Project No. 45"); (d) \$6,845,000 principal amount for improving municipal recreational facilities by constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interest in real estate for, pools, parks, playgrounds, recreational centers and recreation facilities, together with all appurtenances necessary and incidental thereto ("Project No. 46") and (ii) certain of the City's outstanding Various Purpose General Obligation Bonds, Series 1994, aggregate principal amount of \$41,790,000, dated as of October 1, 1994, which were issued to pay the costs of the following improvements: (a) \$24,545,000 principal amount for improving the municipal street system and related facilities, including certain streets and expressways between certain termini, and improving certain roadways, driveways and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under said streets, expressways, roadways, driveways and pedestrian walkways, by planting trees and landscaping, by relocating City-owned utility lines in connection therewith, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interest in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto ("Project No. 47"); (b) \$6,325,000 principal amount for improving municipal recreational facilities by constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interest in real estate for, pools, parks, playgrounds, recreation centers, and recreation facilities,

together with all appurtenances necessary and incidental thereto ("Project No. 48"); (c) \$1,020,000 principal amount for certain improvements related to urban renewal and residential development and redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, the installation of utility lines and improvements, together with all appurtenances necessary and incidental thereto ("Project No. 49"); and (d) \$8,900,000 principal amount for construction, renovating, rehabilitating, furnishing, equipping and otherwise improving, safety facilities, vehicle and equipment maintenance facilities, waste collection facilities, parking facilities, West Side Market facilities, City Hall, and facilities for administrative functions related to the foregoing, and together with all appurtenances necessary and incidental thereto, and to pay the costs of acquiring any necessary interests in real estate therefore ("Project No. 50"); and

Whereas, pursuant to Ordinance No. 979-98 passed on July 29, 1998, Various Purpose General Obligation Bonds, Series 1998 in the aggregate principal amount of \$49,075,000, dated as of October 1, 1998 (the portions of this issue, and only those portions, listed in this paragraph are hereinafter referred to as the "1998 Various Purpose Refunding Bonds"), were issued to refund (i) certain of the City's outstanding Various Purpose General Obligation Bonds, Series 1988, dated as of May 1, 1998, which were issued to pay the costs of the following improvements: (a) \$6,970,000 principal amount for the purpose of improving the municipal street system and related facilities, improving certain streets and expressways, between certain termini, and improving certain roadways, driveways, and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways, and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under such streets, expressways, roadways, driveways and pedestrian walkways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto ("Project 51"); (b) \$4,675,000 principal amount for the purpose of improving municipal recreational facilities by constructing, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, pools, playgrounds and recreation centers, together with all appurtenances necessary and inci-

dental thereto ("Project 52"); (c) \$5,360,000 principal amount for the purpose of constructing and rehabilitating police and fire stations, and renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, facilities related to the protection of the safety and property of the public, together with all appurtenances necessary and incidental thereto ("Project 53"); (d) \$525,000 for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving facilities for administrative offices of the municipality, including City Hall, together with all appurtenances necessary and incidental thereto ("Project 54"); (e) \$2,625,000 principal amount for the purpose of constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, facilities for the maintenance, repair and storage of vehicles and equipment of various City divisions, the maintenance of City streets, bridges, docks, and properties, and the provision of waste collection services, and administrative functions related thereto, together with all appurtenances necessary and incidental thereto ("Project 55"); and (f) \$345,000 principal amount for the purpose of renovating, rehabilitating, furnishing, equipping and otherwise improving facilities related to the protection of the health of the public, together with all appurtenances necessary and incidental thereto ("Project 56"); (ii) certain of the City's outstanding Various Purpose General Obligation Bonds, Series 1989, dated as of August 16, 1989, which were issued to pay the costs of the following improvements: (a) \$5,330,000 principal amount for the purpose of providing funds to pay the costs of improving municipal recreational facilities by constructing, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, pools, parks, playgrounds, recreation centers, and recreation facilities, together with all appurtenances necessary and incidental thereto ("Project 57"); (b) \$17,000,000 principal amount for the purpose of providing funds to pay the costs of constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interests in real estate for, facilities for the protection of the safety and property of the public, the maintenance, repair and storage of vehicles and equipment of various City departments, the maintenance of City streets, bridges, docks, and properties, the maintenance and installation of traffic control devices, and the provision of waste collection services, and administrative functions related thereto, together with all appurtenances necessary and incidental thereto ("Project 58"); (c) \$515,000 principal amount for the purpose of providing funds to pay the costs of constructing, renovating, rehabilitating, reinforcing, dredging, reclaiming, and otherwise improving, and acquiring any necessary interests in real

estate for, pilings, docks, wharfs, piers, bulkheads, breakwalls, channels and bottom surfaces in and along the rivers, lakes, and lagoons located within or bounding the City of Cleveland or its facilities, together with all appurtenances necessary and incidental thereto ("Project 59"); and (d) \$5,230,000 principal amount for the purpose of providing funds to pay the costs of improving the municipal street system and related facilities, improving certain streets and expressways, between certain termini, and improving certain roadways, driveways, and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under such streets, expressways, roadways, driveways and pedestrian walkways, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interest in real estate necessary for such purposes and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto ("Project 60"); (iii) certain of the City's outstanding Various Purpose General Obligation Bonds, Series 1990, dated as of October 1, 1990, which were issued to pay the costs of the following improvements: (a) \$11,330,000 principal amount for the purpose of improving the municipal recreational system, including certain recreation centers, pools, parks, playgrounds, playfields and other recreation facilities by the construction, renovation, remodeling, repair, furnishing, equipping and rehabilitation thereof, and by the acquisition of interests in real estate necessary for such purposes, together with all appurtenances necessary and incidental thereto ("Project 61"); (b) \$5,660,000 principal amount for the purpose of improving the municipal street system and related facilities, including certain streets and roadways between certain termini by the rehabilitation and resurfacing thereof, certain roadways, driveways and walkways located within or through City facilities by the rehabilitation and/or resurfacing thereof, certain signals pertaining to traffic control by the technological improvement thereof, and certain bridges by the reconstruction, renovation, repair and rehabilitation thereof, and by the acquisition of interests in real estate necessary for such purpose, together with all appurtenances necessary and incidental thereto ("Project 62"); (c) \$1,030,000 principal amount for the purpose of certain improvements related to urban redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, and the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, togeth-

er with all appurtenances necessary and incidental thereto ("Project 63"); (d) \$6,745,000 principal amount for the purpose of improving certain public service facilities, which address health, safety, service and welfare concerns, by the construction, renovation, remodeling, repair, furnishing, equipping and rehabilitation thereof, and by the acquisition of interests in real estate necessary for such purpose, together with all appurtenances necessary and incidental thereto ("Project 64"); and (e) \$1,880,000 principal amount for the purpose of improving the Cleveland Convention Center by the renovation, remodeling, repair, furnishing, equipping and rehabilitation thereof, together with all appurtenances necessary and incidental thereto ("Project 65"); (iv) certain of the City's outstanding Various Purpose General Obligation Bonds, Series 1991A and B, dated as of May 1, 1991, which were issued in part to pay the costs of the following improvements: (a) \$9,815,000 principal amount for constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, safety facilities, vehicle and equipment maintenance facilities for various City departments, street maintenance facilities, public convention facilities, waste collection facilities, and facilities for administrative functions related thereto, together with all appurtenances necessary and incidental thereto ("Project No. 66"); (b) \$1,020,000 principal amount for certain improvements related to residential development and redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, the installation of street lighting and traffic signs and signalization, and the installation of utility lines and improvements, together with all appurtenances necessary and incidental thereto ("Project No. 67"); (c) \$9,865,000 principal amount for improving the municipal street system and related facilities, including certain streets and expressways, between certain termini, and improving certain roadways, driveways and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under said streets, expressways, roadways, driveways and pedestrian walkways, by relocating City-owned utility lines in connection therewith, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto ("Project No. 68");

(d) \$3,280,000 principal amount for improving municipal recreational facilities by constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interest in real estate for, pools, parks, playgrounds, recreation centers, and recreation facilities, together with all appurtenances necessary and incidental thereto ("Project No. 69"); and (e) \$18,200,000 principal amount for refunding notes which were issued in anticipation of bonds for the purpose of providing funds to pay the costs of renovating, remodeling, and otherwise improving the Cleveland Convention Center by the acquisition or construction of improvements thereto and making related site improvements, together with all appurtenances necessary and incidental thereto ("Project No. 70"); (v) certain of the City's outstanding Various Purpose General Obligation Bonds, Series 1991C, dated as of December 1, 1991, which were issued for the purpose of providing funds with which to pay or reimburse the City for the payment of final judgments rendered against the City, including settlements of claims approved by a court, and including interest thereon to the approximate date of issuance of the bonds, costs and expenses assessed or taxed against and defense costs of the City, and other costs, including financing costs, permitted by Chapter 133, Ohio Revised Code, to be paid from the proceeds of such bonds ("Project No. 71"); (vi) certain of the City's outstanding Various Purpose General Obligation Bonds, Series 1992A, dated as of June 1, 1992, which were issued to pay the costs of the following improvements: (a) \$6,975,000 principal amount for constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, safety facilities, vehicle and equipment maintenance facilities for various City departments, street maintenance facilities, public convention facilities, waste collection facilities, judicial facilities, greenhouse facilities, and facilities for administrative functions related thereto, and together with all appurtenances necessary and incidental thereto, and to pay the costs of acquiring any necessary interests in real estate ("Project No. 72"); (b) \$1,030,000 principal amount for certain improvements related to residential development and redevelopment, including land acquisition and consolidation, site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, the installation of street lighting and traffic signs and signalization, and the installation of utility lines and improvements, together with all appurtenances necessary and incidental thereto ("Project No. 73"); (c) \$9,650,000 principal amount for improving the municipal street system and related facilities, including certain streets and expressways, between certain termini, and improving certain roadways, drive-

ways and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under said streets, expressways, roadways, driveways and pedestrian walkways, by planting trees and landscaping, by relocating City-owned utility lines in connection therewith, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto ("Project No. 74"); and (d) \$6,845,000 principal amount for improving municipal recreational facilities by constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interest in real estate for, pools, parks, playgrounds, recreation centers, and recreation facilities, together with all appurtenances necessary and incidental thereto ("Project No. 75"); and (vii) certain of the City's outstanding Various Purpose General Obligation Bonds, Series 1994, dated as of October 1, 1994, which were issued in part to pay the costs of the following improvements: (a) \$24,545,000 principal amount for improving the municipal street system and related facilities, including certain streets and expressways between certain termini, and improving certain roadways, driveways and pedestrian walkways located within or through City facilities by widening, grading, draining, curbing and paving such streets, expressways, roadways, driveways and pedestrian walkways, by resetting and constructing catch basins and storm drainage facilities in and under said streets, expressways, roadways, driveways and pedestrian walkways, by planting trees and landscaping, by relocating City-owned utility lines in connection therewith, by constructing, reconstructing, renovating and rehabilitating bridges, by installing gutters, sidewalks and related pedestrian improvements, by acquiring any interests in real estate necessary for such purposes, and by installing signs, signals, markings and other devices for traffic control purposes, together with all appurtenances necessary and incidental thereto ("Project No. 76"); (b) \$6,325,000 principal amount for improving municipal recreational facilities by constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, and acquiring any necessary interest in real estate for, pools, parks, playgrounds, recreation centers, and recreation facilities, together with all appurtenances necessary and incidental thereto ("Project No. 77"); (c) \$1,020,000 principal amount for certain improvements related to urban renewal and residential development and redevelopment, including land acquisition and consolidation,

site clearance and preparation, the construction of water and sewer lines, catch basins and storm drainage facilities, the construction and improvement of certain streets, roadways, driveways and pedestrian walkways by the widening, grading, draining, curbing and paving thereof, the installation of street lighting and traffic signs and signalization, and the installation of utility lines and improvements, together with all appurtenances necessary and incidental thereto ("Project No. 78"); and (d) \$9,900,000 principal amount for constructing, renovating, rehabilitating, furnishing, equipping and otherwise improving, safety facilities, vehicle and equipment maintenance facilities for various City departments, street maintenance facilities, waste collection facilities, parking facilities, West Side Market facilities, City Hall, and facilities for administrative functions related to the foregoing, and together with all appurtenances necessary and incidental thereto, and to pay the costs of acquiring any necessary interests in real estate therefor ("Project No. 79"); and

Whereas, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of each of the Projects was, at the time the original Bonds for each Project were issued, at least five years, and that the maximum maturity of that portion of the Refunding Bonds to be allocated to each of the Projects is December 31 of the years set forth below for the respective Projects:

Project No.	Year of Last Maturity
1	2012
2	2018
3	2024
4	2018
5	2015
6	2016
7	2016
8	2016
9	2021
10	2014
11	2017
12	2017
13	2017
14	2018
15	2018
16	2018
17	2018
18	2015
19	2016
20	2009
21	2019
22	2019
23	2019
24	2020
25	2020
26	2017
27	2020
28	2022
29	2022
22	2019
23	2019
24	2020
25	2020
26	2017
27	2020
28	2022
29	2022
30	2022
31	2019
32	2027
33	2023

34	2020
35	2023
36	2023
37	2024
38	2024
39	2022
40	2032
41	2024
42	2022
43	2018
44	2017
45	2010
46	2015
47	2012
48	2018
49	2024
50	2018
51	2010
52	2009
53	2013
54	2011
55	2013
56	2013
57	2010
58	2012
59	2014
60	2010
61	2015
62	2008
63	2026
64	2014
65	2016
66	2015
67	2015
68	2008
69	2008
70	2015
71	2016
72	2018
73	2017
74	2010
75	2015
76	2012
77	2018
78	2024
79	2018

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 bonds is necessary to enable the City to take advantage of favorable market conditions on a timely basis to obtain debt service savings 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. General obligation refunding bonds of the City ("Refunding Bonds") are authorized to be issued for the purpose of refunding one or more series of the

City's outstanding general obligation bonds, or designated maturities thereof, issued to provide funds to pay costs of Projects 1 through 79 and identified in the Certificate of Award authorized in Section 4 ("Refunded Bonds"), including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), provided the aggregate net present value debt service savings resulting from the refunding of the Refunded Bonds is not less than three percent (3%).

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

Section 2. Authority and Terms. The Refunding Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Revised Code Chapter 133 and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Refunding Bonds of each series shall be issued in one lot as fully registered bonds in denominations of \$5,000 or any integral multiple thereof but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Refunding Bonds shall bear the designation and be numbered as determined by the Director of Finance.

The Refunding Bonds shall be dated the date and shall bear interest at the rate or rates per year specified in the Certificate of Award, provided the weighted average of such rates (taking into account the principal amount and maturity of each Refunding Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Refunding Bonds shall be payable when due, or until the principal amount is paid, semi-annually on the first day of each of two months specified in the Certificate of Award as the dates on which

interest on the Refunding Bonds shall be payable (the "Interest Payment Dates"), beginning on the date specified in the Certificate of Award as the first Interest Payment Date.

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

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

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

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

(a) Mandatory Sinking Fund Redemption. If any of the Refunding Bonds are issued as Term Refunding Bonds, the Term Refunding Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 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 Refunding Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Refunding Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

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

Each Term Refunding Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 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 Refunding Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in 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 for a series of Refunding Bonds shall not be later than ten years from the first Interest Payment Date of that series of Refunding Bonds, and the highest redemption price shall not be greater than 102% of the principal amount redeemed. 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 Refunding 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 Refunding Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Refunding Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Refunding Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Refunding Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date, funds sufficient to redeem at the redemption price, all of the redeemable Refunding Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Refunding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Refunding Bonds of a single maturity are to be redeemed, the selection of Refunding Bonds to be redeemed, 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 of Refunding Bonds by lot when Refunding Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Refunding Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Refunding Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Refunding Bond shall surrender the Refunding Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner

thereof, of a new Refunding Bond or Refunding Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Refunding Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Refunding Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Refunding Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Refunding Bond subject to redemption in whole or in part at the registered owner's address shown on the Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal Refunding Bond insurance company that has issued a policy insuring some or all of the Refunding Bonds. Failure to receive notice by mail or any defect in that notice regarding any Refunding Bond, however, shall not affect the validity of the proceedings for the redemption of any Refunding Bond.

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

The debt charges on the Refunding Bonds shall be payable in lawful money of the United States of America without deduction for the

services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Refunding Bonds at the principal corporate trust office of the Registrar. Interest on a Refunding Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Refunding Bond was registered, and to that person's address appearing, on the Register (as defined in Section 3) at the close of business on the date provided in the Registrar Agreement authorized in Section 3 (the Record Date). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Refunding Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Refunding Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

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

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

shall also act as paying agent for the Refunding Bonds so long as the Refunding Bonds are held in a book entry system. The Director of Finance 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 "Registrar Agreement") approved as to form and correctness by the Director of Law, containing terms that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. Payment for the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement shall be made from the proceeds of the Refunding Bonds, to the extent available, and then from other money lawfully available and appropriated for that purpose.

So long as any of the Refunding Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Refunding Bonds as provided in this Section (the "Register"). Subject to the provisions of Section 5, the person in whose name a Refunding Bond is registered on the Register shall be regarded as the absolute owner of that Refunding Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Refunding Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Refunding Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar

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

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

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

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

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

The Refunding Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (1) the Refunding Bonds may be issued in the form of a single, fully registered Refunding Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the cus-

tody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Refunding Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Refunding Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

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

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

The Refunding Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Refunding Bonds in accordance with law, the provisions of this Ordinance, the written advice of a Financial Advisor and the Original Purchaser's offer to purchase the Refunding Bonds, including: the principal amount of the Refunding Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Refunding Bonds plus any accrued interest to their date of delivery), interest rate

or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Refunding Bonds, and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Refunding Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Refunding Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Refunding Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Refunding Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Refunding Bonds and the Original Purchaser agrees to buy the Refunding Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Refunding Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Refunding Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements and to authorize the use and distribution of that Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City that Official Statement and any supplements. The Director of Finance is authorized to sign and deliver, on behalf of the City, such certificates in con-

nection with the accuracy of the Official Statement and any supplements as may, in the Director's judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

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

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

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax

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

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

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

Money deposited in the Escrow Fund shall be (a) held in cash or (b) invested in direct obligations of the United States of America that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further invest-

ment or reinvestment, for the payment of the principal of, any redemption premium and interest on, the Refunded Bonds as provided in the Escrow Agreement. Pursuant to the respective Ordinances authorizing the Refunded Bonds, Section 133.34 of the Revised Code and this Ordinance, money deposited in the Escrow Fund, and the investment income thereon, are pledged to the payment of the Refunded Bonds.

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

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

the part of the City to effect the refunding of the Refunded Bonds in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law, and to cause the Refunded Bonds to be deemed paid and discharged.

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

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

Section 8. Defeasance.

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

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

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

(i) the Escrow Agent or Paying Agent shall hold in special accounts or 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 Refunding Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Refunding Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Refunding Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Refunding Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General

Bond Ordinance shall not apply to the Refunding Bonds authorized herein.

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

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

Section 11. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Refunding Bonds in such manner and to such extent as may be necessary so that (a) the Refunding Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the 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 Refunding Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Refunding Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Refunding Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Refunding Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Refunding Bonds 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 Refunding Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Refunding Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Refunding 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 Refunding Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Refunding Bonds.

Section 12. Refunding 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 Refunding Bonds, request a rating on the Refunding 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 Refunding 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 the Bond Purchase Agreement, the Registrar Agreement or the 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 Refunding Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 13. 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 underwriters any other party interested in the transaction.

Section 14. Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and 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 15. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Refunding Bonds in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Refunding Bonds. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 16. 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 Refunding Bonds to the County Auditor of Cuyahoga County and to secure a receipt therefor.

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

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

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

Section 19. 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 for the refunding of the Refunded Bonds which will enable the City to obtain debt service savings and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 292-06.

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

An emergency ordinance authorizing the issuance and sale by the City of Airport System Revenue Refunding Bonds to refund outstanding Airport System Revenue Bonds to obtain debt service savings; authorizing hedge agreements, supplemental indentures, and other agreements related to Airport System Revenue Bonds; and authorizing and approving related matters.

Whereas, under authority of the Constitution of the State of Ohio, the Charter of the City, Ordinance No.

1773-A-76, passed by the Council of the City on August 16, 1976 and the Trust Indenture dated as of November 1, 1976 (together with Ordinance No. 1773-A-76, the "Original Indenture") between the City and J.P. Morgan Trust Company, National Association, as successor trustee (the "Trustee"), the City issued various series of Revenue Bonds for the Airport System, of which \$946,520,000 aggregate principal amount is currently outstanding; and

Whereas, this Council has determined to authorize the issuance by the City of Airport System Revenue Refunding Bonds ("Refunding Bonds") under the Original Indenture, as supplemented and amended, to refund Outstanding Revenue Bonds to obtain debt service savings as provided in this Ordinance; and

Whereas, this Council has determined to authorize the City to enter into interest rate swap, swaption and other hedging arrangements with respect to the Outstanding Revenue Bonds and the Refunding Bonds in order to obtain debt service savings as provided in this Ordinance; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the Refunding Bonds to refund Outstanding Revenue Bonds is necessary to enable the Airport System to take advantage of favorable market conditions on a timely basis to obtain debt service savings; now, therefore,

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

Section 1. Definitions.

In addition to the words and terms defined in the Original Indenture, as amended and supplemented by the First through Sixth Supplemental Indentures, and as to be further amended and supplemented as provided in this Ordinance, the following words and terms shall have the following meanings, unless the context or use indicates a contrary meaning or intention.

"Bond Purchase Agreement" means, with respect to the Refunding Bonds, one or more Bond Purchase Agreements between the City and the Original Purchasers authorized in Section 5 of this Ordinance.

"Book entry form" or "book entry system" means a form or system, as applicable, under which (a) the ownership of beneficial interests in Revenue Bonds and Bond service charges may be transferred only through a book entry, and (b) physical Revenue Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as registered owner, with the physical Bond certificates "immobilized" in the custody of the Depository. The book entry system is maintained by and is the responsibility of the Depository and not the City or the Trustee. The book entry is the record that identifies, and records the transfer of the interest of, the owners of beneficial (book entry) interests in the Revenue Bonds.

"Certificate of Award" means one or more certificates delivered by the Director of Finance pursuant to Section 5 of this Ordinance providing for the final terms of the Refunding Bonds of any series consistent with the requirements of the Indenture and this Ordinance.

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

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

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

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with the Refunding Bonds or any Hedge Agreement.

"Hedge Agreement" has the meaning given in Section 3 of this Ordinance.

"Indenture" means the Original Indenture as amended and supplemented by the First Supplemental Trust Indenture dated as of April 1, 1990, the Second Supplemental Trust Indenture dated as of August 1, 1994, the Third Supplemental Trust Indenture dated as of November 1, 1997, the Fourth Supplemental Trust Indenture dated as of February 1, 2001, the Fifth Supplemental Trust Indenture dated as of October 15, 2003, and the Sixth Supplemental Trust Indenture dated as of January 1, 2006, as the same may be further amended and supplemented.

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

"Outstanding Revenue Bonds", as used in this Ordinance, means those Revenue Bonds outstanding under the Indenture on the date of introduction of this Ordinance and consisting specifically of the following: the City's Airport System Revenue Bonds, Series 1997A (currently outstanding in the amount of \$152,990,000), Series 1997B (currently outstanding in the amount of \$13,150,000), Series 1997C (currently outstanding in the amount of \$12,310,000), Series 1997D (currently outstanding in the amount of \$38,575,000), Series 1997E (currently outstanding in the amount of \$17,055,000), Series 2000A (currently outstanding in the amount of \$360,880,000), Series 2000B (currently outstanding in the amount of \$63,310,000), Series 2000C (currently outstanding in the amount of

\$149,000,000), Series 2003A (currently outstanding in the amount of \$20,225,000), Series 2003B (currently outstanding in the amount of \$55,275,000), and Series 2003C (currently outstanding in the amount of \$63,750,000).

"Refunded Bonds" means those Outstanding Revenue Bonds identified in a Certificate of Award to be refunded from proceeds of Refunding Bonds.

"Refunding Bonds" means the Airport System Revenue Refunding Bonds authorized by this Ordinance to be issued as Additional Revenue Bonds under the Indenture for the purpose of refunding one or more series of Outstanding Revenue Bonds, or designated maturities thereof, to obtain debt service savings.

"Supplemental Indenture" means each Supplemental Trust Indenture delivered to supplement and amend the Indenture, to further provide for the terms and security of one or more series of Refunding Bonds.

For purposes of comparing this Ordinance with the Series 1976 Ordinance, the following terms shall have the same meaning: "City" and "Issuer," "Council" and "Governing Body," "Director of Finance" and "Fiscal Officer," and "Ordinance" and "Bond Legislation."

Section 2. Authorization of the Refunding Bonds.

This Council finds and determines it is necessary and proper and in the best interest of the City to authorize the issuance of Refunding Bonds for the purpose of refunding one or more series of the Outstanding Revenue Bonds, or designated maturities thereof, to obtain aggregate net present value debt service savings of not less than three percent (3%). The Refunding Bonds may be issued in one or more separate series so long as the aggregate net present value savings achieved by each series shall be not less than three percent (3%). The principal amount of each series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 5 and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded Bonds, (ii) to fund any deposit to the Bond Service Reserve Fund required under the Indenture, (iv) to pay costs of any Credit Support Instruments, (v) to pay identified amounts owed under Hedge Agreements, and (vi) to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds. The proceeds from the sale of each series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 6 of this Ordinance.

The Refunding Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Refunding Bonds of each series satisfy the requirements of this Ordinance and the Indenture. Separate series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each series shall be designated as pro-

vided in the applicable Certificate of Award. A separate Certificate of Award and a separate Supplemental Indenture may be delivered for each series. Costs of issuance of the Refunding Bonds and any required deposit to the Debt Service Reserve Fund attributable to the Refunding Bonds shall, in each case, be included in the costs funded from the proceeds of the Refunding Bonds. The Refunding Bonds shall constitute Revenue Bonds for all purposes of the Indenture.

This Council finds and determines that the issuance of the Refunding Bonds to obtain debt service savings with respect to Refunded Bonds serves a proper, public, municipal purpose by reducing the costs of air travel facilities serving the people of the City of Cleveland, thereby increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and creating and preserving jobs and employment opportunities in the City and improving the economic welfare of the City.

Section 3. Authorization of Hedging Arrangements.

This Council finds that by engaging in interest rate hedging arrangements, from time to time, the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations and minimizing the risk of variations in its debt service costs. Certain types of hedging arrangements (referred to in this Ordinance as "swaptions") may enable to the City to obtain savings prior to the issuance of Refunding Bonds by providing for an upfront payment to the City by a financial institution or other organization that is the counterparty to the hedge arrangement in consideration of the City's giving the counterparty the option to make effective at a future date an interest rate exchange transaction with the City. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section 3 are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to any Revenue Bonds issued or to be issued under the Indenture, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a)

the counterparty shall be rated at the time of signing the Hedge Agreement not lower than A+ or A1 by at least one rating agency or its obligations under the Hedge Agreement shall be guaranteed or insured by an entity rated at the time of signing the Hedge Agreement not lower than A+ or A1 by at least one rating agency, and (b) the term of each hedge transaction shall not exceed the final maturity of the Revenue Bonds to which the hedge relates or (in the case of an option) will relate.

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

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

Section 4. Terms of Refunding Bonds.

The Refunding Bonds shall contain the terms provided in or determined pursuant to, the Indenture, this Ordinance, the applicable Certificate of Award and the applicable Supplemental Indenture. Each series of Refunding Bonds may be secured

by a separate Supplemental Indenture, or a single Supplemental Indenture may secure more than one series of Refunding Bonds.

(a) General. In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a series of Refunding Bonds to be obligations bearing interest at variable interest rates, then the Director of Finance is authorized to so specify in the Certificate of Award for that series. If the Director of Finance so determines, then the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that series shall be determined as provided in the applicable Supplemental Indenture, whether by auction, by reference to a market index, by a remarketing agent or otherwise, provided that no series of variable rate Refunding Bonds shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate series of Refunding Bonds may or may not permit the holders to tender their variable rate Refunding Bonds for purchase by the City. If the Director of Finance designates any series of Refunding Bonds as variable rate Refunding Bonds, and if the Holders of that series of Refunding Bonds are to be entitled to tender those Refunding Bonds for purchase, then the Director of Finance shall also designate for those variable rate Refunding Bonds (and may designate others, from time to time, in substitution therefor), the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the Refunding Bonds, and from time to time thereafter so long as the Refunding Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers) and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate Refunding Bonds. In the event the variable rate Refunding Bonds are issued as auction rate obligations, the Director of Finance is authorized to enter into agreements, from time to time, with auction agents and others, or to cause the Trustee to enter into those

agreements, based on the written advice of a Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Director of Finance, in connection with the original issuance of any series of Refunding Bonds, and regardless of whether that series of Refunding Bonds bears interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Refunding Bonds, if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instrument will result in a savings in the cost of the financing to the City.

(b) Form; Exchange and Transfer. All Refunding Bonds shall be issued in fully registered form. The Refunding Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Supplemental Indenture. Notwithstanding anything to the contrary in the Original Indenture, no Refunding Bonds shall be exchanged for or transferable into a coupon Revenue Bond or Bonds unless and until the Indenture shall have been amended in accordance with the terms thereof to permit such exchanges or transfers. To the extent that the Original Indenture (particularly, but without limitation, Section 2.05) permits fully registered Revenue Bonds to be exchanged for or transferred into coupon Revenue Bonds or Revenue Bonds payable to bearer, then the Original Indenture is amended to prohibit such exchanges or transfers for the Refunding Bonds unless and until the Indenture shall have been further amended to permit such exchanges or transfers.

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

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

(c) Dates; Denominations. The Refunding Bonds of each series shall be dated as of the date or dates provided in the Certificate of Award for that series. The Refunding Bonds of each series shall be issued in the denominations permitted in the Supplemental Indenture for that series.

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

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

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

(g) **Signing.** The Refunding Bonds shall be signed by the Mayor and the Director of Finance, and approved as to form by the Director of Law. Any or all of the signatures of those officials may be facsimiles. The Refunding Bonds shall bear the corporate seal of the City or a facsimile thereof.

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

Section 5. Award and Sale of Refunding Bonds.

The Director of Finance shall sign and deliver a Certificate of Award for the Refunding Bonds. In the event the Refunding Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Refunding Bonds shall be awarded to the Original Purchasers selected by the Director of Finance and identified in the Certificate of Award, following consultation with the Director of Port Control and based on an evaluation of the qualifications of firms that have proposed to underwrite the Refunding Bonds. Each Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Indenture:

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

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

(c) whether any Refunding Bonds are to be subject to optional redemption prior to maturity, and, if so, the earliest optional redemption date for those Refunding Bonds subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable series, and the applicable redemption price, which shall be not greater than 102% of the principal amount redeemed;

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

(e) the interest rates to be borne by Refunding Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed six percent (6%) as to Refunding Bonds of any series that are Tax-Exempt Bonds (as defined in Section 9) and shall not exceed eight percent (8%) as to Refunding Bonds of any series that are not Tax-Exempt Bonds, and the method by

which the interest rate is to be determined for Refunding Bonds bearing interest at variable rates, consistent with Section 5 (Refunding Bonds of the same series and same maturity may bear interest at different interest rates);

(f) the particular Outstanding Revenue Bonds or portions thereof to be Refunded Bonds;

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

(h) the amount, if any, of proceeds of the sale of the Refunding Bonds to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, if and to the extent required by the applicable Supplemental Indenture, and any determination as to whether there shall be special reserve fund for the Refunding Bonds of any series, separate from the common Bond Service Reserve Fund, or a municipal bond insurance policy, bank letter or line of credit, or other form of credit or liquidity facility enhancing the security for Refunding Bonds of that series in lieu of a funded reserve fund;

(i) the Paying Agent; and

(j) whether any Refunding Bonds are to be secured by or payable from a Credit Support Instrument.

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

The Director of Finance may enter into one or more Bond Purchase Agreements with the Original Purchasers of Refunding Bonds setting forth the conditions for delivery of the Refunding Bonds that are consistent with this Ordinance, the Certificate of Award, and the Indenture and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for airport revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the Official Statement of the City described in Section 11.

Section 6. Application of Proceeds of Refunding Bonds.

The proceeds from the sale of the Refunding Bonds shall be applied as provided in the applicable Supplemental Indenture, including:

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

(ii) to the Bond Service Fund, that portion, if any, of the proceeds constituting accrued interest;

(iii) to the Bond Service Reserve Fund, that portion, if any, of the proceeds required to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, subject to the provisions set forth in Section 5 (h) of this Ordinance for a lesser or special deposit;

(iv) to an escrow fund established with the Trustee, the portion of the proceeds required to be deposited in escrow to cause the Refunded Bonds to be deemed paid and discharged for purposes of the Indenture;

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

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

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

Section 7. Refunding of Outstanding Revenue Bonds; Escrow Agreements.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an escrow agreement between the City and the Trustee, as escrow trustee, providing for, among other matters: the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds; the application of the moneys derived from those investments to the payment of the Bond service charges on those Refunded Bonds; and the irrevocable call for redemption of those Outstanding Revenue Bonds identified in the Certificate of Award to be Refunded Bonds to be called for redemption prior to maturity. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the escrow agreement from proceeds of the Refunding Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. Provision shall be made in the escrow agreement to give the Trustee any written notice of redemption required under Section 3.02 of the Original Indenture. The Director of Finance, the Director of Port Control and other appropriate City officials shall sign all documents and take all other actions necessary or appropriate on the part of the City to effect such refunding in accordance with the Indenture and to cause the Refunded Bonds to be deemed paid and discharged, including without limitation, the retention of an independent firm of accountants to verify the mathematical accuracy of the calculations relating to the escrow.

Section 8. Authorization of Supplemental Indentures.

In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Director of Finance and the Director of Port Control are

authorized, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Refunding Bonds, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Any Supplemental Indenture may contain amendments to the Original Indenture, as theretofore amended, to permit the City increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City.

Section 9. Tax Covenants.

With respect to Refunding Bonds that are to be issued and sold as obligations bearing interest to be excluded from gross income for federal income tax purposes (the "Tax-Exempt Bonds"), the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (a) the interest on the Tax-Exempt Bonds will be excluded from gross income for federal income tax purposes, and (b) in the case of any Tax-Exempt Bonds qualifying as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code ("Non-AMT Bonds"), such Tax-Exempt Bonds will be treated as Non-AMT Bonds.

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

The Director of Finance, or any other officer of the City having responsibility for issuance of the Tax-Exempt Bonds, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to

the Tax-Exempt 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 the favorable tax treatment or status of the Tax-Exempt 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 of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Tax-Exempt Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Tax-Exempt Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Bonds.

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

Section 10. Additional Documents.

The Director of Finance, the Director of Port Control and other City officials are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Indenture, the Escrow Agreements and the Hedge Agreements.

The Director of Finance, the Director of Port Control, the Director of Law and other City officials, as appropriate, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each series of Refunding Bonds to the

Original Purchasers and to take all actions necessary to effect due signing, authentication and delivery of each series of Refunding Bonds under the terms of this Ordinance, the Supplemental Indentures, the Bond Purchase Agreements and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchasers a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Refunding Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Refunding Bonds.

Section 11. Official Statements; Continuing Disclosure.

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

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

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

Section 12. Lien of Pledge.

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

Section 13. Financial Advisors and Consultants.

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 or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Port Control may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Refunding Bonds or the delivery of any Hedge Agreements

concerning the utilization and operation of the Airport System, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 14. Appointment of Successor Trustee.

The Director of Finance is hereby authorized to appoint a successor Trustee in the event that the current Trustee, J.P. Morgan Trust Company, National Association, shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 12.08 of the Original Indenture.

Section 15. Open Meeting Determination.

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

Section 16. Separability.

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

Section 17. Recitals.

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

Section 18. Emergency.

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

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

Ord. No. 293-06.

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

An emergency ordinance authorizing the issuance and sale by the City of Water Revenue Bonds to refund outstanding Water Revenue Bonds to obtain debt service savings, authorizing hedge agreements, supplemental indentures and other agreements related to Water Revenue Bonds of the City; authorizing and approving related matters.

Whereas, under authority of the Constitution of the State of Ohio, the Charter of the City and ordinances of this Council, the City issued various series of Water Revenue Bonds for the Waterworks System, of which \$769,275,000 aggregate principal amount is currently outstanding; and

Whereas, this Council has determined to authorize the issuance by the City of Water Revenue Refunding Bonds ("Refunding Bonds") under the Amended and Restated Trust Indenture, effective as of October 5, 2001, as supplemented and amended, to refund Outstanding Water Revenue Bonds to obtain debt service savings as provided in this Ordinance; and

Whereas, this Council has determined to authorize the City to enter into interest rate swap, swaption and other hedging arrangements with respect to the Outstanding Water Revenue Bonds and the Refunding Bonds in order to obtain debt service savings as provided in this Ordinance; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the Refunding Bonds to refund Outstanding Water Revenue Bonds is necessary to enable the Waterworks System to take advantage of favorable market conditions on a timely basis to obtain debt service savings; now, therefore,

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

Section 1. Definitions.

In addition to the words and terms defined in the Indenture, the following words and terms shall have the following meanings, unless the context or use otherwise indicates:

"Bond Purchase Agreement" means one or more purchase agreements between the City and the Original Purchasers with respect to the Refunding Bonds authorized by Section 2 of this Ordinance.

"Book entry form" or "book entry system" means a form or system, as applicable, under which (a) the ownership of beneficial interests in bonds and bond service charges may be transferred only through a book entry, and (b) physical bond certificates in fully registered form are registered only in the name of a Depository or its nominee as registered owner, with the physical bond certificates "immobilized" in the custody of the Depository. The book entry system is maintained by and is the responsibility of the Depository and not the City or the Trustee.

The book entry is the record that identifies, and records the transfer of the interest of, the owners of beneficial (book entry) interests in the bonds.

"Certificate of Award" means one or more certificates delivered by the Director of Finance pursuant to Section 5 of this Ordinance providing for the final terms of the Refunding Bonds of each Series, consistent with the requirements of this Ordinance and the Indenture.

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

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

"Depository" shall mean any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record beneficial ownership of bonds or bond service charges, and to effect transfers of Revenue Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with the Refunding Bonds or any Hedge Agreement.

"Hedge Agreement" has the meaning given in Section 3 of this Ordinance.

"Indenture" means the Amended and Restated Indenture, effective October 5, 2001, between the City and U.S. Bank National Association, as successor trustee, delivered under authority of Ordinance No. 2011-95 passed by the Council of the City on April 1, 1996 and the consent of the owners of 66-2/3% of the applicable Bonds under the Indenture of Mortgage dated as of November 1, 1977, as supplemented and amended by the Supplemental Trust Indentures delivered with respect to the Outstanding Bonds and as to be supplemented and amended as provided in this Ordinance for the Refunding Bonds.

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

"Outstanding Revenue Bonds" means Water Revenue Bonds of the City issued and outstanding under the Indenture on the date of introduction of this Ordinance and consisting specifically of the following: Series G (currently outstanding in the amount of \$133,045,000), Series H (currently outstanding in the amount of \$14,470,000), Series I (currently outstanding in the amount of \$161,875,000), Series J (currently outstanding in the amount of \$63,345,000), Series K (currently outstanding in the amount of \$69,725,000), Series L (currently out-

standing in the amount of \$90,000,000), Series M (currently outstanding in the amount of \$172,335,000), and Series N (currently outstanding in the amount of \$64,480,000).

"Refunded Bonds" means those Outstanding Revenue Bonds designated in a Certificate of Award to be refunded from proceeds of Refunding Bonds.

"Refunding Bonds" means the Water Revenue Refunding Bonds authorized by this Ordinance to be issued under the Indenture for the purpose of refunding one or more series of Outstanding Revenue Bonds, or designated maturities thereof, to obtain debt service savings.

"Supplemental Indenture" means one or more Supplemental Indentures between the City and the Trustee securing the Refunding Bonds and authorized under Section 6 of this Ordinance. In the event that the Refunding Bonds are issued in more than one Series under more than one Supplemental Indenture, references in this Ordinance to the Supplemental Indenture mean the Supplemental Indenture applicable to that Series.

Section 2. Authorization of the Refunding Bonds.

This Council finds and determines it is necessary and proper and in the best interest of the City to authorize the issuance of Refunding Bonds for the purpose of refunding one or more series of the Outstanding Revenue Bonds, or designated maturities thereof, to obtain aggregate net present value debt service savings of not less than three percent (3%). The Refunding Bonds may be issued in one or more separate series so long as the aggregate net present value savings achieved by each series shall be not less than three percent (3%). The principal amount of each series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 5 and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded Bonds, (ii) to fund any deposit to the Debt Service Reserve Fund required under the Indenture, (iv) to pay costs of any Credit Support Instruments, (v) to pay identified amounts owed under Hedge Agreements, and (vi) to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds. The proceeds from the sale of each series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 6 of this Ordinance.

The Refunding Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Refunding Bonds of each series satisfy the requirements of this Ordinance and the Indenture. Separate series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award and a separate Supplemental

Indenture may be delivered for each series. Costs of issuance of the Refunding Bonds and any required deposit to the Debt Service Reserve Fund attributable to the Refunding Bonds shall, in each case, be included in the costs funded from the proceeds of the Refunding Bonds.

Section 3. Authorization of Hedging Arrangements.

This Council finds that by engaging in interest rate hedging arrangements, from time to time, the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations and minimizing the risk of variations in its debt service costs. Certain types of hedging arrangements (referred to in this Ordinance as "swaptions") may enable the City to obtain savings prior to the issuance of Refunding Bonds by providing for an upfront payment to the City by a financial institution or other organization that is the counterparty to the hedge arrangement in consideration of the City's giving the counterparty the option to make effective at a future date an interest rate exchange transaction with the City. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section 3 are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to any Outstanding Revenue Bonds or any series of Refunding Bonds, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the counterparty shall be rated at the time of signing the Hedge Agreement not lower than A+ or A1 by at least one rating agency or its obligations under the Hedge Agreement shall be guaranteed or insured by an entity rated at the time of signing the Hedge Agreement not lower than A+ or A1 by at least one rating agency, and (b) the term of each hedge transaction shall not exceed the final maturity of the Bonds to which the hedge relates or (in the case of an option) will relate.

The Director of Finance shall negotiate the terms of each Hedge Agreement with a counterparty satisfying the credit criteria in this Ordinance. The City shall receive a written opinion of a Financial Advisor that the upfront payment or the periodic payments, as the case may

be, to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, given the credit of the counterparty and the terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of its option under the Hedge Agreement, whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument, and the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement in the event of the exercise of the option. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The City's obligations under any Hedge Agreement shall be payable from the Net Revenues of the Utility (each term as defined in the Indenture) and may be secured by a pledge of the Net Revenues on a parity with the pledge given under the Indenture to secure Bonds, subject to the requirements of Article XI of the Indenture with respect to Parity Obligations. The obligation of the City to make payments under a Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City. Nothing shall give any party to a Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State for the payment of any amounts due under a Hedge Agreement.

Section 4. Terms of Refunding Bonds.

The Refunding Bonds shall contain the terms provided in or determined pursuant to, the Indenture, this Ordinance, the applicable Certificate of Award and the applicable Supplemental Indenture. Each series of Refunding Bonds may be secured by a separate Supplemental Indenture, or a single Supplemental Indenture may secure more than one series of Refunding Bonds.

(a) General. In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a series of Refunding Bonds to be obligations bearing interest at variable interest rates, then the Director of Finance is authorized to so specify in the Certificate of Award for that series. If the Director of Finance so determines, then the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that series shall be determined as provided in the applicable Supplemental Indenture, whether by auction, by reference to a market index, by a remarketing agent or otherwise, provided that no series of variable

rate Refunding Bonds shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate series of Refunding Bonds may or may not permit the holders to tender their variable rate Refunding Bonds for purchase by the City. If the Director of Finance designates any series of Refunding Bonds as variable rate Refunding Bonds, and if the Holders of that series of Refunding Bonds are to be entitled to tender those Refunding Bonds for purchase, then the Director of Finance shall also designate for those variable rate Refunding Bonds (and may designate others, from time to time, in substitution therefor), the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the Refunding Bonds, and from time to time thereafter so long as the Refunding Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers) and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate Refunding Bonds. In the event the variable rate Refunding Bonds are issued as auction rate obligations, the Director of Finance is authorized to enter into agreements, from time to time, with auction agents and others, or to cause the Trustee to enter into those agreements, based on the written advice of a Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Director of Finance, in connection with the original issuance of any series of Refunding Bonds, and regardless of whether that series of Refunding Bonds bears interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Refunding Bonds, if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instrument will result in a savings in the cost of the financing to the City.

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

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

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

(c) Dates; Denominations. The Refunding Bonds of each series shall be dated as of the date or dates provided in the Certificate of Award for that series. The Refunding Bonds of each series shall be issued in the denominations permitted in the Supplemental Indenture for that series.

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

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

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

(g) **Signing.** The Refunding Bonds shall be signed by the Mayor and the Director of Finance, and approved as to form by the Director of Law. Any or all of the signatures of those officials may be facsimiles. The Refunding Bonds shall bear the corporate seal of the City or a facsimile thereof.

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

Section 5. Award and Sale of Refunding Bonds.

The Director of Finance shall sign and deliver a Certificate of Award for the Refunding Bonds. In the event the Refunding Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Refunding Bonds shall be awarded to the firm or firms (the Original Purchasers) selected by the Director of Finance and identified in the Certificate of Award, following consultation with the Director of Public Utilities and based on an evaluation of the qualifications of firms that have proposed to underwrite the Refunding Bonds. Each Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Indenture:

- (a) the aggregate principal amount of Refunding Bonds issued;
- (b) the purchase price to be paid to the City by those Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate

principal amount of the Refunding Bonds any aggregate original issue premium and subtracting from that amount any aggregate original issue discount, plus (ii) any accrued interest on the Refunding Bonds from their date to the date of their delivery to the Original Purchasers;

(c) whether any Refunding Bonds are subject to optional redemption prior to maturity, the earliest optional redemption date for those Refunding Bonds subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable series, and the applicable redemption price, which shall be not greater than 102% of the principal amount redeemed;

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

(e) the interest rates to be borne by Refunding Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed six percent (6%) as to Refunding Bonds of any series, and the method by which the interest rate is to be determined for Refunding Bonds bearing interest at variable rates, consistent with Section 4 (Refunding Bonds of the same series and same maturity may bear interest at different interest rates);

(f) the particular Outstanding Revenue Bonds or portions thereof to be Refunded Bonds;

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

(h) the amount, if any, of proceeds of the sale of the Refunding Bonds to be deposited in the Debt Service Reserve Fund in order to cause the balance therein to equal the Debt Service Reserve Requirement, if and to the extent required by the applicable Supplemental Indenture, and any determination as to whether a municipal bond insurance policy, bank letter or line of credit, or other form of credit or liquidity facility enhancing the security for Refunding Bonds of that series shall be provided in lieu of cash in the Debt Service Reserve Fund;

(i) the Paying Agent; and

(j) whether any Refunding Bonds are to be secured by or payable from a Credit Support Instrument.

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

The Director of Finance may enter into one or more Bond Purchase Agreements with the Original Purchasers of Refunding Bonds setting forth the conditions for delivery of the Refunded Bonds that are consistent with this Ordinance, the Certificate of Award, and the Indenture and that are determined by the Director of Finance, based on the

written advice of a Financial Advisor, to be customary for water revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the Official Statement of the City described in Section 11.

Section 6. Application of Proceeds of Refunding Bonds.

The proceeds from the sale of the Refunding Bonds shall be applied as provided in the applicable Supplemental Indenture, including:

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

(ii) to the Debt Service Fund, that portion, if any, of the proceeds constituting accrued interest;

(iii) to the Debt Service Reserve Fund, that portion, if any, of the proceeds required to be deposited in the Debt Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, subject to the provisions set forth in Section 5 (h) of this Ordinance for a credit facility;

(iv) to an escrow fund established with the Trustee, the portion of the proceeds required to be deposited in escrow to cause the Refunded Bonds to be deemed paid and discharged for purposes of the Indenture;

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

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

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

Section 7. Refunding of Outstanding Revenue Bonds; Escrow Agreements.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an escrow agreement between the City and the Trustee, as escrow trustee, providing for, among other matters: the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds; the application of the moneys derived from those investments to the payment of the Debt Service Charges on those Refunded Bonds; and the irrevocable call for redemption of those Outstanding Revenue Bonds identified in the Certificate of Award to be Refunded Bonds to be called for redemption prior to maturity. The Director of Finance shall

provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the escrow agreement from proceeds of the Refunding Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. Provision shall be made in the escrow agreement to give the Trustee any written notice of redemption required under the Indenture. The Director of Finance, the Director of Public Utilities and other appropriate City officials shall sign all documents and take all other actions necessary or appropriate on the part of the City to effect such refunding in accordance with the Indenture and to cause the Refunded Bonds to be deemed paid and discharged, including without limitation, the retention of an independent firm of accountants to verify the mathematical accuracy of the calculations relating to the escrow.

Section 8. Authorization of Supplemental Indentures.

In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Director of Finance and the Director of Public Utilities are authorized in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Refunding Bonds, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Any Supplemental Indenture may contain amendments to the Indenture to permit the City increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City.

Section 9. Tax Covenants.

With respect to Refunding Bonds that are to be issued and sold as obligations bearing interest to be excluded from gross income for federal income tax purposes (the "Tax-Exempt Bonds"), the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (a) the interest on the Tax-Exempt Bonds will be excluded from gross income for federal income tax purposes, and (b) in the case of any Tax-Exempt Bonds qualifying as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code ("Non-AMT Bonds"), such Tax-Exempt Bonds will be treated as Non-AMT Bonds.

The City further covenants that (a) it will take or cause to be taken

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

The Director of Finance, or any other officer of the City having responsibility for issuance of the Tax-Exempt Bonds, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt 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 the favorable tax treatment or status of the Tax-Exempt 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 of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Tax-Exempt Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Tax-Exempt Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Bonds.

Each covenant made in this Section with respect to the Tax-Exempt Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Tax-Exempt Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such

compliance is necessary to assure exclusion of interest on the Tax-Exempt Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Tax-Exempt Bonds.

Section 10. Additional Documents.

The Director of Finance, the Director of Public Utilities and other City officials are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Indenture, the Escrow Agreements and the Hedge Agreements.

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

Section 11. Official Statements; Continuing Disclosure.

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

Those officers and each of them are also authorized, on behalf of the City and in their official capacities, to complete each preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of prepar-

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

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

Section 12. Lien of Pledge.

The Net Revenues of the Utility (as each term is defined in the Indenture) are subject to the lien of the pledge under the Indenture without any physical delivery of the Net Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Net Revenues or for the filing or recording of the Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement or other document with respect to such pledge. The pledge of the Net Rev-

enues under the Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 13. Financial Advisors and Consultants.

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 or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Public Utilities may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Refunding Bonds or the delivery of any Hedge Agreements concerning the utilization and operation of the Utility, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 14. Appointment of Successor Trustee.

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

Section 15. Open Meeting Determination.

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

Section 16. Separability.

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

Section 17. Recitals.

It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Refunding Bonds in order to make the same legal, valid and binding special obligations issued by the City will have happened, been done and per-

formed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Refunding Bonds.

Section 18. Emergency.

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

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

Ord. No. 294-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide maintenance and support service for the CCA/MITIS computer system for one year with four 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 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 maintenance and support service for the CCA/MITIS computer system for one year with four one-year options to renew.

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

Section 2. That the cost of the contracts authorized shall be paid from Fund No. 81 SF 001, Request No. 127081.

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 Finance, Law; Committee on Finance.

Ord. No. 295-06.

By Council Members Zone and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of labor, materials, and equipment necessary to trim trees for clearance around electrical wires and streetlights, for the Division of Cleveland Public Power, Department of Public Utilities for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of labor, materials, and equipment necessary to trim trees for clearance around electrical wires and streetlights, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of 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 157771)

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

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

Ord. No. 296-06.

By Council Members Zone and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of low sulfur #2 dyed diesel fuel oil, for the Division of Cleveland Public Power, Department of Public Utilities.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Public Utilities is authorized to 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 low sulfur #2 dyed diesel fuel oil, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. 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 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 157776)

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

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

Ord. No. 297-06.

By Council Members Zone and Sweeney (by departmental request). An emergency ordinance authorizing the purchase of natural gas by one or more requirement contracts, and authorizing the purchase of nat-

ural gas transportation services by one or more requirement contracts without competitive bidding with Dominion East Ohio Gas Company, for the various divisions of City government for a period of one year, with an 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 a one-year period, with one option to renew for an additional one-year period, of the necessary item of natural gas, 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.

Section 2. That it is hereby determined that natural gas transportation services are non-competitive and cannot be secured from any source other than the Dominion East Ohio Gas Company. Therefore, the Director of Finance is authorized to make one or more written requirement contracts with the Dominion East Ohio Gas Company for the requirements for a one-year period, with one option to renew for an additional one-year period, of the necessary item of natural gas transportation 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.

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 118761)

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

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

Ord. No. 298-06.

By Council Members Kelley and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of the purchase and maintenance of cardiac monitoring units, 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 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 the purchase and maintenance of cardiac monitoring units, 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. The Director of Port Control 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 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 150581)

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. 299-06.

By Council Members Kelley and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of unarmed security guard services, 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 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 for the necessary items of unarmed security guard 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 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. The Director of Port Control 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 Port Control 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 150584)

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. 300-06.

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

An emergency ordinance determining the method of making the public improvement of constructing maintenance yard wash-out pits; and authorizing the Director of Port Control to enter into one or more public improvement 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 constructing maintenance yard wash-out pits, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 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. 150588.

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, City Planning Commission, Finance, Law; Committees on Aviation and Transportation, City Planning, Finance.

**Ord. No. 301-06.
By Council Members Brady and Sweeney (by departmental request. An emergency ordinance authorizing the purchase by one or more requirement contracts for bulk waste disposal services, for the Division of Waste Collection and Disposal, 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 bulk waste disposal 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 Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services 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.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall 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 or contracts certified by the Director of Finance. (RL 130615)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)

(Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If

the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20__

PRINCIPAL: _____

BY: _____

TITLE: _____

SURETY: _____

BY: _____

Attorney-in-Fact

SURETY COMPANY ADDRESS:

Street _____

City _____ State _____ Zip _____

SURETY AGENT'S ADDRESS:

Agency Name _____

Street _____

City _____ State _____ Zip _____

"Exhibit A"

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

Ord. No. 302-06.
By Council Members Brady and Sweeney (by departmental request.
An emergency ordinance authorizing the purchase by one or more requirement contracts for contingency services for the disposal of municipal solid waste, for the Division of Waste Collection and Disposal, 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 contingency services for the disposal of municipal solid waste to various approved and certified transfer facilities and landfills, in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services 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.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall 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 or contracts certified by the Director of Finance. (RL 130616)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)

(Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within

ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____

PRINCIPAL: _____

BY: _____

TITLE: _____

SURETY: _____

BY: _____

Attorney-in-Fact

SURETY COMPANY ADDRESS:

Street _____

City State Zip _____

SURETY AGENT'S ADDRESS:

Agency Name _____

Street _____

City State Zip _____

"Exhibit A"

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

Ord. No. 303-06.
By Council Members Brady and Sweeney (by departmental request.
An emergency ordinance authorizing the purchase by one or more requirement contracts for construction and demolition debris disposal services, for the Division of Waste Collection and Disposal, 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 construction and demolition debris disposal 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 Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services 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.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appro-

priation 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 or contracts certified by the Director of Finance. (RL 130618)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)

(Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on _____(date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the

Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20__

PRINCIPAL: _____

BY: _____

TITLE: _____

SURETY: _____

BY: _____

Attorney-in-Fact

SURETY COMPANY ADDRESS:

Street _____

City State Zip _____

SURETY AGENT'S ADDRESS:

Agency Name _____

Street _____

City State Zip _____

"Exhibit"

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

Ord. No. 304-06.

By Council Members Brady and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of crack sealing material, 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 crack sealing material, 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 160018)

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. 305-06.

By Council Members Brady and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of guard rail elements, posts, end wings, and necessary hardware, 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 guard rail elements, posts, end wings, and necessary hardware 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. 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 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 160020)

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. 306-06.

By Council Members Brady and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of liquid deicer, 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 liquid deicer, 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 160016)

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. 307-06.

By Council Members Brady and Sweeney (by departmental request. An emergency ordinance authorizing the purchase by one or more requirement contracts of manhole risers, 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 manhole risers 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. 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 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 160021)

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. 308-06.

By Council Members Brady and Sweeney (by departmental request. An emergency ordinance authorizing the purchase by one or more requirement contracts of plow blades and curb bumpers, 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 plow blades and curb bumpers 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. 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 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 160019)

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. 309-06.

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 160017)

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. 310-06.
By Council Members Brady and Sweeney (by departmental request.
An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of solid waste, for the Division of Waste Collection and Disposal, 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 transfer and disposal of solid waste, including but not limited to processing of recyclables and tire disposal, and the provision, as the Board of Control shall determine, of the necessary landfill, transfer station and/or materials recovery facility requirements, in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services 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.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall 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 or contracts certified by the Director of Finance. (RL 130617)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)

(Name of Surety)

as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the

Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____

PRINCIPAL: _____

BY: _____

TITLE: _____

SURETY: _____

BY: _____

Attorney-in-Fact

SURETY COMPANY ADDRESS:

Street _____

City State Zip

SURETY AGENT'S ADDRESS:

Agency Name _____

Street _____

City State Zip

"Exhibit A"

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

Ord. No. 311-06.
By Council Members Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving the Division of Printing and Reproduction facility; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to design 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 rehabilitating, renovating, reconstructing, or otherwise improving the Division of Printing and Reproduction building at 1735 Lakeside Avenue ("Improvement"), for the Division of Architecture, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

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

Section 3. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That the cost of the contracts authorized shall be paid from Fund Nos. 01-150100-693000, 11 SF 006, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 20 SF 503, from the fund or funds to which are credited the

proceeds of the sale of any general obligation bonds included for this purpose, and from the fund or funds deemed necessary from the Director of Finance, Request No. 156180.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 312-06.
By Council Members Brady and Sweeney (by departmental request).

An emergency ordinance to supplement Ordinance No. 1504-05, passed August 3, 2005, by adding new Section 8; and to renumber existing Section 8 to new Section 9, relating to the cause payment of the City's share of the bicycle racks and bench seats at various locations in the City to the Ohio Department of Transportation.

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 Ordinance No. 1504-05, passed August 3, 2005, is supplemented by adding new Section 8 to read as follows:

Section 8. That this Council authorizes payment to the State of Ohio of the City's share of the construction of bicycle racks and bench seats at various locations in the City from Fund Nos. 11 SF 006 and 20 SF 474, Request No. 166666.

Section 2. That existing Section 8 of Ordinance No. 1504-05, passed August 3, 2005, is renumbered to new "Section 9".

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, Finance, Law; Committees on Public Service, Finance.

Ord. No. 313-06.
By Council Members Britt and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of clothing, bedding and shoes for inmates, for the Division of Correction, Department of Public Health.

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

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

Section 1. That the Director of Public Health is authorized to 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 clothing, bedding, and shoes for inmates, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Correction, Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Health 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 Health 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 176819)

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 Health 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 Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 314-06.
By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a contract with the HLC Group for diversity training for the Division of Fire.

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

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

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with the HLC Group for diversity training for the lieutenants for the Division of

Fire, in the total amount of \$27,900.00, from Fund No. 01-600301-623000, Request No. 160940, for the Department of Public Safety.

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 Public Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 315-06.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development for the 2006 Home Weatherization Assistance Program; and to enter into contracts necessary to implement the program.

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

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

Section 1. That the Director of Community Development is authorized to apply for and accept a grant in the approximate amount of \$3,118,250, from the State of Ohio Department of Development to conduct the 2006 Home Weatherization Assistance Program; that the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 315-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance committee of this council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Community Development is authorized to enter into one or more contracts with individual landlords, tenants, contractors, and various non-profit organizations, including but not limited to, Cleveland Housing Network, Cudell Improvement, Inc., Community Housing Solutions, Mt. Pleasant NOW Development Corporation, Fairfax Renaissance Development Corporation, and the Detroit Shoreway Community Development Organization, to provide weatherization assistance to low-income City residents through this program.

Section 4. That the costs of these contracts shall be paid from the grant proceeds accepted under this ordinance.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force

from and after the earliest period allowed by law.

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

Ord. No. 316-06.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more professional consultants to administer the City's COBRA program and HIPAA compliance for a 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 Personnel and Human Resources is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to administer the City's COBRA program and HIPAA compliance for a one year period.

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

Section 2. That the cost of the contracts authorized shall be paid from Fund No. 01-040201-632400, Request No. 107588.

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 Personnel and Human Services, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 317-06.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more consultants or one or more firms of consultants to provide professional services for pre-employment background and criminal checks for the Department of Personnel and Human Resources, for a fifteen-month 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 Personnel and Human Resources is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to administer pre-employment background and criminal records checks; and including but not limited to automated national wanted felon checks; automated motor vehicle license and points checks; automated workers' compensation checks; automated social security traces and automated credit checks for the Department of Personnel and Human Resources for a one year period.

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

Section 2. That the costs of the contract or contracts authorized shall be paid from Fund No. 01-040201-632000, Request No. 107587.

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 Personnel and Human Resources, Finance, Law; Committees on Employment Affirmative Action and Training, Finance.

Ord. No. 318-06.

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

An emergency ordinance to amend Sections 203.02, 209.02, 209.03, 209.04, 209.05, and 209.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by various ordinances, relating to vacant lots and structures.

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 203.02, as amended by Ordinance No. 511-76, passed, June 14, 1976; and

Sections 209.02, 209.03, 209.04, 209.05, and 209.99 as enacted by Ordinance

nance No. 1017-97, passed June 16, 1997
are amended to read as follows:

Section 203.02 Notice to Abate; Exception

Whenever the Commissioner of Environment or any authorized City officer or employee ascertains, either upon information or by observation or inspection, that any condition amounting to a nuisance or defined by law or ordinance as a nuisance exists on any premises, which nuisance affects or endangers the public health, either of them shall, in writing, notify the owner or person in charge of the premises, requiring the abatement or removal of the nuisance within a reasonable time, unless no such owner or person in charge can be found, or unless the circumstances are such, in their opinion, as to require the immediate abatement or removal of the nuisance, without waiting to give notification.

In the case of a vacant lot or a lot on which the main building or structure is vacant, either of which lot contains a nuisance as described in 209.01, the procedures outlined in Chapter 209 may be followed.

Section 209.02 Notice Regarding Care of Vacant Lots and Lots with Vacant Building

(a) At least annually, the Commissioner of Environment shall cause a notice to be mailed to the last known address of the owner of each vacant parcel of land, or shall publish a notice in a newspaper of general circulation, advising owners, operators, and persons in possession or control of vacant parcels of the requirements of this Chapter regarding the care of property.

(b) **The Commissioner of Environment may cause a notice to be mailed to the last known address of the owner of each parcel of land on which the main building or structure is vacant, or may publish a notice in a newspaper of general circulation, advising owners, operators and persons in possession or control of parcels of land on which the main building or structure is vacant, of the requirements of this Chapter regarding the care of the property. Vacant means that no person actually and legally resides in any part of the building or that no person conducts a lawful business in any part of the building.**

(c) The notice shall describe each of the nuisances described in Section 209.01 and shall state that one or more of the following may occur beginning 30 days after the notice is mailed or published:

(1) That, if any nuisances exist and are not removed or otherwise abated, the Department of Parks, Recreation, and Properties may take any action necessary to abate the nuisance, and that the owner will be billed for all costs of the abatement.

(2) That property nuisances may be ticketed and that the violation is a minor misdemeanor.

(3) That other civil or criminal legal actions may be filed by the Commissioner of Environment to enforce nuisance violations, without additional notice.

(d) **The above-described notice may be appealed to the Commissioner of Environment.**

Section 209.03 Powers of the Commissioner Regarding Vacant Lots

Upon the finding of any nuisance described in this Chapter on a vacant parcel of land, the Commissioner of Environment may do one or more of the following:

(a) **If the nuisance presents an imminent threat to public health, request that the Department of Parks, Recreation, and Properties immediately abate the nuisance without notice, and bill the owner for the costs of any abatement.**

(b) **If it is 30 days after the notice described in 209.02 is mailed or published, request that the Department of Parks, Recreation, and Properties abate the nuisance without further notice, and bill the owner for the costs of any abatement.**

(c) Order the owner, operator, or person in possession or control of the property to abate the nuisance, giving a timeframe for compliance. If the abatement does not occur within the stated timeframe or if the action taken does not completely abate the nuisance, the Commissioner may request the Department of Parks, Recreation, and Properties to abate the nuisance and bill the owner for the costs of any abatement.

(d) Order the owner, operator, or person in possession or control of the property to install and maintain fencing or another similar barrier, in such a manner that the nuisance will be abated or will be kept from re-occurring.

(e) Issue a citation for the violation, under Rule 4.1 of the Ohio Rules of Criminal Procedure.

(f) Pursue any civil or criminal legal actions that may be necessary for the protection of the public health, safety, or welfare.

Section 209.04 Powers of the Commissioner Regarding All Other Property

Upon the finding of any nuisance described in this Chapter on a parcel of land that has a building or other structure on it, the Commissioner of Environment may do one or more of the following:

(a) If the nuisance represents an imminent threat to the public health, request that the Department of Parks, Recreation, and Properties immediately abate the nuisance without notice, and bill the owner for the costs of any abatement.

(b) **If it is 30 days after the notice described in 209.02 is mailed or published, request that the Department of Parks, Recreation, and Properties abate the nuisance without further notice, and bill the owner for the costs of any abatement.**

(c) Order the owner, operator, or person in possession or control of the property to abate the nuisance, giving a timeframe for compliance. If the abatement does not occur within the stated timeframe or if the action taken does not completely abate the nuisance, the Commissioner may request the Department of Parks, Recreation, and Properties to abate the nuisance and bill the owner for the costs of any abatement.

(d) Order the owner, operator, or person in possession or control of the property to install and maintain fencing or another similar barrier, in such a manner that the nuisance will be abated or will be kept from re-occurring.

(e) Issue a citation for the violation, under Rule 4.1 of the Ohio Rules of Criminal Procedure.

(f) Pursue any civil or criminal legal actions that may be necessary

for the protection of the public health, safety, or welfare.

Section 209.05 Costs of Abatement; Liens on Property

(a) The Director of Parks, Recreation, and Properties, after abating a nuisance under this Chapter shall bill the owner of the property for reimbursement of the costs of abatement. **The bill shall be mailed to the owner's last known address, when the name and address of the owner are known.**

(b) Costs that may be billed include inspection, records research, notification, if any, and billing. A schedule of the costs shall be on file in the office of the Director of Parks, Recreation, and Properties, open for public inspection, and shall be published at least once in the City Record.

(c) If a bill is not paid within 60 days, or if the name or address of the owner is not known, the Director of Parks, Recreation, and Properties may certify that fact to the Commissioner of Assessments and Licenses. The Commissioner shall make a written return to the County Auditor of the action under this Chapter, including a statement of the costs of the abatement services and a description of the property sufficient to allow the costs to become a lien on the property. The lien shall be collected in the same manner as other taxes and returned to the City general fund in accordance with Revised Code Chapter 731.

(d) Nothing in this Section shall prevent the Director of Law from taking any other action necessary to collect the costs of abatement described by this Section.

Section 209.99 Enforcement; penalties

(a) This Chapter may be enforced through civil or criminal legal proceedings. These remedies are in addition to any right the City may have under this Chapter to abate a nuisance and to recover the costs of the abatement.

(b) **No person shall fail to abate a nuisance described in this Chapter.**

(c) A violation of this Chapter shall be a minor misdemeanor.

(d) In addition to any other method of enforcement provided in this Chapter, this Chapter may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976: Section 203.02, as amended by Ordinance No. 511-76, passed, June 14, 1976; and

Sections 209.02, 209.03, 209.04, 209.05, and 209.99 as enacted by Ordinance No. 1017-97, passed June 16, 1997 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 Health, Parks, Recreation and Properties, Finance, Law; Committees on Health and Human Services, Public Parks, Property, and Recreation, Legislation, Finance.

Ord. No. 321-06.**By Council Member Zone.****An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 50th Street to Mark M. Bougerra.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-35-056 and 002-35-206, as more fully described below, to Mark M. Bougerra.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 002-35-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 24.43 feet of Sublot No. 307 in Benedict and Root's Allotment of part of Original Brooklyn Township Lot Nos. 48 and 49, as shown by the recorded plat of said Allotment in Volume 1 of Maps, Page 13 of Cuyahoga County Records. Said part of Sublot No. 307 has a frontage of 24.43 feet on the Easterly side of West 50th Street (formerly Birch Street (and extends back between parallel lines 126 feet to a 12 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to easement recited in Volume 4751, Page 399 of Cuyahoga County Records filed July 15, 1937.

P. P. No. 002-35-206

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 46 feet of the Southerly one-half of Sublot No. 308 in Benedict and Root's Subdivision of part of Original Brooklyn Township Lot Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, and being 30 feet front on the Westerly side of West 49th Place, and extending back between parallel lines 46 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall

be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. 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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 322-06.**By Council Member Britt.****An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th Street to Regal Arms, Inc.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-21-022, as more fully described below, to Regal Arms, Inc.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 119-21-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 90 feet of and Northerly 37.50 feet of Sublot No. 22 in H. and A. Jaynes Subdivision of part of Original One Hundred Acre Lot Nos. 399 and 407 as shown by the recorded plat in Volume 5 of Maps, Page 24 of Cuyahoga County Records and being 37.50 feet front on the Easterly side of East 79th Street (formerly Madison Avenue) and extending back of equal width 90 feet, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. 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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 323-06.**By Council Member Conwell.****An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to Dawud Ali.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 111-05-002, as more fully described below, to Dawud Ali.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 111-05-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in L.M. Southern's Allotment of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 23 of Maps, Page 4 of Cuyahoga County Records, and part of the reserved strip in L.M. Southern's Victoria Park Allotment recorded in Volume 31 of Maps, Page 21 of Cuyahoga County Records, together bounded and described as follows:

Beginning in the Northerly line of St. Clair Avenue, N.E., at a point 60 feet Easterly from its intersection with the Easterly line of East 115th Street; thence Northerly parallel with the Easterly line of Sublot No. 2, 90 feet; thence Easterly parallel with the Northerly line of St. Clair Avenue, N.E., 49-25/100 feet to a stake in the Easterly line of said reserved strip; thence Southerly along the Easterly line of said reserved strip, 90 feet to a stake in the Northerly line of St. Clair Avenue, N.E.; thence Westerly along the Northerly line of St. Clair Avenue, N.E., 49-25/100 feet to the place of beginning

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Direc-

tor of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. 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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 324-06.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Greater Cleveland Habitat for Humanity, Inc.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 110-21-123, 111-05-105, 111-05-143 and 111-06-064, as more fully described below, to Greater Cleveland Habitat for Humanity, Inc.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 110-21-123

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 32 in L.J. Hostetter Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 46 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Ohlman Avenue, N.E., and extending back of equal width 100 feet deep, be the same more or less, but subject to all legal highways.

P. P. No. 111-05-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being the Southerly 4 feet of Sublot No. 29 and the Northerly 36 feet of Sublot No. 30 on L.M. Southern's Victoria Park Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 31 of Maps, Page 21 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 117th Street and extending back of equal width 120 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 111-05-143

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 19 in L.M. Southern's Victoria Park Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 31 of Maps, Page 21 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 117th Street and extending back of equal width 120 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 111-06-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lot No. 363 and bounded and described as follows:

Parcel No. 1

Beginning at a point in the Westerly line of East 117th Street, distant Southerly measured along said line, 42 feet from its intersection with the Southerly line of Sellers Avenue, N.E.; thence Westerly parallel with the Southerly line of Sellers Avenue N.E., 120 feet; thence Southerly and parallel with the Westerly line of East 117th Street, 43.21 feet; thence Easterly parallel with the first described line, 120 feet to the Westerly line of East 117th Street; thence Northerly along the Westerly line of East 117th Street, 43.21 feet to the place of beginning.

Parcel No. 2

Beginning at a point in the Westerly line of East 117th Street, distant Southerly, measured along said line, 85.21 feet from its intersection with the Southerly line of Sellers Avenue, N.E.; thence Westerly parallel with the Southerly line of Sellers Avenue, N.E., 120 feet; thence Southerly parallel with the Westerly line of East 117th Street, 43.21 feet; thence Easterly parallel with the first described line, 120 feet to the Westerly line of East 117th Street; thence Northerly along the Westerly line of East 117th Street, 43.21 feet to the place of beginning.

Also subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordi-

nance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. 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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 325-06.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Union Avenue to Kids Health 2020.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-01-013 as more fully described below, to Kids Health 2020.

Section 2. That the real property to be sold pursuant to Section 1 of

this Ordinance is more fully described as follows:

P. P. No. 137-01-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 77 in the Union-Rice Subdivision of part of Original One Hundred Acre Lots Nos. 444 and 452, as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records and being 40 feet front on the Southerly side of Union Avenue, S.E. and extending back 113.08 feet on the Westerly line, (which is also the Easterly side of East 118th Street), 113.31 feet on the Easterly, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-01-044 and 137-01-045 as more fully described below to Kids Health 2020.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. Nos. 137-01-044
and 137-01-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 78 and 79 in the Union-Rice Subdivision of part of Original One Hundred Acre Lot Nos. 452 and 444, as shown by the recorded plat of said Subdivision in Volume 47 of Maps, Page 24 of Cuyahoga County Records. Said Sublot Nos. 78 and 79 form a parcel of land having a frontage of 70 feet on the Easterly side of East 118th Street and extending back 116 86/100 feet on the Northerly line, 117 10/100 feet on the Southerly line, and having a rear line of 70 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-02-130 as more fully described below, to Kids Health 2020.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 137-02-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and further described as follows: And known as being the Northerly 37-1/2 feet of Sublots Nos. 167 and 168 in Peter and Caroline Ray's Allotment of part of Original One Hundred Acre Lot No. 452, as shown by the recorded plat in Volume 14 of Maps, Page 2 of Cuyahoga County Records and together forming a parcel of land having a frontage of 37-1/2 feet on the Easterly side of East 120th Street (for-

merly Longacre Avenue), and extending back of equal width 80 feet, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-02-131 as more fully described, to Kids Health 2020.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 137-02-131

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and further described as follows: and known as being the Northerly 37.5 feet of Sublot No. 166 in Peter and Caroline Ray's Allotment of part of Original One Hundred Acre Lot No. 452, as shown by the recorded plat in Volume 14 of Maps, Page 2 of Cuyahoga County Records, and beginning on the Easterly side of East 120th Street, 60 feet wide, thence Easterly 80 feet to a point in the Westerly line of Sublot No. 166 and the principle place of beginning; thence Northerly 37.5 feet to the Northwesterly corner of said Sublot; thence Easterly 40 feet to the Northeasterly corner of said Sublot; thence Southerly 37.5 to a point; thence Westerly 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-02-133 as more fully described below, to Kids Health 2020.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 137-02-133

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 179 and 180 in Peter and Caroline Ray's Allotment of part of Original One Hundred Acre Lot No. 452 as shown by the recorded plat in Volume 14 of Maps, Page 2 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 120th Street (formerly Longacre Street) at a point 137 feet Southerly (measured along said Easterly line) form its point of intersection with the Southerly line of Union Avenue, S.E. (formerly Union Street); thence Southerly along said Easterly line of East 120th Street, 37 feet to a point; thence Easterly parallel with the Southerly line of Union, S.E., 80 feet to a point in the Easterly line of said Sublot No. 179 in said Allotment; thence Northerly along the Easterly line of said Sublot No. 179,

37 feet to a point; thence Westerly parallel with the Southerly line of Union Avenue, S.E., 80 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 12. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 13. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 14. 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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

**FIRST READING EMERGENCY
RESOLUTION REFERRED**

Res. No. 319-06.

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

An emergency resolution declaring the necessity and intention to appropriate property for the public use of repairing and resurfacing a portion of St. Clair Avenue.

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 for the public purpose of repairing and resurfacing a portion of St. Clair Avenue, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at St. Clair Avenue between East

72nd Street and the east corporation line:

ST. CLAIR AVENUE
Auditor's Parcel No. 105-16-019
Right-of-Way Exhibit "A"

PARCEL NO. 1WD

To be acquired in fee:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part Sublot 66 in the W.J. Gordon Estate Subdivision of part of Original One Hundred Acre Lot No. 48 as shown by the recorded plat in Volume 28, Page 2 of Cuyahoga County Records, bounded and described as follows:

Beginning at the intersection of the centerline of St. Clair Avenue (99' wide) and the centerline of East 72nd Street (100' wide);

Thence North 58° 52' 46" East, along the centerline of said St. Clair Avenue, a distance of 88.39 feet to a point;

Thence North 31° 07' 14" West a distance of 49.50 feet to the easterly line of said East 72nd Street, at its intersection with the northwesterly line of said St. Clair Avenue and the Principal Place of Beginning;

Thence North 00° 03' 13" East, along the easterly line of said East 72nd Street, a distance of 44.34 feet to a point;

Thence along a proposed turnout on an arc deflecting to the left, an arc distance of 52.87 feet, said arc has a radius of 25.00 feet and a chord bearing of South 60° 32' 00" East 43.56 feet to the northwesterly line of said St. Clair Avenue;

Thence South 58° 52' 46" West, along said northwesterly line, a distance of 44.34 feet to the Principal Place of Beginning and containing 448 square feet (0.010 acres) of land be the same more or less but subject to all legal highways.

This legal description is based on plan drawings prepared by Trans-Systems Corporation. Bearings are to an assumed meridian and are used to denote angles only.

ST. CLAIR AVENUE
Auditor's Parcel Nos.
108-28-019, 020 & 021
Right-of-Way Exhibit "E"

PARCEL NO. 5WD

To be acquired in fee:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 362, bounded and described as follows:

Beginning at the intersection of the centerline of St. Clair Avenue (80' wide) and the centerline of East 106th Street (45' wide), said point is at Station 92+14.42 of St. Clair Avenue;

Thence South 58° 35' 36" West, along the centerline of said St. Clair Avenue, a distance of 100.19 feet to a point;

Thence South 31° 24' 24" East a distance of 40.00 feet to the Southerly line of said St. Clair Avenue. Said point is 40.00 right of Station

91+14.23 and the Principal Place of Beginning;

Thence North 58° 35' 36" East, along the southerly line of said St. Clair Avenue, a distance of 130.84 feet to a point;

Thence South 25° 51' 24" East, along the easterly line of land conveyed to Hamilton Place Associates by deed recorded in Volume 15671, Page 621 of Cuyahoga County Records, a distance of 11.36 feet;

Thence along a curve deflecting to the left an arc distance of 130.40 feet to the southerly line of said St. Clair Avenue and the Principal Place of Beginning, said curved line has a radius of 750.00 feet and a chord which bears South 63° 34' 27" West 130.23, containing 494 square feet (0.011 acres) of land be the same more or less but subject to all legal highways.

This legal description is based on plan drawings prepared by Trans-Systems Corporation. Bearings are to an assumed meridian and are used to denote angles only.

ST. CLAIR AVENUE
Auditor's Parcel No. 108-28-012
Right-of-Way Exhibit "G"

PARCEL NO. 7WD

To be acquired in fee:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 362, bounded and described as follows:

Beginning at the intersection of the centerline of St. Clair Avenue (80' wide) and the centerline of East 106th Street (45' wide), said point is at Station 92+14.42 of St. Clair Avenue;

Thence North 58° 35' 36" East, along the centerline of said St. Clair Avenue, a distance of 44.23 feet to an angle point;

Thence North 79° 18' 47" East, continuing along the centerline of said St. Clair Avenue, a distance of 144.42 to a point;

Thence South 10° 41' 13" East a distance of 40.00 feet to the Southerly line of said St. Clair Avenue. Said point is 40.00 right of Station 94+03.07 and the Principal Place of Beginning;

Thence along a curve deflecting to the left an arc distance of 41.61 feet to the westerly line of land conveyed to Eagle Wing Missionary by deed conveyed by deed recorded in Volume 86-6877, Page 52 of Cuyahoga County Records, said curved line has a radius of 750.00 feet and a chord which bears South 77° 43' 26" West 41.60 feet;

Thence North 00° 31' 40" West, along said westerly line, a distance of 1.17 feet to the existing southerly line of said St. Clair Avenue;

Thence North 79° 18' 47" East, along said southerly line, a distance of 41.38 feet to the Principal Place of Beginning and containing 16 square feet of land be the same more or less but subject to all legal highways.

This legal description is based on plan drawings prepared by Trans-Systems Corporation. Bearings are to an assumed meridian and are used to denote angles only.

ST. CLAIR AVENUE
Auditor's Parcel No. 108-28-101
Right-of-Way Exhibit "H"

PARCEL NO. 8WD

To be acquired in fee:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot 30 in the Linn and Issul Subdivision of part of Original East Cleveland Township Lot No. 362, as shown by the recorded plat in Volume 38, Page 16 of Cuyahoga County records. Bounded and described as follows:

Beginning at the intersection of the southerly line of St. Clair Avenue, N.E., 80 feet wide, and the westerly line of East 108th Street, 45 feet wide;

Thence South 79° 18' 47" West, along the southerly line of said St. Clair Avenue, N.E., a distance of 17.99 feet to a point;

Thence along a proposed turnout on an arc deflecting to the right an arc distance of 26.27 feet, said arc has a radius of 15.00 feet and a chord bearing South 50° 30' 53" East 23.04 feet to the westerly line of said East 108th Street;

Thence North 00° 20' 33" West, along said westerly line, a distance of 17.99 feet to the Place of Beginning, containing 73 square feet (0.002 acres) of land be the same more or less but subject to all legal highways.

This legal description is based on plan drawings prepared by TransSystems Corporation. Bearings are to an assumed meridian and are used to denote angles only.

ST. CLAIR AVENUE

Auditor's Parcel No. 114-23-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract 14, further bounded and described as follows:

Beginning at a point of intersection of the Southerly line of Chardon Road (50 feet wide) and the North-easterly line of St. Clair Avenue (60 feet wide);

Thence South 51° 30' 41" West along said Northeastly line of St. Clair Avenue a distance of 13.00 feet to a point thereon;

Thence North 38° 29' 19" West, perpendicular to said Northeastly line of St. Clair Avenue a distance of 12.22 feet to a point on said Southerly line of Chardon Road;

Thence South 85° 16' 10" East along said Southerly line of Chardon Road a distance of 17.84 feet to the point of intersection of said Southerly line of Chardon Road and said Northeastly line of St. Clair Avenue, said point also being the Place of Beginning and containing 79 sq. ft of land, be the same more or less but subject to all legal highways.

Section 2. That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that

purpose by the Director of Finance which return shall be made in the manner provided by law.

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

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

**FIRST READING EMERGENCY
ORDINANCES READ IN FULL
AND PASSED**

Ord. No. 338-06.

By Council Members Britt, Lewis, Pierce Scott, Conwell, Santiago, Zone, Cimperman and Westbrook.

An emergency ordinance consenting and approving the issuance of a permit for the 28th RiteAid Marathon and 10K, May 21, 2006, sponsored by Cleveland Marathon, Inc.

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 28th RiteAid Marathon and 10K sponsored by Cleveland Marathon, Inc. on May 21, 2006, with the Marathon starting at St. Clair and East 13th Street, St. Clair to East 18th Street, East 18th to Lakeside, Lakeside to East 9th, East 9th to Erieside, Erieside to Al Lerner Way, Al Lerner Way to West 3rd, West 3rd to Lakeside, Lakeside to west bound Shoreway, west bound Shoreway to Edgewater Drive exit, Edgewater Drive to West 117th, West 117th to Lake Avenue, Lake Avenue to Clifton east bound Shoreway entrance, east bound Shoreway to West 45th exit, West 45th to Franklin, Franklin to Fulton, Fulton to Lorain, Lorain to Carnegie, Carnegie to East 14th, East 14th to Euclid, (Half Marathon turns on East 17th to St. Clair, St. Clair to Finish Line) Euclid to East 40th, East 40th to Chester, Chester to Euclid Avenue, Euclid to East Boulevard, East Boulevard to MLK, MLK to N. Marginal, N. Marginal to bike path, bike path through State park, fishing bridge to East 55th, East 55th to S. Marginal, S. Marginal to West 3rd on ramp, West 3rd ramp to West 3rd, West 3rd to Lakeside, Lakeside to West 9th, West 9th to Superior, Superior to West 3rd, West 3rd to Lakeside, Lakeside to East 18th, East 18th to St. Clair, St. Clair to East 12th, finish; 10K starting at St. Clair & East 13th Street, St. Clair to East 18th, East 18th to Lakeside, Lakeside to East 9th, East 9th to Erieside, Erieside to West 3rd (around stadium), West 3rd to Lakeside, Lakeside to west bound Shoreway on

ramp, west bound Shoreway to West 28th exit ramp, West 28th to Detroit, Detroit to West 32nd, West 32nd to Franklin, Franklin to West 28th, West 28th to east bound Shoreway on ramp, east bound Shoreway to Lakeside, Lakeside to East 18th, East 18th to St. Clair, St. Clair to East 12th, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 339-06.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 26th Annual St. Malachi Run, on March 11, 2006, 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 26th Annual St. Malachi Run sponsored by the Hermes Sports & Events, on March 11, 2006, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 320-06.

By Council Members Reed, Zone, Westbrook and Dolan (by departmental request).

An emergency resolution appointing four assessment equalization boards to hear objections to estimated assessments with respect to improving East 154th Street from Kinsman Road to Bartlett Avenue, West 54th Street from Lorain Avenue to Bridge Avenue, West 84th Street from Clark Avenue to Denison Avenue, and Tuttle Avenue from West Park Avenue to Munn Road, respectively.

Whereas, under Resolution No. 1290-05, adopted July 13, 2005, this Council declared the necessity of improving East 154th Street from Kinsman Road to Bartlett Avenue, West 54th Street from Lorain Avenue to Bridge Avenue, West 84th Street from Clark Avenue to Denison Avenue, and Tuttle Avenue from West Park Avenue to Munn Road by relaying and repairing sidewalks, driveway aprons and curbs, including adjustments of castings and landscaping, if necessary encroaching upon the public right-of-way, or otherwise improving the right-of-way; and

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

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

Whereas, written objection to the estimated assessments have been filed by one or more property owners; and

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

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

Section 1. That Linda M. Gamble, Douglas E. Melton, and David J. Tarditi, three disinterested freeholders of the City, and Bradley D. Lom-

bardi, an alternate disinterested freeholder of the City, are appointed as an assessment equalization board, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Section 1 of Resolution No. 1290-05, adopted July 13, 2005, by this Council ("Assessment 1").

Section 2. That Linda M. Gamble, Douglas E. Melton, and David J. Tarditi, three disinterested freeholders of the City, and Bradley D. Lombardi, an alternate disinterested freeholder of the City, are appointed as an assessment equalization board, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Section 2 of Resolution No. 1290-05, adopted July 13, 2005, by this Council ("Assessment 2").

Section 3. That Linda M. Gamble, Douglas E. Melton, and David J. Tarditi, three disinterested freeholders of the City, and Bradley D. Lombardi, an alternate disinterested freeholder of the City, are appointed as an assessment equalization board, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Section 3 of Resolution No. 1290-05, adopted July 13, 2005, by this Council ("Assessment 3").

Section 4. That Linda M. Gamble, Douglas E. Melton, and David J. Tarditi, three disinterested freeholders of the City, and Bradley D. Lombardi, an alternate disinterested freeholder of the City, are appointed as an assessment equalization board, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Section 4 of Resolution No. 1290-05, adopted July 13, 2005, by this Council ("Assessment 4").

Section 5. That the assessment equalization boards shall meet in the sequence listed in this ordinance at 10:00 a.m. on March 14, 2004, at the Cleveland Convention Center, Room 208, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 6. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 326-06.

By Council Member Cleveland.

An emergency resolution declaring this Council's support of the proposal of Lupica Towers LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Lupica Towers LP is proposing to develop up to 278 housing units in the Cleveland Downtown submarket as defined by the Ohio Housing Finance Agency, in Cleveland, Ohio; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, at least 50% of these housing units will be affordable to households whose annual income is at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, this project serves a special needs population specifically persons with severe and persistent mental illness (maximum 20% of the units); and

Whereas, the Lupica Towers LP proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Lupica Towers LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 327-06.**By Council Member Cimperman.**

An emergency resolution declaring Cleveland City Council's support of the proposal of CMHA/McCormack Baron/Turbov for the development and construction of affordable housing using low-income housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates low-income housing tax credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Council of the City of Cleveland has recognized the need to maintain affordable housing in Cleveland's neighborhoods; and

Whereas, Cuyahoga Metropolitan Housing Authority (CMHA) has been awarded a HOPE VI grant in the amount of \$19,649,000 for the demolition and redevelopment of the Valleyview Homes Estates site (Valleyview); and

Whereas, CMHA and McCormack Baron Salazar/Turbov Associates (Developers) are proposing to develop Phase II consisting of eighty (80) units of multifamily housing on a portion of the Valleyview site; and

Whereas, seventy percent (70%) of these units will be occupied by qualified low-income individuals and families and thirty percent (30%) by market-rate families; and

Whereas, no less than fifty percent (50%) of the units will be reserved for public housing eligible families; and

Whereas, none of these units are targeted for a special needs population as defined in the 2006 Qualified Allocation Plan; and

Whereas, the CMHA/McCormack Baron/Turbov proposal will benefit the citizens of the City; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of CMHA/McCormack Baron/Turbov for the development of affordable housing using low-income housing tax credits awarded by the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of CMHA.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 328-06.**By Council Members Zone, Santiago, Cimperman, Britt, Westbrook, Brancatelli, White, Cleveland, Coats, Kelley, Cummins, Brady and Sweeney.**

An emergency resolution opposing proposed House Bill 515 which would amend Ohio law to prohibit an adoptive or foster child from being placed in the private residence of a homosexual, bisexual, or transgender person.

Whereas, on February 9, 2006, State Representative Ron Hood introduced the "Adoptive and Foster Children's Protection Act" (H.B. 515); and

Whereas, H.B. 515 would prohibit adoptions and foster parenting by gay, lesbian, bisexual and transgender people in Ohio; and

Whereas, H.B. 515 would also deny adoption or foster parenting to a household where any "individual who is a homosexual, bisexual, or transgender individual" lives — including another child; and

Whereas, H.B. 515 would require courts to determine the sexual orientation and gender identity of prospective parents and directs the Department of Job and Family Services to promulgate rules and procedures to carry this out; and

Whereas, the proposed bill attempts to legislatively circumvent the Ohio Supreme Court-established "best interest of the child" adoption standard used since 1990; and

Whereas, this Council commends House Speaker Jon Husted for ensuring that the bill remains on the "back burner", at least for now; and

Whereas, this Council believes that all citizens of the United States should be afforded equal protection under the law, and that sexual orientation is not a standard by which to measure whether a person will be a good parent; and

Whereas, this Council believes that H.B. 515 is discriminatory and violates both the Ohio and the United States Constitutions; 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 opposes proposed House Bill 515 which would amend Ohio law to prohibit an adoptive or foster child from being placed in the private residence of a homosexual, bisexual, or transgender person.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to members of the Ohio House of Representatives and Ohio Senate.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 329-06.**By Council Member Brady.**

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3535 West 117th Street, front.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Zebby, Inc., DBA Squires Inn, 3535 West 117th Street, front, Cleveland, Ohio 44111, Permanent Number 9900925 to 3535 West 117th Street, Inc., DBA Squires Inn, 3535 West 117th Street, front, Cleveland, Ohio 44111, Permanent Number 8915020; 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 transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Zebby, Inc., DBA Squires Inn, 3535 West 117th Street, front, Cleveland, Ohio 44111, Permanent Number 9900925 to 3535 West 117th Street, Inc., DBA Squires Inn, 3535 West 117th Street, front, Cleveland, Ohio 44111, Permanent Number 8915020; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 330-06.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3071 East 65th Street, and repealing Resolution No. 1380-05, objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 3071 East 65th Street by Resolution No. 1380-05 adopted by the Council on July 13, 2005; 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 D2, D2X, D3 and D3A Liquor Permit to James Jackson, DBA Vince's Café, 3071 East 65th Street, Cleveland, Ohio 44127, Permanent Number 4199709 be and the same is hereby withdrawn and Resolution No. 1380-05, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 331-06.

By Council Member Cimperman.

An emergency resolution objecting to a New C1 Liquor Permit at 4030 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit a 4030 Convient Deli, Inc., 4030 St. Clair Avenue, Cleveland, Ohio 44113, Permanent Number 2847850; 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 inter-

ests 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 C1 Liquor Permit at 4030 Convient Deli, Inc., 4030 St. Clair Avenue, Cleveland, Ohio 44113, Permanent Number 2847850; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 332-06.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 4059 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Uptown Jazz, Inc., 4059 St. Clair Avenue, Cleveland, Ohio 44103, Per-

manent Number 9170552 to Simply Ours, LLC, DBA Robins Nest, 4059 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 8177655; 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 D5 Liquor Permit from Uptown Jazz, Inc., 4059 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 9170552 to Simply Ours, LLC, DBA Robins Nest, 4059 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 8177655; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 333-06.**By Council Member Cimperman.****An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 1740 East 17th Street, 1st floor and basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Moe's Bar, Inc., 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 60811670001 to Tyler Britton Zinn, DBA Moe's Bar and Grill, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 9949500; 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 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 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 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

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 334-06.**By Council Member Johnson.****An emergency resolution objecting to a New C2 Liquor Permit at 10017 Sophia Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Hayfa, Inc., DBA Sophia Food Market, 10017 Sophia Avenue, Cleveland, Ohio 44104, Permanent Number 3693704; 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 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 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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Hayfa, Inc., DBA Sophia Food Market, 10017 Sophia Avenue, Cleveland, Ohio 44104, Permanent Number 3693704; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 335-06.**By Council Member Polensek.****An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 783 East 185th Street, rear & patio and 779 East 185th Street, 1st floor and basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Almost There, Inc., DBA Gameday Saloon, 783 East 185th Street, rear and patio and 779 East 185th Street, 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 0143166 to Rogmoore, Inc., 783 East 185th Street, rear and patio and 779 East 185th Street, 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 7483542; 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 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 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 D1, D2, D3 and D3A Liquor Permit from Almost There, Inc., DBA Gameday Saloon, 783 East 185th Street, rear and patio and 779 East 185th Street, 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 0143166 to Rogmoore, Inc., 783 East 185th Street, rear and patio and 779 East 185th Street, 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 7483542; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 336-06.

By Council Member Polensek.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 835-837 East 185th Street, and repealing Resolution No. 1354-05, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to East 185th Street Tavern, LLC, DBA LaSalle's, 835-837 East 185th Street by Resolution No. 1354-05 adopted by the Council on July 13, 2005; and

Whereas, this Council wishes to withdraw its objection to the above

renewal and consents to said renewal based upon and pursuant to a cooperation agreement between City Councilmember Michael D. Polensek and Applicant, John L. MacDonald; 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 Liquor Permit to East 185th Street Tavern, LLC, DBA LaSalle's, 835-837 East 185th Street, Cleveland, Ohio 44119, Permanent Number 2405692 be and the same is hereby withdrawn and Resolution No. 1354-05, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 337-06.

By Council Member Santiago.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 3271 West 46th Street, 1st floor front, west, and repealing Resolution No. 1556-05, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to Saed W. Sadik, DBA Quick Stop, 3271 West 46th Street, 1st floor, front, west, Cleveland, Ohio 44102 by Resolution No. 1556-05 adopted by the Council on August 3, 2005; 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 C1 Liquor Permit to Saed W. Sadik, DBA Quick Stop, 3271 West 46th Street, 1st floor, front, west, Cleveland, Ohio 44102, Permanent Number 76697500005 be and the same is hereby withdrawn and Resolution No. 1556-05, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 340-06.

By Council Members Cimperman, Sweeney, Polensek, White, Zone, Pierce Scott, Brancatelli, Westbrook and Britt.

An emergency resolution supporting Ohio House Bill 482 which requires any physical fitness facility in the state to place within the facility an automatic external defibrillator, requires the facility to have at least one employee trained in use of a defibrillator present at the facility during operating hours, and grants civil immunity to any person who performs automated external defibrillation in good faith.

Whereas, for several years now, the City of Cleveland has placed automated external defibrillators at each elevator bank on every floor of Cleveland City Hall, as well as on location at each of its recreation centers; and

Whereas, currently in Ohio, physical fitness facilities are not required to have automated external defibrillators on location; and

Whereas, it is reasonable to assume that one of the most important places to have an automated external defibrillator is at a physical fitness facility, as it is at such places that people exercise, increasing their heart rates and blood pressure, thus increasing their risk of heart attacks; and

Whereas, this Council is aware of at least one death due to a heart attack that occurred at a physical fitness facility, which likely could have been avoided had an automatic external defibrillator been at the facility and had someone trained to use it been available; 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 Ohio House Bill 482 which requires any physical fitness facility in the state to place within the facility an automatic external defibrillator, requires the facility to have at least one employee trained in use of a defibrillator present at the facility during operating hours, and grants civil immunity to any person who performs automated external defibrillation in good faith.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to all members of the Ohio legislature representing 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 341-06.

By Council Member Sweeney.

An emergency resolution supporting the introduction, passage and enactment of federal relief legislation providing for legal permanent residency and/or naturalization and United States citizenship for Manuel Bartsch.

Whereas, it has come before the Council of the City of Cleveland that Manuel Bartsch, of Gilboa, Ohio, is an 18 year old high school senior and has resided in the State of Ohio for nearly ten years, after having been brought to the United States as a young child by his step-grandfather; and

Whereas, Manuel Bartsch's legal guardian took no responsible steps to legalize Manuel's immigration status so he could lawfully remain in the United States; and

Whereas, Manuel Bartsch has attended the Pandora-Gilboa High School in Pandora, Ohio and expects to graduate in May, 2006; and

Whereas, Manuel Bartsch has been accepted for admission to the University of Northwestern Ohio School of Business; and

Whereas, Manuel Bartsch, on his own initiative, sought the counsel and assistance of the Department of Homeland Security ("DHS"), and the United States Citizenship and Immigration Services ("USCIS") to clarify his immigration status; and

Whereas, Manuel Bartsch's request for assistance to the USCIS ultimately resulted in his arrest and detention by U. S. Immigration and Customs Enforcement ("ICE"); and

Whereas, ICE ultimately released Manuel Bartsch from custody but continues to vigorously pursue his deportation from the United States; and

Whereas, Manuel Bartsch has spent the formative years of his life living and attending school in Ohio and because other special humanitarian circumstances exist in this case;

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 the introduction, passage and enactment of federal relief legislation providing for legal permanent residency and/or natural-

ization and United States citizenship for Manuel Bartsch.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to U.S. Senators Mike DeWine and George Voinovich and all members of the Ohio delegation.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 342-06.

By Council Members Zone, Santiago, White, Brady, Cimperman, Conwell, Brancatelli, Pierce Scott, Sweeney and Cummins.

An emergency resolution opposing the "Sensenbrenner-King Bill", House Resolution 4437, which would make felons of 11 million undocumented immigrants, criminalize contact with undocumented immigrants and frustrate the dreams of legal immigrants seeking citizenship.

Whereas, on December 16, 2005, the U.S. House of Representatives approved the *Border Protection, Antiterrorism and Illegal Immigration Act*, H.R. 4437, also known as the Sensenbrenner-King Bill; and

Whereas, H.R. 4437 criminalizes the mere presence of an alien without valid immigration status, thereby causing 11 million undocumented immigrants currently living and working in the U.S. to be guilty of a federal felony; and

Whereas, the Bill's broad definition of "smuggling" allows the federal government to prosecute almost any American having casual contact with an undocumented immigrant; and

Whereas, H.R. 4437 could potentially make criminals out of church groups providing food, shelter or other assistance to undocumented immigrants, social workers assisting undocumented workers who are victims of domestic abuse, co-workers giving an undocumented immigrant a ride to work, and a U.S. citizen living with a spouse who is an undocumented immigrant; and

Whereas, H.R. 4437 eliminates judicial oversight of delays in the naturalization process and allows the federal government to use subjective and secretive information to bar legal immigrants from becoming U.S. citizens; 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 opposes the "*Sensenbrenner-King Bill*", House Resolution 4437, which would make felons of 11 million undocumented immigrants, criminalize contact with undocumented immigrants and frustrate the dreams of legal immigrants seeking citizenship

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to U.S. Senators Mike DeWine and George Voinovich.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 343-06.

By Council Member Sweeney.

An emergency resolution rejecting in its entirety the Fact-Finder's findings and recommendations in the matter of City of Cleveland and the Treasurers and Ticket Sellers Union, Local 756.

Whereas, findings and recommendations of the Fact-Finder have been submitted to this Council under division(C)(6)(a) of Section 4117.14 of the Revised Code; 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, having duly considered the Fact-Finder's findings and recommendations in the matter of City of Cleveland and Treasurers and Ticket Sellers Union, Local 756 (SERB Case No. 04-MED-01-0054), which are dated February 23, 2006 and which were served on the City's representative on February 24, 2006, a copy of which are contained in File No. 343-06-A, this Council rejects the Fact-Finder's findings and recommendations in their entirety.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 115-06.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 68th Street to Juahmea Charnuse Harris.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 116-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier Avenue to Angela Bennett.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 118-06.

By Council Member Pierce Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to Rondia J. Thompson.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 119-06.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cedar Avenue and East 100th and 101st Streets to Fairfax Renaissance Development Corporation.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 192-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance

No. 1863-05, passed October 17, 2005, relating to a contract with Imperial Parking Company for the purchase of parking spaces located in the garage adjacent to the 205 St. Clair building.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 196-06.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1271-05, passed October 17, 2005, to acquire properties at the intersection of East 4th Street and Euclid Avenue and authorizing the Commissioner of Purchases and Supplies to convey the properties to 410 Euclid, LLC.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Relieved of Committees on Community and Economic Development, City Planning; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 233-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of commercial gases, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 234-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of fasteners, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 235-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of first aid supplies, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 236-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of lamps, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 237-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of landscape materials, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 238-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of microfiche and CD-Rom services, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 239-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of paint and paint supplies, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 240-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the rental and laundry of work clothing, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 241-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more

requirement contracts of standard wire, for the various divisions of City government.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

LAI D ON THE TABLE

Ord. No. 1731-02.

By Council Member Cimperman. An ordinance to change the zoning of property at 2323 Lakeside Avenue and of property north of the former ConRail tracks, between East 21st and East 26th Streets (Map Change Nos. 2056, Sheet No. 4).

Ord. No. 464-03.

By Council Member Cimperman. An ordinance to change the zoning of property on the northeast corner of Superior Avenue and East 55th Street to Multi-Family Residential (Map Change No. 2072, Sheet No. 4).

Ord. No. 274-04.

By Council Member Cimperman. An ordinance to change the zoning of a parcel on Riverbed Street from General Industry to Residence-Industry (Map Change No. 2115, Sheet No. 1).

Without objection, Ordinance No. 1731-02, Ordinance No. 464-03 and Ordinance No. 274-04, were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 1731-02, Ordinance No. 464-03 and Ordinance No. 274-04 laid on the table.

Council Member Turner entered the meeting.

JOURNAL CORRECTION

The Journal of February 15, 2006 (City Record Volume 93, page 213), is hereby corrected to reflect the adoption of First Reading Resolution No. 263-06, by inserting the following:

Res. No. 263-06.

By Council Member Pierce Scott. An emergency resolution declaring this Council's support of the proposal of Cleveland East LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland East LP is proposing to develop up to 30 housing units on scattered sites throughout the City of Cleveland, with special emphasis on the East submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these housing units will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, 50% of these housing units will be affordable to households whose annual income is at or below 50% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Cleveland East LP proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Cleveland East LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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.

MOTION

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

MOTION

The Council Meeting adjourned at 7:55 p.m. to meet Monday, March 6, 2006 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

February 22, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 22, 2006, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Director Triozzi, Interim Director Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Acting Director Smith, Interim Directors Cox, Rush, Director Hutchinson, Interim Directors Huth, Fumich and Interim Director Rybka.

Absent: Interim Director Dumas and Director Guzman.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

Resolution No. 50-06.

By Interim Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Alfieri Brothers Material Supply Co. for an estimated quantity of labor and materials for the sewer test tee inspection, installation and snaking, for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on February 8, 2006, under the authority of Section 541.13 of Codified Ordinances of Cleveland, Ohio, 1976, on the basis of the estimated quantity would amount to \$398,530.00, 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. 155026 which shall be certified against the contract in the sum of \$150,000.00.

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.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractor for the contract authorized is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
<u>MBE/FBE</u>	
J Sons, Inc.	
MBE	\$59,779.50 (15.00%)

Yeas: Mayor Jackson, Director Triozzi, Interim Director Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Acting Director Smith, Interim Directors Cox, Rush, Director Hutchinson, Interim Directors Huth, Fumich and Interim Director Rybka.

Nays: None.

Absent: Interim Director Dumas and Director Guzman.

Resolution No. 51-06.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following additional sub-contractors by Independence Excavating under City Contract No. 64679 to construct the Centralized Deicing Facility at Cleveland Hopkins International Airport for the Department of Port Control, authorized by Ordinance No. 465-05, passed by the Council of the City of Cleveland on May 9, 2005, and Board of Control Resolution No. 416-05 adopted August 10, 2005, is approved.

<u>Sub-contractor</u>	<u>Contract %</u> <u>Amount</u>
North Electric	MBE & DBE 2.29% \$1,023,226.00
Cook Paving & Construction Co.	MBE 0.11% \$ 48,000.00
KS Associates	FBE 0.04% \$ 20,000.00
American Water Services	NON 1.05% \$ 468,010.00
Ajax Paving	NON 21.72% \$9,698,710.00
Antigo Construction	NON 0.16% \$ 69,900.00
Doan Pyramid Electric	NON 12.49% \$5,577,984.49
The Shelly Company	NON 3.66% \$1,633,711.50
Lake Erie Construction	NON 1.12% \$ 501,680.00
Aero-Mark	NON 0.35% \$ 157,124.00
Safety Grooving	NON 0.11% \$ 47,841.50
Reliance Mechanical	NON 1.62% \$ 725,000.00
Riley Contracting	NON 0.20% \$ 91,200.00
Precision Directional Boring	DBE 0.02% \$ 7,200.00
KLE Construction	DBE 1.11% \$ 494,972.50

Be it further resolved by the Board of Control of the City of Cleveland that North Electric, Inc. is substituted for Gateway Electric, Inc. approved by Board of Control Resolution No. 416-05 adopted August 10, 2005.

Yeas: Mayor Jackson, Director Triozzi, Interim Director Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Acting Director Smith, Interim Directors Cox, Rush, Director Hutchinson, Interim Directors Huth, Fumich and Interim Director Rybka.

Nays: None.

Absent: Interim Director Dumas and Director Guzman.

Resolution No. 52-06.

By Director Flask.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1086-04, passed by the Council of the City of Cleveland on August 11, 2004, Datamaxx Group Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Safety as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to provide software and professional services related to the Public Safety Systems Automation Project-Police Mobile Computing System for the Division of Police, Department of Public Safety.

Be it further resolved that the Director of Public Safety is authorized to enter into contract with Datamaxx Group Inc. based on its proposal dated October 4, 2005, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for an aggregate fee of \$1,992,049.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Jackson, Director Triozzi, Interim Director Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Acting Director Smith, Interim Directors Cox, Rush, Director Hutchinson, Interim Directors Huth, Fumich and Interim Director Rybka.

Nays: None.

Absent: Interim Director Dumas and Director Guzman.

Resolution No. 53-06.

By Interim Director Cox.

Resolved by the Board of Control of the City of Cleveland that all bids received on December 15, 2005, for the public improvement of Camp Forbes, for the Department of Parks, Recreation, and Properties, under the authority of Ordinance No. 849-01, passed on August 15, 2001, by the Council of the City of Cleveland, be and the same are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Director Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Acting Director Smith, Interim Directors Cox, Rush, Director Hutchinson, Interim Directors Huth, Fumich and Interim Director Rybka.

Nays: None.

Absent: Interim Director Dumas and Director Guzman.

Resolution No. 54-06.

By Interim Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Designwise Construction Company, Inc., for the public improvement of the building improvements for the Earle B. Turner Recreation Center Phase 1 Gymnasium Renovations, base bid, for the Department of Parks, Recreation, and Properties, received on November 30, 2005, under the authority of Ordinance No. 1264-03, passed July

16, 2003, and Ordinance No. 2151-03, passed December 15, 2003, for a gross price for the improvement in the aggregate amount of \$144,070, is affirmed and approved as the lowest responsible bid, and the Director of Parks, Recreation, and Properties is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Designwise Construction Company, Inc. is approved:

<u>Subcontractor</u> <u>MBE/FBE</u>	<u>Amount</u> <u>Percentage</u>
Post Painting FBE	\$11,000 7.64%
BAM Electric MBE	\$42,000 29.15%

Yeas: Mayor Jackson, Director Triozzi, Interim Director Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Acting Director Smith, Interim Directors Cox, Rush, Director Hutchinson, Interim Directors Huth, Fumich and Interim Director Rybka.

Nays: None.

Absent: Interim Director Dumas and Director Guzman.

Resolution No. 55-06.

By Interim Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 119-21-048, located at Cedar Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1831-05, passed October 10, 2005, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Vienna Distributing Company has proposed to the City to purchase and develop the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authorization of Ordinance No. 1831-05 passed October 10, 2005, passed by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Vienna Distributing Company for the sale and development of Permanent Parcel No. 119-21-048, as described in the Ordinance in accordance with 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 parcel shall be \$500.00, which amount is determined to be not less than the fair market value of the parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Jackson, Director Triozzi, Interim Director Ciaccia,

Acting Director McGraw, Interim Directors Wasik, Carroll, Acting Director Smith, Interim Directors Cox, Rush, Director Hutchinson, Interim Directors Huth, Fumich and Interim Director Rybka.

Nays: None.

Absent: Interim Director Dumas and Director Guzman.

Resolution No. 56-06.

By Interim Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 005-27-017 and 005-27-141, located at Madison Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1300-05, passed August 3, 2005, 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, Valen LLC. has 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 authorization of Ordinance No. 1300-05 passed August 3, 2005, passed by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Valen LLC. for the sale and development of Permanent Parcel Nos. 005-27-017 and 005-27-141, as described in the Ordinance in accordance with 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 \$3,000.00, which amount is determined to be not less than the fair market value of the parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Jackson, Director Triozzi, Interim Director Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Acting Director Smith, Interim Directors Cox, Rush, Director Hutchinson, Interim Directors Huth, Fumich and Interim Director Rybka.

Nays: None.

Absent: Interim Director Dumas and Director Guzman.

Resolution No. 57-06.

By Interim Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 008-14-054 and 008-14-055, located at Holmden Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 2246-05, passed December 5, 2005, 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, First Interstate Development, Inc. has 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 authorization of Ordinance No. 2246-05, passed December 5, 2005, passed by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with First Interstate Development, Inc. for the sale and development of Permanent Parcel Nos. 008-14-054 and 008-14-055, as described in the Ordinance in accordance with 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 \$500.00, which amount is determined to be not less than the fair market value of the parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Jackson, Director Triozzi, Interim Director Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Acting Director Smith, Interim Directors Cox, Rush, Director Hutchinson, Interim Directors Huth, Fumich and Interim Director Rybka.

Nays: None.

Absent: Interim Director Dumas and Director Guzman.

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

MONDAY, MARCH 13, 2006

9:30 A.M.

Calendar No. 06-25: Appeal of Hussein Harmouche

Hussein Harmouche appeals under Section 76-6 of the Charter of the City of Cleveland from the Notice of Rejection regarding an application for a City of Cleveland Handgun Registration and Handgun Owner's Identification Card by Michael McGrath, Chief of the Cleveland Division of Police, under authority of Section 674.02 of the Codified Ordinances.

Calendar No. 06-27: 2051 East 125th Street (Ward 6)

Jim & Jeff Ltd., owner, and David Putnum, agent, appeal to place six air conditioning units in the south side yard of an existing two-story multi-family building, situated on a 50' x 150' parcel in a Multi-Family District on the east side of East 125th Street at 2051 East 125th Street; contrary to Sections 357.09(b)(2)(C), a 2' side yard is proposed and in a Multi-Family District no interior side yard shall be less in width than one-fourth the height of the main building on the premises nor less than an 8' width; and air conditioning units are not a permitted interior side yard encroachment, according to the provisions of Section 357.13 of the Codified Ordinances.

Calendar No. 06-28: 6928 Superior Avenue (Ward 7)

Sandra Brooks and the 6920 Superior LLC, owner, appeal to change from retail stores to dwelling units, the first floor of an existing two-story mixed use building, situated on a 100.5' x 100' corner parcel in a Local Retail Business District on the southwest corner of Superior and Giddings Avenues at 6928 Superior Avenue; as proposed, the maximum gross floor area of the dwelling units is approximately 10,400 square feet and in a "C" Area District, the maximum gross floor area may not exceed one-half of the lot area, or approximately 4,500 square feet, to comply with the requirements of Section 355.04 of the Codified Ordinances.

Calendar No. 06-29: 1436 West 52nd Street (Ward 17)

Linda Adkins, owner, appeals to erect a 5'-10" x 18' one-story, frame porch enclosure to the front of an existing one family dwelling, situated on a 40' x 78' parcel in a Two-Family District on the west side of West 52nd Street at 1436 West 52nd Street; the proposed enclosure being contrary to Sections 357.13(b)(4) with a request for 5'-10" where an enclosed porch may not project more than 4' and a 7' distance is estimated from the street line and 10' is required and no interior side yard is provided where Section 357.09 requires a 3' width; and the requirements for side yard condition and boundary lines of the plot are not drawn to scale, contrary to

Section 327.02 of the Codified Ordinances.

Calendar No. 06-32: 601 Erieside Avenue (Ward 13)

The City of Cleveland, owner, and The Great Lakes Science Center, lessee, appeal to erect a 152' high wind turbine tower on acreage located in a B3 General Industry District, situated on the north side of Erieside Avenue at 601 Erieside Avenue; subject to the height limitations of Section 353.01, the maximum height of a structure in a 3 Height District is 115' and 152' is proposed, and the maximum height of a tower may exceed the height limit, provided that the tower is located no closer than one mile to a public airport or landing field, unless closer proximity is specifically permitted by the Board of Zoning Appeals based upon recommendations from the Department of Port Control, as stated in Sections 353.06(a)(3) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, FEBRUARY 27, 2006

At the meeting of the Board of Zoning Appeals on Monday, February 27, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-388: 16410-16416 Westview Avenue

Melanie Chapman-Bowen appealed to establish a Type A Day Care on the premises of two adjacent single family dwellings in a One-Family District; granted only for the premises at 16416 Westview Avenue with condition.

Calendar No. 06-26: 1400 East 55th Street

Goodrich-Gannett Neighborhood Center appealed to change the use from a former restaurant site to a day care and neighborhood services center on land located in split zoning for Semi-Industry and Two-Family Districts at 1400 East 55th Street.

Calendar No. 05-391: 11812 Kinsman Road

Arthur Doxey appealed to construct a new parking lot on a 42' x 115' parcel in a Two-Family District; subject to improved plan.

The following appeal was **Denied:**

Calendar No. 06-18: 1319 West 111th Street

Erik Polyak appealed to change from a two dwelling residence to three dwelling units in a Two-Family District.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

Calendar No. 05-377: 3341 Broadview Road

Tom Pavlicka, owner, and Marcia Wrick, tenant, appealed to establish a two room space in an office building for medical and cosmetic tattooing in a Local retail Business District.

The following appeals were **Postponed:**

Calendar No. 06-2: 1795 Crawford Road postponed to March 27, 2006.

Calendar No. 06-17: 3749 East 142nd Street postponed to March 13, 2006.

In Executive Session on February 27, 2006, the following appeals heard by the Board on February 21, 2006 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 06-12: 11112 Clifton Boulevard

Clifton Management LLC, owner, and Gene Elbert, tenant, appealed to change a first floor retail store to an ice cream shop in a mixed use building located in a Multi-Family District.

Calendar No. 06-13: 211 Prospect Avenue

Downtown Buildings LLC, owner, appealed to demolish a two-story retail structure and construct a surface parking lot in General Retail Business District.

Calendar No. 06-14: 10510 Park Lane

PLY Associates, LP, appealed to renovate a six-story apartment building to accommodate a restaurant, construct a condominium and retail stores and a parking garage in a Multi-Family District.

Calendar No. 06-15: 818 East 185th Street

East 185th Street Properties LLC, owner, and Northshore Café, Inc., tenant, appealed to add live entertainment to the use of a first floor space of a café/restaurant in a Local Retail Business District.

The following appeal heard by the Board on February 6, 2006 was **Approved:**

Calendar No. 06-4: 2919 East 37th Street

Charles Whitfield appealed to erect a 2,046 square foot addition to a concrete building and establish use as a warehouse and fabricating shop in a Semi-Industry District.

Secretary

**REPORT OF THE BOARD
OF BUILDING STANDARDS
AND BUILDING APPEALS**

Re: Report of the Meeting of
February 22, 2006

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland,

Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-5-06.

RE: Appeal of Roy Middlebrooks, Owner of the Two Story Masonry Property located on the premises known as 3695 East 131st Street from a NOTICE OF VIOLATION — PLUMBING, of the Director of the Department of Building and Housing, and from a NOTICE OF VIOLATION — FIRE CODE, of the Chief of the Division of Fire, both dated January 6, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant and additional four (4) weeks in which to occupy the premises. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-6-06.

RE: Appeal of Zaclon, LLC, Owner of the Property located on the premises known as 2981 Independence Road from an EMERGENCY CEASE OPERATIONS, VACATE and FIRE WATCH ORDER — FIRE CODE of the Chief of the Division of Fire, dated January 25, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 2981 Independence Road to the Division of Fire for supervision and any required further action, noting that the owner has agreed to the conditions imposed by the Fire Prevention Bureau at the meeting for both long and short term remedial action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-10-06.

RE: Appeal of David N. Myers University C/O Greater Heights Academy, Owner of the Property located on the premises known as 112 Prospect Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated January 11, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-10-06 has been POSTPONED; to be rescheduled for March 8, 2006.

* * *

Docket A-11-06.

RE: Appeal of Tammie L. Robinson, Owner of the Two Family Residential Property located on the premises known as 1110 East 66th Street from a NOTICE OF VIOLATION — ELECTRICAL, of the Director of the Department of Building

and Housing., dated January 20, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the violation has been properly served and should be upheld; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-12-06.

RE: Appeal of Target Corporation, Owner of the Property located on the premises known as 3084 West 117th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 23, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the roof to be installed with the 1/8" per foot slope as requested, noting that there is a separate secondary drainage and noting the concurrence of the City of Cleveland Building Department with the issue. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saunders and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

A-6-06—Zaclon, LLC.

A-7-06—Charles Eadeh.

A-8-06 — University Hospitals of Cleveland.

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

February 8, 2006

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher.

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, March 8, 2006
1:30 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, March 8, 2006, at 1:30 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 2373-04.

By Council Member Cimperman.
An ordinance changing the Use Districts a parcel of land on the north side of Superior Ave. from a General Retail Business to a Semi-Industry Use District and changing the Use District of a parcel of land on the west side of E. 61st Street from a General Retail Business District to Multi-Family Residential District (Map Change No. 2144, Sheet 4).

Ord. No. 1896-05.

By Council Member Kelley.
An ordinance to change the Use Districts of parcel bounded by Melber Avenue, Ridge Road and Ridgemore Ave. from Semi-Industry and Two-Family to Local Retail Business District as shown on the attached map (Map Change No. 2165, Sheet 2).

Ord. No. 2200-05.

By Council Members Brady and Cimperman (by departmental request).
An ordinance to amend Sections 1 and 2 of Ordinance No. 592-05, passed April 18, 2005, relating to the zoning of parcels on the west side of West 117th Street between Western Avenue and Interstate 90 (Map Change No. 2149, Sheet 2).

Ord. No. 161-06.

By Council Members Britt, Lewis, Cleveland, Cimperman and Sweeney (by departmental request).
An emergency ordinance to amend Section 344.07 of Ordinance No. 910-05, passed July 13, 2005, relating to the building height requirements within the Midtown Mixed-Use District; and to amend Sections 1, 2, 3, and 4 of Ordinance No. 1785-05, passed October 31, 2005, relating to zoning within the district.

Ord. No. 272-06.

By Council Member Brady.
An ordinance to change the zoning of parcels on the Southwest corner of Linnet Ave. and West 117th Street from a General Retail Business District to a Multi-Family Residential District (Map Change No. 2175 Sheet No. 2).

Joseph C. Cimperman
Chairman
Committee on City Planning

February 22, 2006 and March 1, 2006

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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."

THURSDAY, MARCH 16, 2006

25-Cubic Yards Rear Loading Refuse Packer Bodies, for the Various Divisions, Department of Public Service, Parks, Recreation and Properties and Public Safety, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, MARCH 7, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

February 22, 2006 and March 1, 2006

WEDNESDAY, MARCH 22, 2006

Phase II Residential Sound Insulation Program (RSIP) 2006 General Construction (Contract C-06-1) and HVAC/Electrical (Contract C-06-2), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed

by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

THERE WILL BE A **REFUNDABLE FEE** OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 9, 2006 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.

February 22, 2006 and March 1, 2006

FRIDAY, APRIL 7, 2006

Labor and Materials to Maintain/Repair Various Material Handling Equipment: Industrial Trucks, Sweepers and Scrubbers, Aerial Lifts, Tractors and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1027-05, passed by the Council of the City of Cleveland, July 13, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MARCH 17, 2006 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 22, 2006 and March 1, 2006

THURSDAY, MARCH 16, 2006

Camp Forbes Pond Remediation and Shower Installation, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 849-01, passed by the Council of the City of Cleveland, August 15, 2001.

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, MARCH 9, 2006 AT 2:00 P.M., CAMP FORBES (MAIN BUILDING), 25440 HARVARD ROAD, HIGHLAND HILLS, OHIO 44122.

New Exterior Door Installation at J. Glen Smith Health Center (11100 St. Clair Avenue, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2194-05, passed by the Council of the City of Cleveland, January 23, 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, MARCH 9, 2006 AT 10:00 A.M., CITY HALL, DIVISION OF ARCHITECTURE, ROOM 517, CLEVELAND, OHIO 44114.

March 1, 2006 and March 8, 2006

FRIDAY, MARCH 17, 2006

Labor and Materials to Apply Protective Coating on Existing Glass Areas, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 1597-02 and 2226-03, passed by the Council of the City of Cleveland, August 14, 2002 and February 2, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MARCH 10, 2006 AT 10:00 A.M., 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Eagle Avenue Pedestrian Access Way Construction from Canal Road to Ontario Road, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 2070-05, passed by the Council of the City of Cleveland, August 14, 2002 and February 13, 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, MARCH 9, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, CLEVELAND, OHIO 44114.

March 1, 2006 and March 8, 2006

WEDNESDAY, MARCH 22, 2006

Estimated Quantity of Four (4) Mid-Size, Hybrid, 4-Door Cars, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 16, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING, #1, CLEVELAND, OHIO 44105.

Maintenance, Repair and Replacement of High-Voltage Oil-Static Pipe Type Cable and Related Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1014-05, passed by the Council of the City of Cleveland, July 13, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, WEDNESDAY, MARCH 15, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 1, 2006 and March 8, 2006

THURSDAY, MARCH 23, 2006

Industrial Paper Products and Cloth Wipes, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2129-05, passed by the

Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 16, 2006 AT 9:00 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Livescan Booking Workstation, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2038-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 9, 2006 AT 10:00 A.M., 1300 ONTARIO STREET, 8TH FLOOR, CLEVELAND, OHIO 44114.

March 1, 2006 and March 8, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

REPRINT

Res. No. 263-06.

By Council Member Pierce Scott. An emergency resolution declaring this Council's support of the proposal of Cleveland East LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland East LP is proposing to develop up to 30 housing units on scattered sites throughout the City of Cleveland, with special emphasis on the East submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these housing units will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, 50% of these housing units will be affordable to households whose annual income is at or below 50% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Cleveland East LP proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Cleveland East LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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 February 13, 2006. Effective February 17, 2006.

COUNCIL COMMITTEE MEETINGS

Thursday, February 23, 2006 9:00 a.m.

Finance Committee: GENERAL FUND BUDGET HEARINGS:

Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone. Pro-tem: Reed, Kelley, Cummins.

Friday, February 24, 2006 9:00 a.m.

Finance Committee: GENERAL FUND BUDGET HEARINGS: Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone. Pro-tem: Kelley.

Monday, February 27, 2006 2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Coats, Conwell, Pierce Scott, Westbrook, White, Zone. Authorized Absence: Britt.

Tuesday, February 28, 2006 9:00 a.m.

Finance Committee: GENERAL FUND BUDGET HEARINGS:

Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone.

Wednesday, March 1, 2006 9:00 a.m.

Finance Committee: GENERAL FUND BUDGET HEARINGS: Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone.

Thursday, March 2, 2006 9:00 a.m.

Finance Committee: GENERAL FUND BUDGET HEARINGS: Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone.

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O—Ordinance; R—Resolution; F—File

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