



**William Biddlecombe**   **Joe Dike**   **Sam Artino**   **Monty Tapp**   **Mark Claus**   **Matt Grieves**   **Joel Hagy**  
Councilmember   Councilmember   Councilmember   Mayor   Vice-Mayor   Councilmember   Councilmember

**CITY COUNCIL — REGULAR COUNCIL MEETING**

Tuesday, July 25, 2023 @ 6:30 PM

City Council Chambers  
417 Main Street  
Huron, Ohio 44839

**I. Call To Order**

Moment of Silence followed by the Pledge of Allegiance to the Flag

**II. Roll Call of City Council**

**III. Approval of Minutes**

**III.a** Minutes of regular Council meeting of May 23, 2023

**III.b** Minutes of regular Council meeting of June 13, 2023.

**III.c** Minutes of regular Council meeting of June 27, 2023

**IV. Oath of Office**

Swearing in of Dylan Rohrbaugh as full-time Patrol Officer for the Huron Police Department

**V. Audience Comments** Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)

**VI. Old Business**

**VI.a** Ordinance No. 2023-16 (**third and final reading**) (*submitted by Matt Lasko*)

An Ordinance to submit to the electors of the City a proposed amendment of the charter of the City of Huron, Ohio to adopt section 12.10, Periodic Charter Review.

**VII. New Business**

**VII.a** Ordinance No. 2023-19 (**first reading**) (*submitted by Cory Swaisgood*)

An ordinance establishing the rate for residential solid waste collection and disposal and certifying the costs of same to the Erie County Fiscal Officer for placement on the tax duplicate in 2024.

**VII.b** Ordinance No. 2023-22 (**first reading**) (*submitted by Andrea Rocco*)

An ordinance amending and restating Chapter 161 Division of Personnel of the Codified Ordinances of the City of Huron.

**VII.c** Ordinance No. 2023-23 (**first reading**) (*submitted by Andrea Rocco*)

An ordinance amending and restating Chapter 163 Employment Provisions of the Codified Ordinances of the City of Huron.

**VII.d** Ordinance No. 2023-24 (*submitted by Cory Swaisgood*)

An ordinance authorizing the issuance of long-term bonds to pay off the \$3.025 Million note issued in December 2023 and add \$1 million for the City's contribution to the State's US6 project, specifically, \$2,285,000 30-year taxable revenue bonds for the direct subsidy to Sawmill Creek Resort for

improvements, per the compensation and annexation agreement, at a rate of 5.5%.

**VII.e** Ordinance No. 2023-25 (*submitted by Cory Swaisgood*)

An ordinance authorizing issuance of long-term bonds in September to pay off the \$3.025 Million note issued in December 2023 and add \$1 million for the City's contribution to the State's US6 project, specifically, \$1 million 20-year tax-exempt bonds for green space on the Oster's Mobile Home Park property at a rate of 4.7%.

**VII.f** Ordinance No. 2023-26 (*submitted by Cory Swaisgood*)

An ordinance authorizing issuance of long-term bonds in September to pay off the \$3.025 million note issued in December 2023 and add \$1 million for the City's contribution to the State's US6 project, specifically, \$1 million 20-year tax-exempt bonds for US6 improvements at a rate of 4.7%.

**VII.g** Resolution No. 55-2023 (*submitted by Jack Evans*)

A resolution authorizing an application to the Ohio Public Works Commission (OPWC) SCIP and LTIP Program Year 38, FY 2025 relating to the South Main Street Watermain Replacement Project, in the amount not to exceed \$600,000.

**VII.h** Resolution No. 56-2023 (*submitted by Erik Engle*)

A resolution of necessity relating to maintenance and repair of sidewalks.

**VII.i** Resolution No. 57-2023 (*submitted by Erik Engle*)

A resolution of necessity relating to maintenance and repair of trees in the public right-of-way.

**VII.j** Motion

Motion referring the rezoning application of Jan Weske Bucholz to rezone three parcels (PPN's 43-00305.000 - 245 Atwood Place, 43-00306.000 - Cleveland Road West, and 43-00307.000 - 2029 Cleveland Road West), which are currently all zoned R-1A, to B-3 Business, to the Planning Commission for review and recommendation.

**VIII. City Manager's Discussion**

**IX. Mayor's Discussion**

**X. For the Good of the Order**

**XI. Executive Session(s)**

**XII. Adjournment**



**TO:** Mayor Tapp and City Council  
**FROM:** Matthew Lasko  
**RE:** Ordinance No. 2023-16 **(third and final reading)** *(submitted by Matt Lasko)*  
**DATE:** July 25, 2023

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### **Subject Matter/Background**

This legislation on its second reading is to create a charter review commission. This will need to go to the board of elections to be submitted as a ballot item in this year's November election.

### **Financial Review**

The financial impact to the City will result in election fees from the Board of Elections, which can vary based on the election date. Costs will be minimal if the charter change is added to the ballot for the primary election in November.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion adopting Ordinance No. 2023-16 as an emergency measure is in order.

[Ordinance No. 2023-16 Charter Review Commission.docx](#)  
[Final\\_Proposed\\_Charter\\_Commission\\_EX\\_A.pdf](#)

ORDINANCE NO. 2023-16  
Introduced by: Joe Dike

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY A PROPOSED AMENDMENT OF THE CHARTER OF THE CITY OF HURON, OHIO TO ADOPT SECTION 12.10, PERIODIC CHARTER REVIEW; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XVIII, Section 7 of the Ohio Constitution, the City of Huron ("City") is governed by the Charter for the City of Huron, Ohio and is entitled to exercise all powers of local self-government.

WHEREAS, the City does not currently have any regular process or procedure to review the Charter and recommend any alterations, revisions, or amendments as may be necessary or appropriate in light of changing laws, technologies, or societal standards.

WHEREAS, pursuant to Article XVIII, Section 9 of the Ohio Constitution, the City, upon a two-thirds vote of its Council, may submit proposed amendments to its Charter to the electors of the City; and

WHEREAS, pursuant to Article XVIII, Section 8 of the Ohio Constitution, the City may establish a Charter Review Commission to periodically review the Charter and recommend alterations, revisions, or amendments to the Charter to be approved by Council and voted upon by the electors of the City; and

WHEREAS, after due deliberation and consultation with the City Manager, the Law Director, and members of the public, the Council finds that the residents of the City would be well-served by amending the Charter to adopt Section 12.10, Periodic Charter Review, and to place such proposed Amendment before the electorate of the City to be voted upon at the next regularly scheduled general election in November.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

Section 1: That Council, by at least a two-thirds vote of its members, hereby proposes to amend the Charter of the City of Huron, Ohio by adopting Section 12.10, Periodic Charter Review, which shall be as set forth in Exhibit A attached hereto and made a part hereof.

Section 2: That Counsel hereby submits to the electors of the City, the following question: shall the City Charter be amended to adopt Section 12.10, Periodic Charter Review.

Section 3: That the question set forth in Section 2 be and hereby is known as "Proposed Charter Amendment No. 1, Periodic Charter Review."

Section 4: That upon final passage of this Ordinance, the Clerk is directed to serve a certified copy of this Ordinance, along with the text of the proposed Section 12.10 Periodic Charter Review, upon the board of elections for Erie County, Ohio.

Section 5: That the board of elections for Erie County, Ohio, is hereby requested to place the question set forth in Section 2 upon the ballot to be submitted to the electors as provided for herein.

Section 6: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the residents, and to ensure the sound fiscal administration of the City of Huron; WHEREFORE, this Ordinance shall take effect immediately upon its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

## **Exhibit A**

Amendment to Charter to add new Section 12.10 titled “Periodic Charter Review”

“Beginning in 2024, and similarly, every five (5) years thereafter, each member of City Council shall appoint one (1) citizen of the City of Huron in order to establish a Charter Review Commission of seven (7) qualified electors, which appointments shall occur no later than six (6) months prior to the date that any proposed amendments must be timely submitted to the Erie County Board of Elections for inclusion on the ballot for the next regular November election. The appointments of the seven (7) qualified electors shall be confirmed by Council, all of whom shall hold no other office or appointment within the City. To be a “qualified elector,” such persons must reside in the City of Huron and be registered to vote at the time of such appointment to the Charter Review Commission. Said seven (7) qualified electors shall serve as a Charter Review Commission. The Charter Review Commission shall recommend to Council such alterations, revisions, and amendments to the Charter to be voted on at the next regular November election, and, thereafter, Council shall choose and have final approval as to none, some, or all such alterations, revisions, and amendments to the Charter to be voted on at the next regular November election (as determined by the sole direction of Council), which Council vote (if any) shall be consistent with the Charter and Ohio law. Each said Charter Review Commission shall cease to function on the day of the next November election following its appointment. Each member of the Charter Review Commission shall serve without compensation and shall not serve on consecutive Charter Review Commissions. Meeting of the Charter Review Commission shall be open to the public.”



**TO:** Mayor Tapp and City Council  
**FROM:** Cory Swaisgood  
**RE:** Ordinance No. 2023-19 (**first reading**) (*submitted by Cory Swaisgood*)  
**DATE:** July 25, 2023

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### **Subject Matter/Background**

Ordinance No. 2023-19 is in front of Council for the first of three readings. This ordinance will allow the City to certify the garbage rates to be charged to residents for garbage, yard waste, recycling, and bulk pick-up to the Erie County Auditor. The County will then include the amount on the tax duplicate per eligible parcel (all residential units as defined in the Republic Services contract) for 2024.

The current City billing process can be simplified by moving the quarterly billing to a special assessment on eligible residential properties. This will reduce the amount of administrative hours from four times a year to once a year, reducing administration costs. This will also simplify the rate priority in the quarterly billings for water and stormwater, as garbage payments will be part of the property tax bill and attached to the property rather than an individual name in the water billing system. Upon selling of a home, closing documents will settle and transfer the rate to the new owner just like other property taxes.

For seasonals, or any changes to residential garbage, the property would still be charged the full rate on their property tax bill. However, the City will issue a refund to the property owner as dictated in the City's codified ordinances. In addition, we know this could impact renter and owner payment terms. If council is agreeable to this change, the administration will make sure there is an educational piece and communication on this change through the end of the year. Owners will most likely have to pass the fee on to renters. The first property tax bill to residential properties will be in February 2024 for the first six months of 2024 garbage services.

We anticipate this certification to be an annual process. Council will annually be presented with this legislation in July with the rate to be assessed. The rate will be consistent with Republic Services' contract.

Council, Finance Committee, and Utilities Committee received presentation on the assessment process in early 2023.

### **Financial Review**

The City is currently charging \$71 a quarter (\$284 annualized) through December 31, 2023. If this legislation is approved on third reading, the City will not include the garbage rate on the quarterly billing beginning January 1, 2024. The new rate charged to residents of \$297.84 per eligible residential unit for 2024 will be included on the property tax bill (billed semi-annually). The City will not charge additional administrative fees.

The Garbage Fund (Fund 201) will continue to track all revenues and expenses of the City's garbage utility.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion placing Ordinance No. 2023-19 on its first reading is in order.

[Ordinance No. 2023-19 Assessment of Trash Rates to Auditor \(1\).docx](#)



ORDINANCE NO. 2023-19

Introduced by Joe Dike

AN ORDINANCE ESTABLISHING THE RATE TO BE PAID BY RESIDENTIAL PROPERTY OWNERS FOR THE PERIOD OF JANUARY 2024 THROUGH DECEMBER 2024 FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL; AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY THE COSTS OF SAME TO THE ERIE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION WITH OTHER CITY TAXES IN 2024

WHEREAS, the Huron City Council adopted Ordinance No. 2023-15 on June 27, 2023 enacting new Codified Ordinance 931.04 (Rates for Collection and Disposal), for the collection method for solid waste collection fees by certification of the amounts due for same onto the residential real property tax duplicate for collection by the County Auditor on an annual basis, and

WHEREAS, pursuant to Huron Codified Ordinance Section 931.04, Council seeks to assess the costs of solid waste collection and disposal within the City by certifying said amounts to the County Auditor for collection in 2024; and

WHEREAS, annually, Council is to set the rate to be paid for solid waste collection and disposal pursuant to Codified Ordinance Section 931.04.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. For the period of January 2024 through December 2024 each dwelling unit shall be charged the amount of \$297.84 per dwelling unit (\$24.82 per month) for solid waste collection and disposal;

SECTION 2. The Director of Finance is hereby authorized and directed to certify to the County Auditor for each dwelling unit within the City of Huron as determined in the solid waste collection and disposal contract with Republic Services, the assessment shown therein, to be collected in 2024, and the same is hereby ratified and affirmed;

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



**TO:** Mayor Tapp and City Council  
**FROM:** Stuart Hamilton , Service Director  
**RE:** Ordinance No. 2023-22 (**first reading**) (*submitted by Andrea Rocco*)  
**DATE:** July 25, 2023

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## **Subject Matter/Background**

Administration is requesting Council approval on amendments to various employment and personnel provisions in the codified ordinances, to be effective January 1, 2024 . These amendments will be on Council's agenda for first reading at the July 25<sup>th</sup> meeting (ORD 2023-22 and ORD 2023-23). Attached you will find a redlined version of each chapter, and a clean version of each chapter. As with all three reading ordinances, we strongly prefer to make most major edits on the first reading to ensure a true three readings. This is why we are sending this out early for your review.

- The purpose of these amendments are as follows:
- Consistency throughout the codified ordinances and City's employee manual.
- Clarity on specific processes around employment practices and leave time accruals/payouts.
- To align certain policies and processes with current practices and the collective bargaining agreements.
- To align certain language with federal employment laws.
- Provide attractive benefits for recruitment of potential employees, such as leave time carryover and usage.
- Remove outdated language that do not apply to current City practices and employees.

## **Summary of Code Changes to Chapter 161 (Division of Personnel)**

- Changes mainly clean up language on classified positions (fire and police), full-time and part-time employees.
- 161.08 - Changes were made to the appointment and probation process to not conflict with bargaining units. Current language was amended to refer to bargaining unit agreements where applicable.
- 161.10 – Additional disciplinary reasons were added to the code, such as theft and violating City policy. The drug and alcohol policy was removed, as this is in bargaining agreements and the City's employee manual.
- 161.11 – The personnel appeals process was changed to only apply to non-bargaining employees. The bargaining agreements have a separate negotiated appeal process.
- No changes to salaries and rates were made.

## **Financial Review**

There is no future financial impact to recommended changes in Chapter 161.

## **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

**Recommendation**

If Council is in agreement, a motion placing Ordinance No. 2023-23 on its first reading is in order.

[Ordinance No. 2023-22 Chapter 161 \(2\).docx](#)

[Ordinance No. 2023-22 Exh A Chapter 161.pdf](#)

[Chapter 161 Exhibit B.docx](#)

ORDINANCE NO. 2023-22  
Introduced by Mark Claus

AN ORDINANCE AMENDING AND RESTATING CHAPTER 161 DIVISION OF PERSONNEL.

WHEREAS, City Staff and counsel for City on employment law and human resource matters have evaluated Chapter 161 and have determined that various provisions are in need of enhancement and improvement to accurately reflect current policies and procedures, and to ensure the effective and efficient operation of the City pertaining to employment and human resources matters;

WHEREAS, the City hereby adopts a new and amended and restated Ordinance to repeal and amend and restate Chapter 161 (Division of Personnel) to address the concerns of the City Staff and counsel for City on employment law and human resource matters.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

Section 1: That Chapter 161 Division of Personnel of the Codified Ordinances of the City of Huron, Ohio WHICH CURRENTLY READS AS FOLLOWS: (refer to Exhibit "A" attached), shall be and hereby is repealed.

Section 2: That Chapter 161 Division of Personnel of the Codified Ordinances of the City of Huron, Ohio is hereby amended to read as follows: (refer to Exhibit "B" attached)

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Ordinance shall take effect and be in force from and after the time period contained in Section 3.06 of the Charter of the City of Huron.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

## CHAPTER 161

### Division of Personnel

161.01 Creation and composition.

161.02 Purpose and amendment of personnel regulations.

161.03 Definitions.

161.04 Position and salary schedule.

161.04.1 Full-time salaries of the Law Director, Finance Director, Service Director, Fire Chief and Police Chief.

161.05 Applications and applicants.

161.06 Examinations.

161.07 Eligible lists.

161.08 Appointment and probation.

161.09 In-service activities.

161.10 Discipline

161.11 Appeals procedure.

161.12 Layoff and reinstatement.

161.13 Political activity.

### CROSS REFERENCES

Contract interest - see CHTR. §5.08

Merit system established - see CHTR. §8.01

Exempt positions - see CHTR. §8.02

Personnel officer - see CHTR. §8.03

Personnel Appeals Board - see CHTR. §8.04, 8.05

Political activity - see CHTR. §8.06 et seq.

Promotional examinations - see CHTR. §8.09

Removal from office - see CHTR. §12.04

Division established; head - see ADM. 157.01

Employment provisions - see ADM. Ch. 163

Bonds required - see ADM. 163.01

#### 161.01 CREATION AND COMPOSITION.

There is hereby created a Division of Personnel which shall be composed of the Personnel Officer as established by Section 8.03 of the City Charter.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.02 PURPOSE AND AMENDMENT OF PERSONNEL REGULATIONS.

(a) It is the purpose of this chapter to give effect to the provisions of the City Charter by establishing rules, standards and procedures for the operation of the merit system.

(b) The Personnel Officer shall prepare, in consultation with the City Manager, such amendments to this chapter as may, from time to time, be deemed desirable. Such amendments shall be recommended to Council for adoption. (Ord. 1976-35. Passed 12-13-76.)

#### 161.03 DEFINITIONS.

(a) "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty and responsibility of the work actually performed in the position.

(b) "Appointing authority" means the officer or agency having power under the Charter and ordinances to make appointments to positions in the classified service.

(c) "Classified service" shall consist of all full-time firefighters and police officers who are employees of the City, except those specifically exempted by the Charter.

(d) "Classes of positions" shall consist of all positions in the classified service which are sufficiently alike in duties, authority and responsibility to be treated in the same manner for personnel purposes.

(e) "Class specifications" are those duties imposed upon the personnel of each division by the Administrative Code.

(f) "Demotion" means the change of an employee from a position in one salary grade to a position in another salary grade having a lower maximum salary rate.

(g) "Eligible" means a person whose name is on a list prepared by the Personnel Officer as the result of passing an open competitive examination or on a re-employment list.

(h) "Eligible list" means a list of eligibles, in the order of their final grades in an open competitive examination, or in an order determined by this chapter, prepared by the Personnel Officer.

(i) "Position" means a group of duties and responsibilities designed to be performed by an individual. Positions shall be created and abolished by the City Manager.

(j) "Probationary period" means the working test period during which a bargaining unit employee is required to demonstrate his fitness by actual performance of the duties of the position to which he has been appointed.

(k) "Promotion" means the change of an employee from a position in one salary grade to a position in another salary grade having a higher maximum salary rate.

(1) "Regular employee" means a full-time police officer or firefighter who has passed a physical examination, has been appointed to a position in the classified service from an eligible list and who has satisfactorily completed his probationary period..

(m) "Full-time, employee" means a person who regularly works a forty-hour work week, or a person who works a twenty-eight day schedule at a yearly salary as a full- time employee of the Fire Division and in both cases are either on a probationary period or a regular employee.

(n) "Part-time employee" means a person who regularly works 29 hours a week or less and is paid by the hour, and does not receive any of the fringe benefits as set forth in other sections of this Code.

(o) "He, him and his" shall also mean when used in this Code, she, her and hers.

(p) "Administrative employee" means the City Manager, Director of Finance, Fire Chief, Police Chief and Police Captain.

(Ord. 1976-35. Passed 12-13-76; Ord. 1985-20. Passed 7-22-85.)

#### 161.04 POSITION AND SALARY SCHEDULE

(a) The position and salary schedule, marked Exhibit "A", which is attached hereto and made a part of this Code shall be effective as of January 1, 2023.

(b) The Personnel Officer, in conjunction with department and division heads and subject to the approval of the City Manager, shall annually review and make recommendations to Council for changes in the following schedule.

(c) The adopted position and salary schedule shall provide the basis for compensation of all municipal employees. The City Manager shall adopt an administrative policy, subject to approval of the City Council, to address those positions which are in existence and have not attained the minimum base salary range or have exceeded the maximum base salary range. A position may be assigned a salary lower than the minimum base salary range or

higher than the maximum base salary range provided for that salary grade of that position, but is subject to administrative policy. Prior to appointment of a new employee, the City Manager shall consult the position and salary schedule for determination of placement within the relevant classification. Appointments shall normally be made at the minimum rate for the specified pay scale. Evaluation of an appointee's qualifications and experience shall be considered and may provide the basis for compensation in excess of the minimum base salary.

(d) Salary increases within an established range shall not be automatic, but can be given on the following bases:

(1) A merit increase recommended, in writing, to the City Manager by the appropriate department or division head and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.

(2) A merit increase recommended and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.

(3) An across the board increase granted to all full-time non-bargaining unit employees and recommended by the City Manager.

(4) A change in the employee's classification.

(e) Salary increases granted on the basis of subsection (d)(1), (2) and (3) hereof are dependent on the provisions of moneys appropriated in the annual appropriation ordinance. Salary increases granted on the basis of subsection (d)(1) and (2) hereof shall not be granted to an employee more frequently than once in each six months. No salary advancement shall be given before the employee completes the first six months of his probationary period. However, when the minimum salary for the particular position is increased during such employee's probationary period, such employee shall be compensated at such higher salary from the date of the passage of the salary ordinance.

(f) The salary rate established for an employee shall represent his total remuneration, not including reimbursement for official travel and except as otherwise provided, in this chapter (overtime pay, cost-of-living allowance, premium pay and/or on-call status). No reward, gift or other thing of value received from any source for the performance of his duties shall be retained by an employee. Notwithstanding the foregoing, employees of the Police Division, during off-duty time, may accept special duty assignments for police work only when authorized by the Police Chief.

(g) Whenever an employee works for a period less than the regularly established number of hours per day, days per week or weeks per month, the amount paid shall be proportionate to the time actually employed.

(h) All full-time employees except department heads, administrative employees, **exempt employees** and Fire Division employees shall be compensated for each hour worked in excess of forty hours per week at a rate equal to one and one-half times their straight rate.



All full-time employees of the Fire Division shall be compensated for each hour worked in excess of 212 hours during any twenty-eight day work period at a rate equal to one and one-half times their straight rate.

Authorization of all overtime shall be under the control of the City Manager. If any full-time non-exempt employee, other than department and division heads, requests the City Manager to grant compensatory time off in lieu of compensation for such employee's authorized overtime, the City Manager or Department Head shall be authorized but not required to allow such request.

The City Manager shall be authorized, but not required, to grant compensatory time off to those administrative employees not entitled to overtime compensation at such times and to such extent that the City Manager, in his sole discretion deems justifiable under the circumstances relating to each such administrative employee.

(i) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1988-2, passed January 25, 1988.

(j) Except as otherwise provided in any one or more controlling collective bargaining agreements, each employee of the Division of Utilities and of the Division of Streets and Parks, when placed on an "on call" basis by the department or division head, shall receive compensation in addition to his regular salary in an amount equal to two (2) hours of such employee's regular rate for each such twenty-four (24) hour period that the employee is on call. Such "on call" pay shall be in addition to pay for actual hours worked on call.

(Ord. 1976-35. Passed 12-13-76; Ord. 1980-10. Passed 2-4-80; Ord. 1982-2. Passed 1-25-82; Ord. 1983-30. Passed 11-28-83; Ord. 1985-20. Passed 7-22-85; Ord. 1985-32. Passed 12-16-85; Ord. 1986-2. Passed 1-13-86; Ord. 2014-33. Passed 12-23-14. Ord. 2022-66. Passed 11-22-22.)

CITY OF HURON  
FULL TIME POSITION AND SALARY SCHEDULE

		BASE SALARY RANGE	
POSITION TITLE	Pay Scale	Min.	Max.
Water Superintendent	9	\$57,276	\$85,914
Police Sergeant			
Fire Captain			
Parks and Recreation Operations Manager			
Planning Director	8	\$54,264	\$79,396
Human Resources Director	7	\$49,968	\$75,452
Recreation Program Manager	6	\$48,980	\$75,000

Fire Lieutenant			
Street Foreman			
Finance Specialist Payroll			
Planning and Zoning Manager			
Chief Operator	5	\$44,990	\$68,508
Firefighter			
Police Officer			
Water Distribution Foreman			
Management Services Coordinator	4	\$43,225	\$61,850
Executive Administrative Asst./Clerk of Council			
Permit Technician/Admin Asst.			
Maintenance Worker 3	3	\$40,861	\$60,000
Zoning Inspector - FT			
Parks and Municipal Ground Coordinator			
Finance Specialist Customer Service			
Maintenance Worker 2	2	\$37,080	\$56,000
Maintenance Worker 1			
Parks Maintenance Worker I			
Administrative Assistant	1	\$34,299	\$41,921

Supplemental Salary Schedule			
		BASE SALARY RANGE	
POSITION TITLE	Pay Scale	Min.	Max.
Assistant City Manager	VIII	\$54,478	\$90,000
Information Technology Manager	VIII	\$57,000	\$95,000
Director of Parks and Recreation	VI-C	\$48,676	\$85,000
Boat Basin Facility Manager	VI-B	\$37,403	\$51,500
Assistant Water Superintendent	V	\$35,160	\$60,600
Clerk of Court	V	\$45,000	\$76,000
Probation Officer	III	\$23,825	\$47,000
Deputy Clerk of Court	III	\$26,000	\$51,000

Finance Clerk	II	\$22,180	\$45,400
Executive Assistant		\$23,000	\$33,500
Municipal Judge		\$35,000	\$35,500

Part Time and Seasonal Position Salary Schedule		
	BASE SALARY RANGE	
POSITION TITLE	Min.	Max.
Deputy Court Clerk	\$10.10/hr.	\$18.00/hr.
Police/Dispatch Secretary		
Police Officer		
Court Bailiff/Court Security Officer		
Finance Clerk		
Customer Service Clerk		
Management Assistant		
General Maintenance Worker	\$10.10/hr.	\$24.00/hr.
Zoning Inspector - PT		
Street Maintenance		
Parks Maintenance	\$10.10/hr.	\$14.00/hr.
Recreation		
Dockhand		
Basic EMT/FF	\$12.00/hr.	\$15.00/hr.
Basic Paramedic/FF	\$15.00/hr.	\$18.00/hr.

(Ord. 2022-66; Passed 11-22-22)

161.04.1 FULL-TIME SALARIES OF THE LAW DIRECTOR, FINANCE DIRECTOR, SERVICE DIRECTOR, FIRE CHIEF AND POLICE CHIEF.

The following positions and commensurate salaries are effective January 1, 2022:

Position	Base Salary
Law Director	\$150,000.00
Finance Director	\$111,000.00
Service Director	\$111,000.00
Fire Chief	\$100,000.00
Police Chief	\$100,000.00

(Ord. 2022-68. Passed 12-27-22.)

161.05 APPLICATIONS AND APPLICANTS.

(a) All entrance examinations shall be publicly announced by the Personnel Officer as he/she deems necessary or desirable. The announcement shall specify the title of the position for which the examination is to be held; the time, place and manner of making applications; and any other information deemed pertinent by the Personnel Officer.

(b) Applications shall be made on forms prescribed by the Personnel Officer.

(c) The Personnel Officer shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required or which is not received within the time limit fixed for filing for the position. Notice of such rejection shall be given to the applicant, and such rejection shall be final. (Ord. 1976-35. Passed 12-13-76.)

(d) All applicants must be citizens of the United States or legally permitted to work in the United States, of good moral character, of temperate habits, of sound health and physically able to perform the duties of the position applied for. (Ord. 2002-23. Passed 10-14-02.)

(e) The Personnel Officer shall make inquiry of employers, educational institutions and character references given by the applicant to verify the statements made in the application. If the facts so ascertained indicate the unsuitability of the applicant, the Personnel Officer may reject his application and notify him to that effect, and such rejection shall be final. (Ord. 1976-35. Passed 12-13-76.)

(f) Every applicant for entrance examination for the uniformed fire service shall be, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, at the time of application, no less than twenty years of age and not over thirty-nine years of age. However, in a case where an applicant has had experience as a full time firefighter in the State of Ohio, the Personnel Officer may, at his discretion, accept applicants over thirty-nine years of age, with one year of increased age allowed for each year so served.

(g) Every applicant for entrance examination in the uniformed police service shall, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, hereof, at the time of application, no less than twenty-one years of age and not over thirty-nine years of age. have successfully completed the Basic Peace Officers Training course at the time of his or her original appointment as a police officer in the Police Division. However, in a case where an applicant has had experience in the State as a full time police officer, the Personnel Officer may, at his discretion, accept applicants over thirty-nine years of age, with one year of increased age allowed for each year so served.

(Ord. 1994-10. Passed 6-13-94.)

(h) Every applicant for entrance examination for the uniformed police service and fire service shall pay an application fee established by the Personnel Officer in an even dollar amount calculated to cover the cost of the examination forms and study materials.

(Ord. 1994-33. Passed 12-19-94.)

#### 161.06 EXAMINATIONS.

(a) All examinations shall be of such type as will test fairly the relative capacity and fitness of the applicants to discharge efficiently the duties for which the examination is given. Their content shall be determined by the Personnel Officer and he shall be responsible for the evaluation of the results. The examinations may be written or oral, physical or performance tests, and may be any combination of these.

(b) The Personnel Officer may require applicants to submit proof of their age, citizenship and military service at the time of the examination.

(c) Each person who takes an examination shall be given written notice as to whether he passed or failed such examination and of his relative standing on the eligible list, if he was successful. Each person shall be entitled to inspect his own papers, but not those of other candidates, during regular office hours, under the supervision of the Personnel Officer.

(d) Before any person is appointed as a probationary employee, he shall be required to submit to a medical examination administered by a physician selected for that purpose by the Personnel Officer with the approval of the City Manager. A certificate by such physician, in a form prescribed by the City Manager, that the person so examined is in good health and is physically capable of performing the duties of the position, shall be prerequisite to appointment. The expense of this pre-employment physical examination shall be paid by the City.

(e) The City Manager may require the medical examination of any employee at any time during the term of the employee's service or as a prerequisite to call back for employment as set forth in Section 161.12(b). The expense of medical examinations prescribed in this section shall be paid by the City.

(f) Whenever in the judgment of the City Manager, Personnel Officer and the division head, positions above the entrance level should be filled by promotion, a promotional

examination shall be given. Eligibility to take a promotional examination shall be determined by the Personnel Officer with the approval of the City Manager. Promotions shall be based upon a written competitive examination, length of service, a written evaluation from the department or division head and a personal interview by the City Manager, Personnel Officer and division head. The Personnel Officer shall determine the content of the examinations and shall be responsible for the evaluation of the results. Examinations shall be competitive unless the Personnel Officer finds that the number of persons qualified for promotion is insufficient to justify competition, in which case the promotional examination shall be noncompetitive in character, or as otherwise provided in Section 8.09 of the Charter. The Personnel Officer shall give written notice of the promotional examination which shall set forth the date, time and place and procedures and rules, as determined by the Personnel Officer which apply to the promotional examination.

#### 161.07 ELIGIBLE LISTS.

(a) The Personnel Officer shall prepare and keep open to public inspection, from the results of each examination, an eligible list of the persons whose average grade is not less than seventy and who are otherwise eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative grades. Any person who is eligible for appointment at the time of the preparation of the eligible lists except for not having attained the age of twenty-one years, shall have his or her name included on such list with a notation that he or she is not eligible for appointment until having attained the age of twenty-one. Whenever it becomes necessary to hold a subsequent examination in order to obtain additional eligibles, the Personnel Officer may consolidate existing lists for the same position by rearranging the names of those whose names appear on an existing list which is to be merged with a new list in the order of their relative grades. Any eligible on an existing list shall have an opportunity to compete in the examination. (Ord. 1984-3. Passed 1-23-84.)

(b) The term of eligibility of each list and of the names appearing thereon shall be for two years. (Ord. 2007-7. Passed 4-10-07.)

(c) Regular employees laid off for lack of funds or work shall be placed on a reemployment eligible list and remain on such list for one year or for a period equal to his length of employment with the City, whichever is longer.

(d) A probationary employee, who is laid off for lack of funds or work while the original employment eligible list from which he was appointed is still in effect, shall be restored to his original place on that list.

(e) The name of any person appearing on an eligible list who:

(1) Fails to report or arrange within six days (Sundays and holidays excluded) for an interview with an appointing authority;

- (2) Fails to respond to a notice from the Personnel Officer;
- (3) Declines an appointment without reasons satisfactory to the Personnel Officer; or
- (4) Cannot be located by the postal authorities,

shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless his whereabouts are unknown. His name may again be certified from the eligible list only in case a thoroughly satisfactory explanation of the circumstances is made to the Personnel Officer. In case an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from other eligible lists for classes the salary of which is equal or lower.

(f) If at any time after the creation of an eligible list, the Personnel Officer has reason to believe that any person whose name appears on any list is disqualified for appointment because of false statements made in his application, physical disability or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person fails to appear for hearing, or upon being heard, fails to satisfy the Personnel Officer, his name shall be removed from such eligible list.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.08 APPOINTMENT AND PROBATION.

(a) Within two weeks after any certification of an eligible list has been made by the Personnel Officer, the appointing authority shall appoint one of the persons so certified to fill the vacancy. A notice of appointment shall be filed with the Director of Finance.

(b) Every original or promotional appointment from an eligible list shall be for a probationary period as agreed to in the collective bargaining agreements.

(c) Probationers shall become regular employees at the end of their probationary period, provided the evaluations indicate satisfactory performance of their duties.

(d) Probationers may be removed or demoted at any time during the probationary period. Such removals or demotions shall not be subject to appeal. Copies of all such notices shall be filed with the Personnel Officer and Director of Finance.

(e) Whenever an emergency exists which requires that a vacancy be filled at once in order to maintain public services, the City Manager may appoint any qualified person temporarily to perform the duties of the position.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.09 IN-SERVICE ACTIVITIES.

An annual report of the activities of the Personnel Officer shall be submitted to the City Manager within thirty days following the close of the City's fiscal year. The Personnel Officer shall make such other reports as may be required by the City Manager or by Council.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.10. DISCIPLINE.

(a) If an employee's conduct falls below a desirable standard, he is subject to disciplinary action. Some examples of cause for discipline are:

- (1) Failure to follow the orders of the supervisor or department head;
- (2) Absence from work without permission;
- (3) Being habitually absent or tardy;
- (4) Failure to perform assigned work in an acceptable manner;
- (5) Being wasteful of material, property or working time;
- (6) Inability to get along with fellow employees so that work is hindered or not up to required standards;
- (7) Failure to pay just debts;
- (8) Violating the Drug and Alcohol Policy;
- (9) Rudeness in dealing with the public;
- (10) Conduct unbecoming an employee;
- (11) Any act of dishonesty, theft or fraud;
- (13) Violating City Policy
- (14) Any criminal offense.

Any disciplinary action which affects the pay or status of the employee, such as suspension from duty without pay, demotion in rank and salary and dismissal, shall be exercised only by the City Manager.

(b) The duty of maintaining discipline among the City employees shall rest primarily with the City Manager.

(c) An appeal shall be allowed from disciplinary action as provided in the Charter, Administrative Code and in this chapter, if requested by the non-bargaining unit employee affected.



(Ord. 1997-34. Passed 9-8-97.)

#### 161.11 APPEALS PROCEDURE.

(a) In any case of reduction in pay or status, suspension for more than five days or removal of a non-bargaining employee, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension or removal, which order shall state the reason therefor. Such order shall also be filed with the Personnel Appeals Board.

(b) Within ten days following the filing of such order with the Personnel Appeals Board, the non-bargaining employee may file an appeal, in writing with the Board. In the event such an appeal is filed, the Board shall forthwith notify the appointing authority and shall hear such appeal within thirty days from and after its filing with the Board. The Personnel Appeals Board may affirm, disaffirm or modify the judgment of the appointing authority.

(c) In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the non-bargaining employee may appeal from the decision of the Personnel Appeals Board to the Court of Common Pleas in accordance with the procedure provided by Ohio R.C. 119.12.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.12 LAYOFF AND REINSTATEMENT.

(a) Whenever there is lack of work or lack of funds requiring a reduction in the number of employees of the City, the City Manager shall determine the classes of employment in which such reduction shall be made and the number to be laid off. The employees to be laid off shall be determined by the department and division head based on length of service. Such determination shall be submitted to the City Manager for action.

(b) When the work or financial situation permits, those who have been laid off shall be called back to work by the City Manager according to their status on the re-employment eligibility list and placed on available work at the appropriate pay.

(c) Any person who previously worked as a regular full-time police officer or firefighter and who voluntarily terminated his service with the City, may be considered for rehiring as a probationary employee in his prior classification, within a three-year period of the date of his voluntary termination, upon written recommendation of the department head or division head and with the approval of the City Manager. Rehiring under these circumstances may be done without a prior written competitive examination provided such person passes a medical examination as provided in Section 161.06(d).

(Ord. 1976-35. Passed 12-13-76.)

#### 161.13 POLITICAL ACTIVITY.

See Charter, Section 8.07 . (Ord. 1962-41. Passed 12-26-62.)

## CHAPTER 161

### Division of Personnel

161.01 Creation and composition.

161.02 Purpose and amendment of personnel regulations.

161.03 Definitions.

161.04 Position and salary schedule.

161.04.1 Full-time salaries of the Law Director, Finance Director, Service Director, Fire Chief and Police Chief.

161.05 Applications and applicants.

161.06 Examinations.

161.07 Eligible lists.

161.08 Appointment and probation.

161.09 In-service activities.

161.10 Discipline

161.11 Appeals procedure.

161.12 Layoff and reinstatement.

161.13 Political activity.

### CROSS REFERENCES

Contract interest - see CHTR. §5.08

Merit system established - see CHTR. §8.01

Exempt positions - see CHTR. §8.02

Personnel officer - see CHTR. §8.03

Personnel Appeals Board - see CHTR. §8.04, 8.05

Political activity - see CHTR. §8.06 et seq.

Promotional examinations - see CHTR. §8.09

Removal from office - see CHTR. §12.04

Division established; head - see ADM. 157.01

Employment provisions - see ADM. Ch. 163

Bonds required - see ADM. 163.01

#### 161.01 CREATION AND COMPOSITION.

There is hereby created a Division of Personnel which shall be composed of the Personnel Officer as established by Section 8.03 of the City Charter.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.02 PURPOSE AND AMENDMENT OF PERSONNEL REGULATIONS.

(a) It is the purpose of this chapter to give effect to the provisions of the City Charter by establishing rules, standards and procedures for the operation of the merit system.

(b) The Personnel Officer shall prepare, in consultation with the City Manager, such amendments to this chapter as may, from time to time, be deemed desirable. Such amendments shall be recommended to Council for adoption. (Ord. 1976-35. Passed 12-13-76.)

#### 161.03 DEFINITIONS.

(a) "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty and responsibility of the work actually performed in the position.

(b) "Appointing authority" means the officer or agency having power under the Charter and ordinances to make appointments to positions in the classified service.

(c) "Classified service" shall consist of all permanent full-time employees of the City, except those specifically exempted by the Charter.

(d) "Classes of positions" shall consist of all positions in the classified service which are sufficiently alike in duties, authority and responsibility to be treated in the same manner for personnel purposes.

(e) "Class specifications" are those duties imposed upon the personnel of each division by the Administrative Code.

(f) "Demotion" means the change of an employee from a position in one salary grade to a position in another salary grade having a lower maximum salary rate.

(g) "Eligible" means a person whose name is on a list prepared by the Personnel Officer as the result of passing an open competitive examination or on a re-employment list.

(h) "Eligible list" means a list of eligibles, in the order of their final grades in an open competitive examination, or in an order determined by this chapter, prepared by the Personnel Officer.

(i) "Position" means a group of duties and responsibilities designed to be performed by an individual. Positions shall be created and abolished by the City Manager.

(j) "Probationary period" means the working test period during which an employee is required to demonstrate his fitness by actual performance of the duties of the position to which he has been appointed, which period shall be for twelve consecutive months.

(k) "Promotion" means the change of an employee from a position in one salary grade to a position in another salary grade having a higher maximum salary rate.

(l) "Regular employee" means a person who has passed a physical examination, has been appointed to a position in the classified service from an eligible list and who has satisfactorily completed his probationary period of twelve consecutive months.

(m) "Full-time, salaried employee" means a person who works a forty-hour work week at a yearly salary, or a person who works a twenty-eight day schedule at a yearly salary as a full-time employee of the Fire Division and in both cases are either on a probationary period or a regular employee.

(n) "Part-time employee" means a person who is paid by the hour, and does not receive any of the fringe benefits as set forth in other sections of this Code.

(o) "He, him and his" shall also mean when used in this Code, she, her and hers.

(p) "Administrative employee" means the City Manager, Director of Finance, Fire Chief, Police Chief and Police Captain.

(Ord. 1976-35. Passed 12-13-76; Ord. 1985-20. Passed 7-22-85.)

#### 161.04 POSITION AND SALARY SCHEDULE.

(a) The position and salary schedule, marked Exhibit "A", which is attached hereto and made a part of this Code shall be effective as of January 1, 2023.

(b) The Personnel Officer, in conjunction with department and division heads and subject to the approval of the City Manager, shall annually review and make recommendations to

Council for changes in the following schedule.

(c) The adopted position and salary schedule shall provide the basis for compensation of all municipal employees. The City Manager shall adopt an administrative policy, subject

to approval of the City Council, to address those positions which are in existence and have not attained the minimum base salary range or have exceeded the maximum base salary range. A position may be assigned a salary lower than the minimum base salary range or higher than the maximum base salary range provided for that salary grade of that position, but is subject to administrative policy. Prior to appointment of a new employee, the City Manager shall consult the position and salary schedule for determination of placement within the relevant classification. Appointments shall normally be made at the minimum rate for the specified pay scale. Evaluation of an appointee's qualifications and experience shall be considered and may provide the basis for compensation in excess of the minimum base salary.

(d) Salary increases within an established range shall not be automatic, but can be given on the following bases:

(1) A merit increase recommended, in writing, to the City Manager by the appropriate department or division head and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.

(2) A merit increase recommended and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.

(3) An across the board increase granted to all salaried employees and recommended by the City Manager.

(4) A change in the employee's classification.

(e) Salary increases granted on the basis of subsection (d)(1), (2) and (3) hereof are dependent on the provisions of moneys appropriated in the annual appropriation ordinance. Salary increases granted on the basis of subsection (d)(1) and (2) hereof shall not be granted to an employee more frequently than once in each six months. No salary advancement shall be given before the employee completes the first six months of his probationary period. However, when the minimum salary for the particular position is increased during such employee's probationary period, such employee shall be compensated at such higher salary from the date of the passage of the salary ordinance.

(f) The salary rate established for an employee shall represent his total remuneration, not including reimbursement for official travel and except as otherwise provided, in this chapter (overtime pay, cost-of-living allowance, premium pay and/or on-call status). No reward, gift or other thing of value received from any source for the performance of his duties shall be retained by an employee. Notwithstanding the foregoing, employees of the Police Division, during off-duty time, may accept special duty assignments for police work only when authorized by the Police Chief.

(g) Whenever an employee works for a period less than the regularly established number of hours per day, days per week or weeks per month, the amount paid shall be proportionate to the time actually employed.

(h) All full-time salaried employees except department heads, administrative employees and Fire Division employees shall be compensated for each hour worked in excess of forty hours per week at a rate equal to one and one-half times their straight rate.

All full-time employees of the Fire Division shall be compensated for each hour worked in excess of 212 hours during any twenty-eight day work period at a rate equal to one and one-half times their straight rate.

Authorization of all overtime shall be under the control of the City Manager. If any full-time salaried employee, other than department and division heads, requests the City Manager to grant compensatory time off in lieu of compensation for such employee's authorized overtime, the City Manager shall be authorized but not required to allow such request.

The City Manager shall be authorized, but not required, to grant compensatory time off to those administrative employees not entitled to overtime compensation at such times and to such

extent that the City Manager, in his sole discretion deems justifiable under the circumstances relating to each such administrative employee.

(i) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1988-2, passed January 25, 1988.)

(j) Except as otherwise provided in any one or more controlling collective bargaining agreements, each employee of the Division of Utilities and of the Division of Streets and Parks, when placed on an "on call" basis by the department or division head, shall receive compensation in addition to his regular salary in an amount equal to two (2) hours of such employee's regular rate for each such twenty-four (24) hour period that the employee is on call. Such "on call" pay shall be in addition to pay for actual hours worked on call.

(Ord. 1976-35. Passed 12-13-76; Ord. 1980-10. Passed 2-4-80; Ord. 1982-2. Passed 1-25-82;

Ord. 1983-30. Passed 11-28-83; Ord. 1985-20. Passed 7-22-85; Ord. 1985-32. Passed 12-16-

85; Ord. 1986-2. Passed 1-13-86; Ord. 2014-33. Passed 12-23-14; Ord. 2022-2. Passed 1-11-22; Ord. 2022-61. Passed 11-22-22; Ord. 2022-66. Passed 12-27-22.)

CITY OF HURON

FULL TIME POSITION AND SALARY SCHEDULE

BASE SALARY

RANGE

POSITION TITLE

Pay Scale

Min.

Max.

Water Superintendent

9

\$57,276

\$85,914

Police Sergeant

Fire Captain

Parks and Recreation Operations Manager

Planning Director

8

\$54,264

\$79,396

Human Resources Director

7

\$49,968

\$75,452

Recreation Program Manager

6

\$48,980

\$75,000

Fire Lieutenant

Street Foreman

Finance Specialist Payroll

Planning and Zoning Manager

Chief Operator

5

\$44,990



\$68,508

Firefighter

Police Officer

Water Distribution Foreman

Management Services Coordinator

4

\$43,225

\$61,850

Executive Administrative Asst./Clerk of Council

Permit Technician/Adm Asst.

3

\$40,861

\$60,000

Maintenance Worker 3

Zoning Inspector - FT

Parks and Municipal Ground Coordinator

Finance Specialist Customer Service

Maintenance Worker 2

2

\$37,080

\$56,000

Maintenance Worker 1

Parks Maintenance Worker I

Administrative Assistant

1

\$34,299

\$41,921

Supplemental Salary Schedule

BASE SALARY RANGE

POSITION TITLE

Pay Scale

Min.

Max.

Assistant City Manager

VIII

\$54,478

\$90,000

Information Technology Manager

VIII

\$57,000

\$95,000

Director of Parks and Recreation

VI-C

\$48,676

\$85,000

Boat Basin Facility Manager

VI-B

\$37,403

\$51,500

Assistant Water Superintendent

V

\$35,160

\$60,600

Clerk of Court

V

\$45,000

\$76,000

Probation Officer

III

\$23,825

\$47,000

Deputy Clerk of Court

III

\$26,000

\$51,000

Finance Clerk

II

\$22,180

\$45,400

Executive Assistant

\$23,000

\$33,500

Municipal Judge

\$35,000

\$35,500

Part Time and Seasonal Position Salary Schedule

BASE SALARY RANGE

POSITION TITLE

Min.

Max.

Deputy Court Clerk

\$10.10/hr.

\$18.00/hr.

Police/Dispatch Secretary

Police Officer

Court Bailiff/Court Security Officer

Finance Clerk

Customer Service Clerk

Management Assistant

General Maintenance Worker

\$10.10/hr.

\$10.10/hr.

\$24.00/hr.

\$14.00/hr.

Zoning Inspector - PT

Street Maintenance

Parks Maintenance Parks Maintenance Parks Maintenance

Parks Maintenance

Recreation

Dockhand

Basic EMT/FF

\$12.00/hr.

\$15.00/hr.

Basic Paramedic/FF

\$15.00/hr.

\$18.00/hr.

(Ord. 2022-66. Passed 12-27-22.)

**161.04.1 FULL-TIME SALARIES OF THE LAW DIRECTOR, FINANCE DIRECTOR, SERVICE DIRECTOR, FIRE CHIEF AND POLICE CHIEF.**

The following positions and commensurate salaries are effective January 1, 2023:

Position	Base Salary
Law Director	\$150,000.00
Finance Director	\$111,000.00
Service Director	\$111,000.00
Fire Chief	\$100,000.00
Police Chief	\$100,000.00

(Ord. 2022-68. Passed 12-27-22.)

**161.05 APPLICATIONS AND APPLICANTS.**

(a) All entrance examinations shall be publicly announced by the Personnel Officer by publication in at least one newspaper of general circulation in the City and in such other ways as he deems necessary or desirable. The announcement shall specify the title of the position for which the examination is to be held; the time, place and manner of making applications; the closing date for applications and any other information deemed pertinent by the Personnel Officer.

(b) Applications shall be made on forms prescribed by the Personnel Officer.

(c) The Personnel Officer shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required or which is not received within the time limit fixed for filing for the position. Notice of such rejection shall be given to the applicant, and such rejection shall be final. (Ord. 1976-35. Passed 12-13-76.)

(d) All applicants must be citizens of the United States, of good moral character, of temperate habits, of sound health and physically able to perform the duties of the position applied for. (Ord. 2002-23. Passed 10-14-02.)

(e) The Personnel Officer shall make written inquiry of employers, educational institutions and character references given by the applicant to verify the statements made in the application. If the facts so ascertained indicate the unsuitability of the applicant, the Personnel Officer may reject his application and notify him to that effect, and such rejection shall be final. (Ord. 1976-35. Passed 12-13-76.)

(f) Every applicant for entrance examination for the uniformed fire service shall be, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, at the time of application, no less than twenty years of age and not over thirty-nine years of age. However, in a case where an applicant has had experience in the State of fire work, the

Personnel Officer may, at his discretion, accept applicants over thirty-nine years of age, with one year of increased age allowed for each year so served.

(g) Every applicant for entrance examination in the uniformed police service shall, in addition to the requirements set forth in subsections (c), (d) and (e) hereof, have successfully completed the Basic Peace Officers Training course at the time of his or her original appointment as a police officer in the Police Division. However, in case where an applicant has had experience in the State in police work, the Personnel Officer may, at his discretion, accept applicants over thirty-nine years of age, with one year of increased age allowed for each year so served.

(Ord. 1994-10. Passed 6-13-94.)

(h) Every applicant for entrance examination for the uniformed police service and fire service shall pay an application fee established by the Personnel Officer in an even dollar amount calculated to cover the cost of the examination forms and study materials.

(Ord. 1994-33. Passed 12-19-94.)

#### 161.06 EXAMINATIONS.

(a) All examinations shall be of such type as will test fairly the relative capacity and fitness of the applicants to discharge efficiently the duties for which the examination is given. Their content shall be determined by the Personnel Officer and he shall be responsible for the evaluation of the results. The examinations may be written or oral, physical or performance tests, and may be any combination of these.

(b) The Personnel Officer may require applicants to submit proof of their age, citizenship and military service at the time of the examination.

(c) Each person who takes an examination shall be given written notice as to whether he passed or failed such examination and of his relative standing on the eligible list, if he was successful. Each person shall be entitled to inspect his own papers, but not those of other candidates, during regular office hours, under the supervision of the Personnel Officer.

(d) Before any person is appointed as a probationary employee, he shall be required to submit to a medical examination administered by a physician selected for that purpose by the Personnel Officer with the approval of the City Manager. A certificate by such physician, in a form prescribed by the City Manager, that the person so examined is in good health and is physically capable of performing the duties of the position, shall be prerequisite to appointment. The expense of this pre-employment physical examination shall be paid by the City.

(e) The City Manager may require the medical examination of any employee at any time during the term of the employee's service or as a prerequisite to call back for employment as set forth in Section 161.12(b). The expense of medical examinations prescribed in this section shall be paid by the City.

(f) Whenever in the judgment of the City Manager, Personnel Officer and the division head, positions above the entrance level should be filled by promotion, a promotional examination shall be given. Eligibility to take a promotional examination shall be determined by the Personnel Officer with the approval of the City Manager. Promotions shall be based upon a written competitive examination, length of service, a written evaluation from the department or division head and a personal interview by the City Manager, Personnel Officer and division head. The Personnel Officer shall determine the content of the examinations and shall be responsible for the evaluation of the results. Examinations shall be competitive unless the Personnel Officer finds that the number of persons qualified for promotion is insufficient to justify competition, in which case the promotional examination shall be noncompetitive in character, or as otherwise provided in Section 8.09 of the Charter. The Personnel Officer shall give written notice of the promotional examination which shall set forth the date, time and place and procedures and rules, as determined by the Personnel Officer which apply to the promotional examination.

(g) The Personnel Officer shall maintain a register of applicants for positions as laborers in the order of the time of their application. As vacancies occur, such applicants shall be given a noncompetitive examination on their ability to read and write and to understand oral instructions. Successful candidates shall be certified to the appointing officer and the one tentatively selected by him shall take a preappointment physical examination. If found physically qualified he may be appointed. (Ord. 1976-35. Passed 12-13-76.)

#### 161.07 ELIGIBLE LISTS.

(a) The Personnel Officer shall prepare and keep open to public inspection, from the results of each examination, an eligible list of the persons whose average grade is not less than seventy and who are otherwise eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative grades. Any person who is eligible for appointment at the time of the preparation of the eligible lists except for not having attained the age of twenty-one years, shall have his or her name included on such list with a notation that he or she is not eligible for appointment until having attained the age of twenty-one. Whenever it becomes necessary to hold a subsequent examination in order to obtain additional eligibles, the Personnel Officer may consolidate existing lists for the same position by rearranging the names of those whose names appear on an existing list which is to be merged with a new list in the order of their relative grades. Any eligible on an existing list shall have an opportunity to compete in the examination. (Ord. 1984-3. Passed 1-23-84.)

(b) The term of eligibility of each list and of the names appearing thereon shall be for two years. (Ord. 2007-7. Passed 4-10-07.)

(c) Regular employees laid off for lack of funds or work shall be placed on a reemployment eligible list and remain on such list for one year or for a period equal to his length of employment with the City, whichever is longer.

(d) A probationary employee, who is laid off for lack of funds or work while the original employment eligible list from which he was appointed is still in effect, shall be restored to his original place on that list.

(e) The name of any person appearing on an eligible list who:

(1) Fails to report or arrange within six days (Sundays and holidays excluded) for an interview with an appointing authority;

(2) Fails to respond to a notice from the Personnel Officer;

(3) Declines an appointment without reasons satisfactory to the Personnel Officer; or

(4) Cannot be located by the postal authorities,

shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless his whereabouts are unknown. His name may again be certified from the eligible list only in case a thoroughly satisfactory explanation of the circumstances is made to the Personnel Officer. In case an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from other eligible lists for classes the salary of which is equal or lower.

(f) If at any time after the creation of an eligible list, the Personnel Officer has reason to believe that any person whose name appears on any list is disqualified for appointment because of false statements made in his application, physical disability or for other comparable reasons, such person shall be notified and given an opportunity to be heard. If such person fails to appear for hearing, or upon being heard, fails to satisfy the Personnel Officer, his name shall be removed from such eligible list.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.08 APPOINTMENT AND PROBATION.

(a) Within two weeks after any certification of an eligible list has been made by the Personnel Officer, the appointing authority shall appoint one of the persons so certified to fill the vacancy. A notice of appointment shall be filed with the Director of Finance.

(b) Every original or promotional appointment from an eligible list shall be for a probationary period of twelve months. During the probationary period the work and conduct of the employee shall be evaluated at least once in each three months by the department or division head.

(c) Probationers shall become regular employees at the end of their probationary period, provided the evaluations indicate satisfactory performance of their duties and provided that at least ten days before the conclusion of such period the department and division head shall file with the City Manager a written recommendation that they be given



regular status. Failure of the department or division head to file such written recommendation within the time required shall be deemed to indicate approval.

(d) Probationers may be removed or demoted at any time during the probationary period by a written notice to the employee by the City Manager indicating that his services are not satisfactory. Such removals or demotions shall not be subject to appeal. Copies of all such notices shall be filed with the Personnel Officer and Director of Finance.

(e) Whenever an emergency exists which requires that a vacancy be filled at once in order to maintain public services, the City Manager may appoint any qualified person temporarily to perform the duties of the position.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.09 IN-SERVICE ACTIVITIES.

An annual report of the activities of the Personnel Officer shall be submitted to the City Manager within thirty days following the close of the City's fiscal year. The Personnel Officer shall make such other reports as may be required by the City Manager or by Council.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.10. DISCIPLINE.

(a) If an employee's conduct falls below a desirable standard, he is subject to disciplinary action. Some examples of cause for discipline are:

- (1) Failure to follow the orders of the supervisor or department head;
- (2) Absence from work without permission;
- (3) Being habitually absent or tardy;
- (4) Failure to perform assigned work in an acceptable manner;
- (5) Being wasteful of material, property or working time;
- (6) Inability to get along with fellow employees so that work is hindered or not up to required standards;
- (7) Failure to pay just debts;
- (8) Violating the Drug and Alcohol Policy of the City as set forth in paragraph (b) hereof;
- (9) Rudeness in dealing with the public;
- (10) Conduct unbecoming an employee;

(11) Any criminal offense.

(b) Drug and Alcohol Policy.

(1) No employee shall possess or use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment of the employee by a physician or dentist. When a controlled substance, narcotics, or hallucinogens are prescribed, employees shall notify their immediate supervisor and show written confirmation from the attending physician.

(2) No employee shall store or bring into any City facility or vehicle, any alcoholic beverages, controlled substances, narcotics, or hallucinogens, except those which are held as evidence.

(3) No employee shall consume intoxicating beverages while in uniform or on duty except in the performance of duty, and while acting under specific orders from the City Manager.

(4) No employee shall appear for duty, or be on duty, if any of the following apply:

A. The employee is under the influence of alcohol, a drug of abuse, or alcohol and any drug(s) of abuse;

B. The employee has a concentration of two-hundredths of one percent (0.02%) or more by weight of alcohol in the blood;

C. The employee has a concentration of two-hundredths (0.02) of one gram or more by weight of alcohol per 210 liters of his breath.

(5) Employees, while being compensated for being on-call, shall refrain from consuming alcoholic beverages and/or any drugs of abuse or mood altering substances.

(6) Suspected violations of this drug and alcohol policy will subject an employee to the following:

A. Any employee who has reasonable suspicion of employee substance abuse will immediately relieve the involved employee from his/her duties and will immediately notify the City Manager or his designee of the reason he suspects substance abuse. The City Manager or designee will determine whether sufficient suspicion exists to warrant testing.

B. If the City Manager or designee determines there is reasonable suspicion to believe there is a violation, the involved employee will be transported to Firelands Community Hospital (or such other Medical Provider with which the City has a contract to perform testing) by the employee's supervisor for testing. If the parties have not previously agreed otherwise in writing, the Medical Provider shall be Firelands Community Hospital.

C. The involved employee will be required to submit to a test of their blood, breath or urine as selected by the City Manager.

D. The involved employee will be suspended with pay until such time as the analysis is completed. If the analysis is returned with no drugs being found, the employee shall be

reinstated and all records of the suspension and testing shall be purged from the employee's personnel record.

E. Any testing will be conducted at no expense to the employee.

(7) Testing of samples shall be conducted in accordance with the following criteria:

A. The sample collection, testing methodology, and screening standards for drugs of abuse will be a routine 8-panel screen, which is performed with chain of custody procedures. An automatic confirmation process is to be included with this screen; i.e., the specimen has been through two rounds of testing. The first screening is via the immunoassay method and then any positive screen is confirmed via gas chromatography/mass spectroscopy (GC/MS).

B. The sample collection, testing methodology, and screening standards for alcohol will be done in accordance with established standards acceptable to the Ohio Department of Health as if the sample was collected and processed for a driving under the influence violation. Chain of custody procedures will be maintained.

(8) Disciplinary action shall be taken as follows:

A. Failure to comply with the policy as it applies to the misuse of alcohol will result in disciplinary actions as follows:

1. First offense: The employee will be suspended for three working days without pay.

2. Second offense: The employee will be suspended for ten working days without pay. An Employee Assistance Program (EAP) will be mandatory for the involved employee to be paid for as provided for in existing health care benefits. Accrued sick time may be used for EAP. No sick time may be used toward the suspension.

3. Third offense: The employee will be terminated immediately.

B. Failure to comply with the policy as it applies to the misuse of drugs of abuse will result in disciplinary actions as follows:

1. First offense: The employee will be suspended for ten working days without pay. An Employee Assistance Program will be mandatory for the involved employee to be paid for as provided for in existing health care benefits. Accrued sick time may be used for EAP. No sick time may be used toward the suspension.

2. Second offense: The employee will be terminated immediately.

C. Voluntary entry into an Employee Assistance Program is not grounds for disciplinary action outside a violation of this policy.

D. The failure by an employee to attend a mandatory Employee Assistance Program will result in termination.

E. An employee who has successfully completed the Employee Assistance Program as part of disciplinary action resulting from an alcohol related offense may have his/her records expunged of the incident providing there is no related offense within a five year period. There is no provision for an expungement of a drug related offense.

F. An employee who refuses to submit to the requested test or tests shall be considered to have tested positive and disciplinary action will be administered in accordance with standards established herein.

(c) Other than as set forth in subsection (b) hereof pertaining to the City's Drug and Alcohol Policy, disciplinary action shall be taken in the first instance by the head of the department or division in which the employee is employed so long as such action does not adversely affect the pay or status of the employee. It may consist of any action which is appropriate to the offense, including, among others:

(1) Informal reprimand;

(2) Formal written reprimand which becomes part of the employee's record.

Any disciplinary action which affects the pay or status of the employee, such as suspension from duty without pay, demotion in rank and salary and dismissal, shall be exercised only by the City Manager.

(d) The duty of maintaining discipline among the City employees shall rest primarily with the City Manager.

(e) An appeal shall be allowed from disciplinary action as provided in the Charter, Administrative Code and in this chapter, if requested by the employee affected.

(Ord. 1997-34. Passed 9-8-97.)

#### 161.11 APPEALS PROCEDURE.

(a) In any case of reduction in pay or status, suspension for more than five days or removal, the appointing authority shall furnish such employee with a copy of the order of reduction, suspension or removal, which order shall state the reason therefor. Such order shall also be filed with the Personnel Appeals Board.

(b) Within ten days following the filing of such order with the Personnel Appeals Board, the employee may file an appeal, in writing with the Board. In the event such an appeal is filed, the Board shall forthwith notify the appointing authority and shall hear such appeal within thirty days from and after its filing with the Board. The Personnel Appeals Board may affirm, disaffirm or modify the judgment of the appointing authority.

(c) In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the employee may appeal from the decision of the Personnel Appeals Board to the Court of Common Pleas in accordance with the procedure provided by Ohio R.C. 119.12.

(Ord. 1976-35. Passed 12-13-76.)

#### 161.12 LAYOFF AND REINSTATEMENT.

(a) Whenever there is lack of work or lack of funds requiring a reduction in the number of employees of the City, the City Manager shall determine the classes of employment in which such reduction shall be made and the number to be laid off. The employees to be laid off shall be determined by the department and division head based on length of service. Such determination shall be submitted to the City Manager for action.

(b) When the work or financial situation permits, those who have been laid off shall be called back to work by the City Manager according to their status on the re-employment eligibility list and placed on available work at the appropriate pay.

(c) Any person who previously worked as a regular full-time salaried employee and who voluntarily terminated his service with the City, may be considered for rehiring as a probationary employee in his prior classification, within a three-year period of the date of his voluntary termination, upon written recommendation of the department head or division head and with the approval of the City Manager. Rehiring under these circumstances may be done without a prior written competitive examination provided such person passes a medical examination as provided in Section 161.06(d).

(Ord. 1976-35. Passed 12-13-76.)

#### 161.13 POLITICAL ACTIVITY.

See Charter, Section 8.07 . (Ord. 1962-41. Passed 12-26-62.)



**TO:** Mayor Tapp and City Council  
**FROM:** Matthew Lasko  
**RE:** Ordinance No. 2023-23 (**first reading**) (*submitted by Andrea Rocco*)  
**DATE:** July 25, 2023

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## **Subject Matter/Background**

Administration is requesting Council approval on amendments to various employment and personnel provisions in the codified ordinances, to be effective January 1, 2024 . These amendments will be on Council's agenda for first reading at the July 25<sup>th</sup> meeting (ORD 2023-22 and ORD 2023-23). Attached you will find a redlined version of each chapter, and a clean version of each chapter. As with all three reading ordinances, we strongly prefer to make most major edits on the first reading to ensure a true three readings. This is why we are sending this our early for your review.

- The purpose of these amendments are as follows:
- Consistency throughout the codified ordinances and City's employee manual.
- Clarity on specific processes around employment practices and leave time accruals/payouts.
- To align certain policies and processes with current practices and the collective bargaining agreements.
- To align certain language with federal employment laws.
- Provide attractive benefits for recruitment of potential employees, such as leave time carryover and usage.
- Remove outdated language that do not apply to current City practices and employees.

## **Summary of Code Changes to Chapter 163 (Employment Provisions)**

- 163.02 – Cleans up language on eligibility of sick leave accrual and carryovers from another political subdivision. Currently, all new hires with prior service from another Ohio political subdivision can carryover up to 15 days of unused sick leave to the City of Huron. The amended language allows new hires to carryover all unused sick leave. However, this leave is restricted and will be tracked as a separate bank of leave
- All other sick leave accrued as a City employee must be exhausted before using the transferred sick leave.
- Transferred sick leave cannot be donated and will not be paid out upon retirement.
- 163.04 – Provides clarity on holiday hours at December 31<sup>st</sup> and upon separation. Employees cannot carryover any unused holiday hours after December 31<sup>st</sup> of each year. Holiday hours cannot be paid out upon separation or retirement.
- 163.05 – The vacation leave section of the codified ordinances was outdated and lacked clarity. The amended language does not change the amount of vacation accrual for non-bargaining employees, or carryover amounts. A table was added to the ordinance. The fire and police vacation accruals was removed

since they must comply with the bargaining unit agreements.

- 163.05 – Currently, all new hires must wait a year before they can accrue and use vacation time. The amended language removes the one-year restriction and also allows the City Manager’s discretion on prior service in the calculation of vacation accruals upon hire.
- 163.07 – Currently, all non-bargaining employees are credited with 2 days of personal leave at the beginning of the year. The bargaining units allow for 3 days of personal leave every year. The amended language increases the personal days to 3 days a year for consistency with bargaining units. The amended language does not allow for a payout of personal leave upon separation and retirement. Personal leave cannot be carried over from year to year with this amended language, as well.

### **Financial Review**

There is no immediate financial impact to recommended changes in Chapter 163. Additional liability will be evident in the future for additional vacation accruals based on experience. Any other additional leave time (e.g. personal and transferred sick) will not impact the budget since there is no payout of leave time for these types of leave upon separation. Departments will have to manage the additional personal day a staff member may be off throughout the year.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement, a motion placing Ordinance No. 2023-23 on its first reading is in order.

[Ordinance No. 2023-23 Chapter 163 \(1\).docx](#)

[Ordinance No. 2023-23 Exh A Chapter 163.pdf](#)

[Ordinance No. 2023-23 Exh B Chapter 163.pdf](#)

ORDINANCE NO. 2023-23  
Introduced by Mark Claus

AN ORDINANCE AMENDING AND RESTATING CHAPTER 163 EMPLOYMENT PROVISIONS.

WHEREAS, City Staff and counsel for City on employment law and human resource matters have evaluated Chapter 163 and have determined that various provisions are in need of enhancement and improvement to accurately reflect current policies and procedures, and to ensure the effective and efficient operation of the City pertaining to employment and human resources matters;

WHEREAS, the City hereby adopts a new and amended and restated Ordinance to repeal and amend and restate Chapter 163 (Employment Provisions) to address the concerns of the City Staff and counsel for City on employment law and human resource matters.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

Section 1: That Chapter 163 Employment Provisions of the Codified Ordinances of the City of Huron, Ohio WHICH CURRENTLY READS AS FOLLOWS: (refer to Exhibit "A" attached), shall be and hereby is repealed.

Section 2: That Chapter 163 Employment Provisions of the Codified Ordinances of the City of Huron, Ohio is hereby amended to read as follows: (refer to Exhibit "B" attached)

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Ordinance shall take effect and be in force from and after the time period contained in Section 3.06 of the Charter of the City of Huron.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



## CHAPTER 163

### Employment Provisions

- 163.01 Surety bonds required.
- 163.02 Sick leave.
- 163.03 Bereavement Leave.
- 163.04 Paid holidays.
- 163.05 Vacations.
- 163.06 Travel expenses; mileage allowance.
- 163.07 Personal leave.
- 163.08 Jury duty.
- 163.09 Military leave.
- 163.10 Training leave.
- 163.11 Emergency leave.
- 163.12 Cost-of-living salary adjustments.
- 163.13 Fringe benefits.
- 163.14 Weather emergencies.

### CROSS REFERENCES

- Contract interest - see CHTR. §5.08
- Merit system - see CHTR. §8.01
- Exempt positions - see CHTR. §8.02
- Appeals - see CHTR. §8.05
- Promotional examinations - see CHTR. §8.09
- Personnel Division - see ADM. Ch. 161

163.01 SURETY BONDS REQUIRED.

The persons holding the following positions shall furnish to the Council Clerk a corporate surety bond in at least the amounts designated for each such position. The amount of any premium shall be paid by the City.

	Minimum Bond
City Manager	\$10,000.00
Mayor	2,500.00
Director of Finance	20,000.00
Assistant Director of Finance	20,000.00
Members of Police	2,500.00 each
Building Official	2,500.00
Bookkeeper-Cashier, Division of Income Taxation	20,000.00
Director of Utilities	5,000.00
All other City employees	2,500.00

The surety bond required for all of the above positions may, at the option of the City Manager, be included in a blanket corporate surety bond in at least the combined total of all the individual bonds set forth above.

(Ord. 1997-16. Passed 5-27-97.)

#### 163.02 SICK LEAVE.

(a) Each full-time employee whose salary or wage is paid in whole or in part by the City shall be entitled, for each completed month of service, to sick leave of one and one-quarter (1.25) work days with pay. Full-time employees are entitled to accumulate an unlimited amount of sick leave. Employees with accumulated sick leave may use such sick leave, upon approval of the responsible department head, for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees or for illness of a spouse or dependent child. A full-time salaried employee who transfers from one City department to another shall be credited with the unused balance of his accumulated sick leave. The responsible department head may require an employee taking sick leave to furnish a satisfactory affidavit that his absence was caused by illness due to any causes mentioned in this section. For absences in excess of three (3) consecutive days, the responsible department head shall notify human resources and human resources will follow up with the employee. - This section shall be uniformly administered to full-time and part-time employees.

(b) Effective January 1, 2009, a full-time employee who retires from service with the City may request and shall be paid an amount equal to one day's compensation, at his then

current salary, for every three (3) day's sick leave accumulated while employed by the City of Huron as of the date of retirement, but not to exceed an amount equal to his salary or wage for four hundred eighty (480) hours. This benefit shall only be available to full-time employees who qualify for, and actually take retirement through, their respective public retirement system. No payment for accumulated sick leave shall be available for, and shall not be paid to, full-time employees who resign or are terminated from their employment with the City. No payment for transferred sick leave will be paid at retirement or separation.

(d) A full-time employee who has a minimum of 1,000 hours accumulated sick leave by the end of December of the preceding year may request, in writing, by the last working day of January of any calendar year on a sick leave conversion form provided by the Finance Department and shall be granted the right to convert one-hundred twenty (120) hours sick leave to forty (40) hours personal time. An Employee shall not convert in excess of sixty-four (64) hour's personal time on any calendar year.(40 hours of converted sick time and 24 regular personal hours)

(e) Each full-time employee shall be allowed to transfer accumulated unused sick leave accrued while in the employment of another Ohio political subdivision, but the transferred time ("transferred sick") cannot be computed towards payouts, carryovers or donated time. Transferred sick time cannot be used until all regular accrued sick leave is exhausted. This transferred sick leave will never be paid out at retirement or separation and cannot be used to donate leave.

(Ord. 2008-36. Passed 10-28-08.)

#### 163.03 BEREAVEMENT LEAVE.

(a) A maximum of four days leave of absence shall be granted to any full-time employee due to a death in his immediate family (mother, father, sister, brother, spouse, child, stepson, stepdaughter, stepbrother, stepsister, stepparent, half-brother, half-sister, grandparent, mother-in-law and father-in-law) and such time shall not be deducted from the employee's accumulated sick leave.

(b) A maximum of three days' leave of absence shall be granted to any full-time employee due to a death in the following members of his family: aunts, uncles, nieces, nephews. Such time shall be deducted from his accumulated sick leave.

(c) When, in the opinion of the responsible department head, additional leave of absence for family death is in the best interest of both the City and the employee, such additional leave may be granted and shall be deducted from the employee's accumulated sick leave.

(Ord. 2000-14. Passed 8-28-00.)

#### 163.04 PAID HOLIDAYS.

(a) There shall be eleven paid holidays for full-time employees. These holidays shall be New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Friday after Thanksgiving Day and Christmas Day. In addition, there shall be three one-half day paid holidays, these being one-half day before Christmas Day, one-half day before New Year's Day and one-half day on Good Friday afternoon. If it shall be necessary to work any or all of these days the employee may substitute working days at the discretion of the department head or City Manager.

(Ord. 2021-26. Passed 7-13-21.)

(b) In case the holiday falls on Saturday, the previous Friday shall be considered as the legal holiday. In case the holiday falls on Sunday, the following Monday shall be considered the legal holiday.

(Ord. 1994-25. Passed 12-12-94.)

(c) Any substituted working day for a holiday day authorized as provided in subsection (a) hereof must be taken by each employee entitled thereto, during the calendar year of such holiday. Unused holiday pay is lost as of December 31<sup>st</sup> of each year. is earned.

(d) If an employee leaves employment during the year, any used unaccrued holiday hours shall be deducted from the employee's leave payout. Unused accrued holiday hours shall not be paid out upon retirement or separation.

(Ord. 1984-12. Passed 3-12-84.)

#### 163.05 VACATIONS.

(a) The Director of Finance is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of every City employee. Earned vacation time on an hourly basis shall be accumulated and taken by all City employees on the following basis according to the chart below. Employees may carry over earned unused vacation time but such carryover shall be limited according to the chart. Upon employment separation or retirement, an employee's vacation leave balance is paid out at the employee's pay rate at separation or retirement. If an employee has used vacation time that had not been accrued yet and then separates from employment, the employee's last paycheck will deduct the used unaccrued time.

Years of Service	Annual Accrual	Annual Hours Earned	Accrual per week	Maximum Annual Carryover
1-6	2 weeks	80	3.08	<b>160</b>
7-12	3 weeks	120	4.62	<b>160</b>
13-19	4 weeks	160	6.15	<b>160</b>
20+	5 weeks	200	7.69	<b>200</b>

In all departments, vacation time off shall be scheduled with the department head. Scheduling of vacation time shall be coordinated so as to avoid disruption of necessary City services and functions of the specific department. Employees entitled to vacation time off shall file their vacation time request with their department head in accordance with departmental procedures designated by the City Manager.

The City Manager may, at his discretion, allow past relevant work experience to count toward prior service for vacation accrual purposes.

#### 163.06 TRAVEL EXPENSES; MILEAGE ALLOWANCE.

In addition to regular salaries and compensation, travel expenses for official purposes shall be paid to officers and employees only when such trips and expenses are lawfully authorized by the City Manager or Council. Prior authorization shall be received in writing by the City Manager before any expenses are incurred.

Any officer or employee authorized to make a trip on official City business shall keep a complete and accurate record of the expenses so incurred. An itemized statement of expenses incurred together with receipts and/or receipted bills shall be submitted to the City Manager or Council for approval. Upon approval, the statement shall be submitted to the Director of Finance for payment. (Ord. 1984-1. Passed 1-9-84.)

Except where otherwise provided for, City personnel shall be allowed mileage reimbursement for the use of personal vehicles when used for travel on official business in an amount approved and authorized by the IRS, and as that amount may change from time to time. (Ord. 1997-10. Passed 3-10-97.)

#### 163.07 PERSONAL LEAVE.

Each full-time employee shall be entitled to two extra days off with pay each calendar year. Such extra days shall be the choice of each employee, subject only to the approval of the department head. These two extra days will end on December 31, 2023. Effective January 1, 2024, each full-time employee shall be entitled to three personal days off with pay each calendar year. Such personal days shall be the choice of each employee, subject only to the approval of the department head. Such personal days shall be added to an

employee's leave accrual balance on January 1 to be used during the same year. Personal days shall not be carried over at the end of the calendar year. If an employee leaves employment during the year, any used unaccrued personal time shall be deducted from the employee's leave payout. Unused accrued personal leave shall not be paid out upon retirement or separation. Unused personal leave balance cannot exceed 64 hours at any one time. All personal leave must be used within the year accrued or it is lost. Sick time converted to personal leave must be used within a year of conversion or it is lost.

#### 163.08 JURY DUTY.

A full-time employee who has been called for jury duty shall, upon notice to his department head, be paid his regular salary or wages less the amount of pay received for jury duty service. (Ord. 1976-35. Passed 12-13-76.)

#### 163.09 MILITARY LEAVE.

(a) All officers and employees of the City who are members of the Ohio National Guard, the Ohio Defense Corps, the Ohio Naval Militia, or who are members of other reserve components of the armed forces of the United States, are entitled to a leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for periods not to exceed thirty-one days in any one calendar year.

(b) Any employee of the City who qualifies under subsection (a) above who is called to active duty for a national or state emergency by order of the President of the United States, the Congress of the United States, the Governor of the State of Ohio or the legislature of the State of Ohio shall be granted a leave of absence for the duration of such active duty. During this leave of absence, and at the expiration of the time limit specified in subsection (a) above, such employee shall receive from the City the difference between the employee's gross monthly base wage or salary with the City and the sum of the employee's gross monthly base wage or salary received from the military per month. During the leave of absence, such employee shall continue to accumulate vacation, sick leave, longevity credit, and other such benefits as would normally be available to the employee. Reinstatement rights and other rights shall be in accordance with all relevant provisions of Federal law and their companion rules and regulations.

(Ord. 2002-12. Passed 4-22-02.)

#### 163.10 TRAINING LEAVE.

Employees may be granted leave with pay to attend professional meetings, training institutes and conferences at the discretion of the City Manager or Council.

(Ord. 1976-35. Passed 12-13-76.)

#### 163.11 EMERGENCY LEAVE. REPEAL THIS SECTION

Ord. 1976-35. Passed 12-13-76.)

#### 163.12 COST-OF-LIVING SALARY ADJUSTMENTS.

(EDITOR'S NOTE: Former Section 163.12 was repealed by Ordinance 1991-18, passed July 8, 1991.)

#### 163.13 FRINGE BENEFITS.

(a) Full-time, employees only shall be entitled to receive any and all of the fringe benefits as set forth in the code or as are, from time to time, approved by Council.

(Ord. 1976-35. Passed 12-13-76.)

(b) The City shall provide for each full-time employee, a health insurance policy and a term life insurance policy in such face amounts and with premiums apportioned between the City and each employee as Council shall, from time to time, determine.

(Ord. 1996-8. Passed 3-25-96.)

(c) Council shall have the authorization to make exceptions to this section by motion approved by a majority of its members. (Ord. 1976-35. Passed 12-13-76.)

(d) Any type of fringe benefit (e.g. allowances, personal leave) earned during the year of retirement or separation from employment should be prorated on the employee's retirement or separation payout

#### 163.14 WEATHER EMERGENCIES.

In the event of an emergency due to weather conditions, by reason of which non-bargaining unit employees are unable to report to work at their appointed times, the City Manager shall determine when an emergency exists and which employees were unable to report to work because of such emergency and each of such employees shall be entitled to his or her regular compensation for the missed work time **Employees already scheduled to be off, on or during the declared emergency, are not entitled to be paid.**

(Ord. 1982-16. Passed 4-12-82.)

## CHAPTER 163

### Employment Provisions

- 163.01 Surety bonds required.
- 163.02 Sick leave.
- 163.03 Bereavement Leave.
- 163.04 Paid holidays.
- 163.05 Vacations.
- 163.06 Travel expenses; mileage allowance.
- 163.07 Personal leave.
- 163.08 Jury duty.
- 163.09 Military leave.
- 163.10 Training leave.
- 163.11 Emergency leave.
- 163.12 Cost-of-living salary adjustments.
- 163.13 Fringe benefits.
- 163.14 Weather emergencies.

### CROSS REFERENCES

- Contract interest - see CHTR. §5.08
- Merit system - see CHTR. §8.01
- Exempt positions - see CHTR. §8.02
- Appeals - see CHTR. §8.05
- Promotional examinations - see CHTR. §8.09
- Personnel Division - see ADM. Ch. 161

163.01 SURETY BONDS REQUIRED.



The persons holding the following positions shall furnish to the Council Clerk a corporate surety bond in at least the amounts designated for each such position. The amount of any premium shall be paid by the City.

	Minimum Bond
City Manager	\$10,000.00
Mayor	2,500.00
Director of Finance	20,000.00
Assistant Director of Finance	20,000.00
Members of Police	2,500.00 each
Building Official	2,500.00
Bookkeeper-Cashier, Division of Income Taxation	20,000.00
Director of Utilities	5,000.00
All other City employees	2,500.00

The surety bond required for all of the above positions may, at the option of the City Manager, be included in a blanket corporate surety bond in at least the combined total of all the individual bonds set forth above.

(Ord. 1997-16. Passed 5-27-97.)

#### 163.02 SICK LEAVE.

(a) Each full-time employee whose salary or wage is paid in whole or in part by the City shall be entitled, for each completed month of service, to sick leave of one and one-quarter (1.25) work days with pay. Full-time employees are entitled to accumulate an unlimited amount of sick leave. Employees with accumulated sick leave may use such sick leave, upon approval of the responsible department head, for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees or for illness of a spouse or dependent child. A full-time salaried employee who transfers from one City department to another shall be credited with the unused balance of his accumulated sick leave. The responsible department head may require an employee taking sick leave to furnish a satisfactory affidavit that his absence was caused by illness due to any causes mentioned in this section. For absences in excess of three (3) consecutive days, the responsible department head shall notify human resources and human resources will follow up with the employee. - This section shall be uniformly administered to full-time and part-time employees.

(b) Effective January 1, 2009, a full-time employee who retires from service with the City may request and shall be paid an amount equal to one day's compensation, at his then

current salary, for every three (3) day's sick leave accumulated while employed by the City of Huron as of the date of retirement, but not to exceed an amount equal to his salary or wage for four hundred eighty (480) hours. This benefit shall only be available to full-time employees who qualify for, and actually take retirement through, their respective public retirement system. No payment for accumulated sick leave shall be available for, and shall not be paid to, full-time employees who resign or are terminated from their employment with the City. No payment for transferred sick leave will be paid at retirement or separation.

(d) A full-time employee who has a minimum of 1,000 hours accumulated sick leave by the end of December of the preceding year may request, in writing, by the last working day of January of any calendar year on a sick leave conversion form provided by the Finance Department and shall be granted the right to convert one-hundred twenty (120) hours sick leave to forty (40) hours personal time. An Employee shall not convert in excess of sixty-four (64) hour's personal time on any calendar year.(40 hours of converted sick time and 24 regular personal hours)

(e) Each full-time employee shall be allowed to transfer accumulated unused sick leave accrued while in the employment of another Ohio political subdivision, but the transferred time ("transferred sick") cannot be computed towards payouts, carryovers or donated time. Transferred sick time cannot be used until all regular accrued sick leave is exhausted. This transferred sick leave will never be paid out at retirement or separation and cannot be used to donate leave.

(Ord. 2008-36. Passed 10-28-08.)

#### 163.03 BEREAVEMENT LEAVE.

(a) A maximum of four days leave of absence shall be granted to any full-time employee due to a death in his immediate family (mother, father, sister, brother, spouse, child, stepson, stepdaughter, stepbrother, stepsister, stepparent, half-brother, half-sister, grandparent, mother-in-law and father-in-law) and such time shall not be deducted from the employee's accumulated sick leave.

(b) A maximum of three days' leave of absence shall be granted to any full-time employee due to a death in the following members of his family: aunts, uncles, nieces, nephews. Such time shall be deducted from his accumulated sick leave.

(c) When, in the opinion of the responsible department head, additional leave of absence for family death is in the best interest of both the City and the employee, such additional leave may be granted and shall be deducted from the employee's accumulated sick leave.

(Ord. 2000-14. Passed 8-28-00.)

#### 163.04 PAID HOLIDAYS.

(a) There shall be eleven paid holidays for full-time employees. These holidays shall be New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Friday after Thanksgiving Day and Christmas Day. In addition, there shall be three one-half day paid holidays, these being one-half day before Christmas Day, one-half day before New Year's Day and one-half day on Good Friday afternoon. If it shall be necessary to work any or all of these days the employee may substitute working days at the discretion of the department head or City Manager.

(Ord. 2021-26. Passed 7-13-21.)

(b) In case the holiday falls on Saturday, the previous Friday shall be considered as the legal holiday. In case the holiday falls on Sunday, the following Monday shall be considered the legal holiday.

(Ord. 1994-25. Passed 12-12-94.)

(c) Any substituted working day for a holiday day authorized as provided in subsection (a) hereof must be taken by each employee entitled thereto, during the calendar year of such holiday. Unused holiday pay is lost as of December 31<sup>st</sup> of each year. is earned.

(d) If an employee leaves employment during the year, any used unaccrued holiday hours shall be deducted from the employee's leave payout. Unused accrued holiday hours shall not be paid out upon retirement or separation.

(Ord. 1984-12. Passed 3-12-84.)

#### 163.05 VACATIONS.

(a) The Director of Finance is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of every City employee. Earned vacation time on an hourly basis shall be accumulated and taken by all City employees on the following basis according to the chart below. Employees may carry over earned unused vacation time but such carryover shall be limited according to the chart. Upon employment separation or retirement, an employee's vacation leave balance is paid out at the employee's pay rate at separation or retirement. If an employee has used vacation time that had not been accrued yet and then separates from employment, the employee's last paycheck will deduct the used unaccrued time.

Years of Service	Annual Accrual	Annual Hours Earned	Accrual per week	Maximum Annual Carryover
1-6	2 weeks	80	3.08	<b>160</b>
7-12	3 weeks	120	4.62	<b>160</b>
13-19	4 weeks	160	6.15	<b>160</b>
20+	5 weeks	200	7.69	<b>200</b>

In all departments, vacation time off shall be scheduled with the department head. Scheduling of vacation time shall be coordinated so as to avoid disruption of necessary City services and functions of the specific department. Employees entitled to vacation time off shall file their vacation time request with their department head in accordance with departmental procedures designated by the City Manager.

The City Manager may, at his discretion, allow past relevant work experience to count toward prior service for vacation accrual purposes.

#### 163.06 TRAVEL EXPENSES; MILEAGE ALLOWANCE.

In addition to regular salaries and compensation, travel expenses for official purposes shall be paid to officers and employees only when such trips and expenses are lawfully authorized by the City Manager or Council. Prior authorization shall be received in writing by the City Manager before any expenses are incurred.

Any officer or employee authorized to make a trip on official City business shall keep a complete and accurate record of the expenses so incurred. An itemized statement of expenses incurred together with receipts and/or receipted bills shall be submitted to the City Manager or Council for approval. Upon approval, the statement shall be submitted to the Director of Finance for payment. (Ord. 1984-1. Passed 1-9-84.)

Except where otherwise provided for, City personnel shall be allowed mileage reimbursement for the use of personal vehicles when used for travel on official business in an amount approved and authorized by the IRS, and as that amount may change from time to time. (Ord. 1997-10. Passed 3-10-97.)

#### 163.07 PERSONAL LEAVE.

Each full-time employee shall be entitled to two extra days off with pay each calendar year. Such extra days shall be the choice of each employee, subject only to the approval of the department head. These two extra days will end on December 31, 2023. Effective January 1, 2024, each full-time employee shall be entitled to three personal days off with pay each calendar year. Such personal days shall be the choice of each employee, subject only to the approval of the department head. Such personal days shall be added to an

employee's leave accrual balance on January 1 to be used during the same year. Personal days shall not be carried over at the end of the calendar year. If an employee leaves employment during the year, any used unaccrued personal time shall be deducted from the employee's leave payout. Unused accrued personal leave shall not be paid out upon retirement or separation. Unused personal leave balance cannot exceed 64 hours at any one time. All personal leave must be used within the year accrued or it is lost. Sick time converted to personal leave must be used within a year of conversion or it is lost.

#### 163.08 JURY DUTY.

A full-time employee who has been called for jury duty shall, upon notice to his department head, be paid his regular salary or wages less the amount of pay received for jury duty service. (Ord. 1976-35. Passed 12-13-76.)

#### 163.09 MILITARY LEAVE.

(a) All officers and employees of the City who are members of the Ohio National Guard, the Ohio Defense Corps, the Ohio Naval Militia, or who are members of other reserve components of the armed forces of the United States, are entitled to a leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for periods not to exceed thirty-one days in any one calendar year.

(b) Any employee of the City who qualifies under subsection (a) above who is called to active duty for a national or state emergency by order of the President of the United States, the Congress of the United States, the Governor of the State of Ohio or the legislature of the State of Ohio shall be granted a leave of absence for the duration of such active duty. During this leave of absence, and at the expiration of the time limit specified in subsection (a) above, such employee shall receive from the City the difference between the employee's gross monthly base wage or salary with the City and the sum of the employee's gross monthly base wage or salary received from the military per month. During the leave of absence, such employee shall continue to accumulate vacation, sick leave, longevity credit, and other such benefits as would normally be available to the employee. Reinstatement rights and other rights shall be in accordance with all relevant provisions of Federal law and their companion rules and regulations.

(Ord. 2002-12. Passed 4-22-02.)

#### 163.10 TRAINING LEAVE.

Employees may be granted leave with pay to attend professional meetings, training institutes and conferences at the discretion of the City Manager or Council.

(Ord. 1976-35. Passed 12-13-76.)

#### 163.11 EMERGENCY LEAVE. REPEAL THIS SECTION

Ord. 1976-35. Passed 12-13-76.)

#### 163.12 COST-OF-LIVING SALARY ADJUSTMENTS.

(EDITOR'S NOTE: Former Section 163.12 was repealed by Ordinance 1991-18, passed July 8, 1991.)

#### 163.13 FRINGE BENEFITS.

(a) Full-time, employees only shall be entitled to receive any and all of the fringe benefits as set forth in the code or as are, from time to time, approved by Council.

(Ord. 1976-35. Passed 12-13-76.)

(b) The City shall provide for each full-time employee, a health insurance policy and a term life insurance policy in such face amounts and with premiums apportioned between the City and each employee as Council shall, from time to time, determine.

(Ord. 1996-8. Passed 3-25-96.)

(c) Council shall have the authorization to make exceptions to this section by motion approved by a majority of its members. (Ord. 1976-35. Passed 12-13-76.)

(d) Any type of fringe benefit (e.g. allowances, personal leave) earned during the year of retirement or separation from employment should be prorated on the employee's retirement or separation payout

#### 163.14 WEATHER EMERGENCIES.

In the event of an emergency due to weather conditions, by reason of which non-bargaining unit employees are unable to report to work at their appointed times, the City Manager shall determine when an emergency exists and which employees were unable to report to work because of such emergency and each of such employees shall be entitled to his or her regular compensation for the missed work time **Employees already scheduled to be off, on or during the declared emergency, are not entitled to be paid.**

(Ord. 1982-16. Passed 4-12-82.)



**TO:** Mayor Tapp and City Council  
**FROM:** Cory Swaisgood  
**RE:** Ordinance No. 2023-24 (*submitted by Cory Swaisgood*)  
**DATE:** July 25, 2023

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### **Subject Matter/Background**

This summary applies to Ordinance 2023-24, 2023-25, and 2023-26

The following three ordinances gives the administration the authority to issue long-term bonds in September to pay off the \$3.025 million note issued in December 2023 (matures in September) and add \$1 million for the City's contribution to the State's US6 project. The bond issuance is anticipated to be broken down as follows:

- \$2,285,000 30-year taxable revenue bonds for the direct subsidy to Sawmill Creek Resort for improvements, per the compensation and annexation agreement, at a rate of 5.5%. This was already paid to the property owner in December 2023
- \$1 million 20-year tax-exempt bonds for green space on the Oster's property at a rate of 4.7%. A portion of this is in escrow and paid from the December note.
- \$1 million 20-year tax-exempt bonds for US6 improvements at a rate of 4.7%.

The City expects the annual debt service to align with the Sawmill Creek TIF proceeds. A 3-year call option will also be negotiated in case the City sells the Oster's property and/or the market produces lower interest rates.

Three separate pieces of legislation is necessary due to the varying purposes for the use of this debt. The Sawmill Creek Resort subsidy is considered taxable and will be issued at higher interest rate over 30 years. The US6 and green space debt will be issued together over 20 years at a lower tax-exempt interest rate. In early August, the City will be going through a rating review with Moody's. If all goes well, Moody's could improve the City's credit rating (currently AA3) to lower the interest rate on this issuance.

### **Financial Review**

The bond issuance will be accounted for in the Sawmill Creek Resort TIF funds. Sawmill Creek Resort's TIF proceeds will support the debt service payments on this issuance which the City will begin receiving in February 2024. Actual annual debt service payments will begin in June 2024. Council is considering bonds at a not to exceed amount with these ordinances, totaling \$4.5 million. The City does not expect to issue the full \$4.5 million as indicated in the summary above. More details on the issuance and rate review will be presented to the Finance Committee on August 8, 2023.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Ordinance No. 2023-24 as an emergency measure

is in order.

[Ordinance No. 2023-24 Bond Issuance Sawmill Creek TIF \(1\).doc](#)



## **ORDINANCE NO. 2023-24**

Introduced by Joel Hagy

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,400,000 TO PAY COSTS OF A “PROJECT” AS DEFINED IN SECTION 165.01 OF THE OHIO REVISED CODE, FOR THE PURPOSE OF CREATING OR PRESERVING JOBS AND EMPLOYMENT OPPORTUNITIES AND IMPROVING THE ECONOMIC WELFARE OF THE CITY AND ITS RESIDENTS AND THE STATE OF OHIO; PROVIDING FOR THE PLEDGE FOR THAT PURPOSE OF CERTAIN NONTAX REVENUES; ESTABLISHING AN ACCOUNT OR FUND OF THE CITY; APPROVING RELATED DOCUMENTS; AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Ordinance No. 2022-65 passed on November 22, 2022, the City of Huron (the “City”) issued its \$3,025,000 Economic Development Nontax Revenue Notes, Series 2022 (Federally Taxable) (the “Outstanding Notes”), which Outstanding Notes mature on September 7, 2023; and

WHEREAS, this Council finds and determines that the City should retire a portion of the Outstanding Notes (plus accrued interest) with the proceeds of the Bonds described in Section 2; and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue the Bonds described in Section 2 to provide funds sufficient for that purpose, including the payment of expenses properly allocable to the issuance of the Bonds; and

WHEREAS, the City is authorized by virtue of the laws of the State of Ohio, including, without limitation, Section 13 of Article VIII, Ohio Constitution, and Chapter 165 of the Ohio Revised Code (the “Act”), among other things, to (i) issue bonds to acquire, construct, equip, or improve a “project” as defined in Section 165.01 of the Ohio Revised Code, for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare of the City and its residents and of the State of Ohio, (ii) secure such bonds by a pledge of nontax revenues, as provided herein; and (iii) to pass this Ordinance and enter into related agreements, upon the terms and conditions provided herein; and

WHEREAS, to create and preserve jobs and employment opportunities, the City has determined to issue its special obligation nontax revenue bonds (the “Bonds”) pursuant to the Act to provide funds necessary to pay the costs of the rehabilitation of a resort hotel, and conference center including refurbishing guest rooms, common area/guest amenity upgrades, enhancements to dining spaces and conference center meeting spaces, building envelope repairs, life safety upgrades and site improvements, including upgraded utility service, parking lot enhancements, landscaping and signage (collectively, the “Project”);

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, County of Erie, Ohio, that:

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

“Authorized Denominations” means (subject to any limitations in Section 3) the denomination of \$5,000 or any integral multiple thereof.

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 6.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bond Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 4.

“Bond Retirement Fund” means the Bond Retirement Fund established pursuant to Section 7.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

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

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the

Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Continuing Disclosure Agreement” means the agreement authorized by Section 6(c), to be substantially in the form on file with the Clerk of Council, made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

“Debt charges” means the principal of and interest on the Bonds.

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

“Fiscal Officer” means the Director of Finance of the City.

“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2024.

“Nontax Revenues” means all money of the City that is not money raised by taxation, to the extent available for deposit in the Bond Retirement Fund as provided in this Ordinance, including, but not limited to the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute to the extent not pledged to pay debt charges on other City indebtedness; (c) fines and forfeitures that are deposited in the City’s General Fund; (d) fees deposited in the City’s General Fund from properly imposed licenses and permits; (e) investment earnings on the City’s General Fund and that are credited to the City’s General Fund; (f) investment earnings on other funds of the City that are credited to the City’s General Fund; (g) proceeds from the sale of assets that are deposited in the City’s General Fund; (h) rental income that is deposited in the City’s General Fund; (i) gifts and donations; and (j) Project Revenues.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

“Parity Obligations” means any bonds, notes or other obligations of or guaranties by the City payable from Nontax Revenues on a parity with or prior to the Bonds.

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

“Pledged Nontax Revenues” means (i) Project Revenues, (ii) proceeds of the Bonds otherwise to be available to pay debt charges on the Bonds, (iii) all money in the Bond Retirement Fund and (iv) all income and profit from the investment of the foregoing money.

“Principal Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in each of the years from and including 2024 to and including 2043; provided that the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be advanced or deferred by such number of years as determined by the Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City, as determined by the Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“Project Revenues” means any revenues, payments, repayments, and moneys derived from the sale of all or a portion of the Property.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

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

Section 2: Determinations by City Council; Authorized Principal Amount and Purpose; Application of Proceeds. This City Council finds and determines that:

(a) The Project is a “project” as defined in the Act and is consistent with the purposes of Section 13, Article VIII of the Ohio Constitution and the utilization of the Project is in furtherance of the purposes of the Act and will benefit the people of the City and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State.

(b) It is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of \$2,400,000 for the purpose of paying all or a portion of the costs of the Project and to retire a portion of the Outstanding Notes. The Bonds shall be

designated “Special Obligation Nontax Revenue Bonds, Series 2023 (Federally Taxable)”, or as otherwise designated by the Director of Finance in the Certificate of Award.

The aggregate principal amount of Bonds to be issued shall not exceed \$2,400,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

The proceeds from the sale of the Bonds (except any premium and accrued interest) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest (after payment of any costs of issuance) shall be paid into the Bond Retirement Fund.

Section 3: Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer’s determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Fiscal Officer’s determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (“Mandatory Redemption Dates”) and the principal amount thereof that shall be

payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the true interest cost of the Bonds does not exceed 9%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15<sup>th</sup> day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the "Mandatory Sinking Fund Redemption Requirements").

The aggregate of the money to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45<sup>th</sup> day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the

Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 102%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple

thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (a) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered owner, of a new Bond or 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 Bond surrendered.

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

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon



presentation and surrender of those Bonds, provided that any interest earned on the money so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4: Execution and Authentication of Bonds; Appointment of Bond Registrar.

The Bonds shall be signed by the City Manager and the Fiscal Officer, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the Act, the Charter of the City, this Ordinance and the Certificate of Award.

The Huntington National Bank is appointed to act as the initial Bond Registrar; provided, however, that the Fiscal Officer is authorized to appoint a different Bond Registrar in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The City Manager and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5: Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, the person in

whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond 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 Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond 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 Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond 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 Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

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

designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered 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 Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

#### Section 6: Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount, to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance and the Bond Purchase Agreement.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The City Manager, the Fiscal Officer, the Law Director, the Clerk of Council and other City officials, as appropriate, each are authorized and directed 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.

The City Manager and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Bond Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance

and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure – Official Statement. The City Manager and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Fiscal Officer is authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Law Director and/or bond or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Municipal Advisor; Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Fiscal Officer, the (i) engagement of the services of a municipal advisor or (ii) filing of an application for (A) a rating on the Bonds by one or more nationally-recognized rating agencies, or (B) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to engage a municipal advisor and prepare and to submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the fees of a municipal advisor or the cost of obtaining each such rating or policy, except to the

extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with the Certificate of Award and/or the Bond Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or to be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the engagement of a municipal advisor or of obtaining that bond insurance.

The expenditure of the amounts necessary to engage a municipal advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with the Certificate of Award and/or the Bond Registrar Agreement, is authorized and approved, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7: Nontax Revenues; Bond Retirement Fund. The Bonds and any Parity Obligations that may be issued hereafter shall be special obligations of the City, and the debt charges on the Bonds shall be payable solely from the Nontax Revenues, and such payment is secured by a pledge of the Pledged Nontax Revenues pursuant to this Ordinance. The Bonds shall not be secured by an obligation or pledge of any money raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge of the faith and credit or taxing power of the City, and the owners thereof have and shall have no right to have taxes levied by the City for the payment of debt charges on the Bonds. The Bonds shall contain a statement to that effect and to the effect that they are payable solely from the Pledged Nontax Revenues and are not secured by an obligation or pledge of any money raised by taxation.

The City will, solely from the proceeds of the Bonds, or from Nontax Revenues, pay or cause to be paid the debt charges on the Bonds on the dates, at the places and in the manner provided herein and in the Bonds. For that purpose, this City Council, after providing for the payment of debt charges payable on the City's general obligation securities in that year from sources available for that purpose, will appropriate and maintain Nontax Revenues at such times and in such amounts as will be sufficient, together with other funds available for the purpose, including but not limited to the proceeds of Bonds, which Nontax Revenues are hereby selected by the City pursuant to Section 165.12 of the Revised Code as moneys that are not raised by taxation. Further, this City Council will give effect to such appropriations in all ordinances it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of Nontax Revenues in that year to the amount available after deducting the amount required for the payment of debt charges payable on the City's general obligation securities and to pay those debt charges on the Bonds.

There is hereby created by the City a separate fund or account designated as the "Special Obligation Nontax Revenue Bond Retirement Fund", or such other designation that may be provided pursuant to Section 13 hereof (the "Bond Retirement Fund"), into which shall be deposited

(i) any Project Revenues upon receipt, and (ii) other Nontax Revenues on or prior to the date on which any debt charges on the Bonds are due in an amount sufficient to pay those debt charges.

Nothing herein shall be construed as requiring the City to use or apply to the payment of debt charges on the Bonds any funds or revenues from any source other than Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Bonds.

Section 8. Parity Obligations. The City shall have the right from time to time to issue Parity Obligations, which Parity Obligations shall be payable solely from the Nontax Revenues, and such payment shall be secured by a pledge of and a lien on the Nontax Revenues as provided by the Act and by an ordinance passed by this Council authorizing the issuance of those Parity Obligations.

If determined by the Director of Finance to be in the best interest of and financially advantageous to the City, the Director of Finance may provide in the Certificate of Award that the issuance of any Parity Obligations shall be subject to a Coverage Test (as hereinafter defined). The Director of Finance may provide in the Certificate of Award that before any Parity Obligations are issued, the City shall be required to furnish a certificate of the Director of Finance showing that the aggregate amount of Nontax Revenues received during the fiscal year immediately preceding the issuance of those Parity Obligations is at least equal to 300% of the largest amount required to be paid in any succeeding calendar year to meet interest and principal maturities of the Bonds and any Parity Obligations to be outstanding immediately after the issuance of such Parity Obligations, or in the case of the issuance of notes issued in anticipation of Parity Obligations, the largest amount required to be paid in any succeeding calendar year to meet the estimated interest and principal maturities of those Parity Obligations anticipated (the "Coverage Test").

The proceeds of any sale of Parity Obligations shall be allocated in the manner provided in the ordinance authorizing their issuance. Junior lien or other subordinate bonds and other subordinate City obligations payable from the Nontax Revenues may be issued or incurred without limitation.

The Parity Obligations shall bear such designation as may be necessary to distinguish them from the Bonds or other Parity Obligations having different provisions and shall have maturities, interest rates, interest payment dates, redemption provisions, denominations and other provisions as provided in the ordinances hereafter adopted providing for the issuance of the Parity Obligations; provided, however, that those terms and provisions shall not be inconsistent with this Ordinance to the extent it governs the issuance and terms of Parity Obligations.

Section 9: Federal Tax Considerations. The City does not intend or represent that the interest on the Bonds will be excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended, and the City is not and shall not be obligated to take any action to attempt to secure or maintain any such exclusion.

Section 10: Notification of Bond Issuance. The Director of Finance is authorized and directed to provide the notification required by Section 165.03(D) of the Ohio Revised Code to the Director of the Ohio Development Services Agency.

Section 11: Retention of Bond and Disclosure Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond and disclosure counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinions upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 12: Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to the Act, the Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of law.

Section 13: Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

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Section 14: Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to retire a portion of the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: July 25, 2023

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council



## **ORDINANCE NO. 2023-25**

Introduced by Joel Hagy

### **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,050,000 TO PAY COSTS OF THE ACQUISITION OF LAND IN THE CITY TO BE IMPROVED AND USED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance No. 2022-65 passed on November 22, 2022, the City of Huron (the “City”) issued its \$3,025,000 Economic Development Nontax Revenue Notes, Series 2022 (Federally Taxable) (the “Outstanding Notes”), which Outstanding Notes mature on September 7, 2023; and

WHEREAS, upon determining that the City will use the land for municipal purposes, this Council finds and determines that the City should retire a portion of the Outstanding Notes (plus accrued interest) that is attributable to the purchase of certain property in the City, with the proceeds of the Bonds described in Section 2; and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is 30 years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, County of Erie, Ohio, that:

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

“Authorized Denominations” means (subject to any limitations in Section 3) the denomination of \$5,000 or any integral multiple thereof.

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 6.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds

under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bond Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 4.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

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

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Continuing Disclosure Agreement” means the agreement authorized by Section 6(c), to be substantially in the form on file with the Clerk of Council, made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

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

“Fiscal Officer” means the Director of Finance of the City.

“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2024.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

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

“Principal Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in each of the years from and including 2024 to and including 2043, provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

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

Section 2: Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of \$1,050,000 (the Bonds) to pay costs of the acquisition of land in the City to be improved and used for municipal purposes and to retire a portion of the Outstanding Notes, including the payment of expenses related to the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$1,050,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold

to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

The proceeds from the sale of the Bonds (except any premium and accrued interest) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest (after the payment of costs of issuance) shall be paid into the Bond Retirement Fund.

Section 3: Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Fiscal Officer's determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that (i) the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than

three times the amount of those payments in any other such fiscal year and (ii) the true interest cost of the Bonds does not exceed 8%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15<sup>th</sup> day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the money to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45<sup>th</sup> day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund

Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 102%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of

that Bond shall surrender the Bond to the Bond Registrar (a) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered owner, of a new Bond or 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 Bond surrendered.

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

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the money so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4: Execution and Authentication of Bonds; Appointment of Bond Registrar.  
The Bonds shall be signed by the City Manager and the Fiscal Officer, in the name of the City

and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code and this Ordinance.

The Huntington National Bank is appointed to act as the initial Bond Registrar; provided, however, that the Fiscal Officer is authorized to appoint a different Bond Registrar in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The City Manager and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

#### Section 5: Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and



discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond 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 Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond 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 Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond 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 Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the

Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered 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 Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

#### Section 6: Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount, to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance and the Bond Purchase Agreement. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The City Manager, the Fiscal Officer, the Law Director, the Clerk of Council and other City officials, as appropriate, each are authorized and directed 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.

The City Manager and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Bond Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of

the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure – Official Statement. The City Manager and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Fiscal Officer is authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Law Director and/or bond or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Municipal Advisor; Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Fiscal Officer, the (i) engagement of the services of a municipal advisor or (ii) filing of an application for (A) a rating on the Bonds by one or more nationally-recognized rating agencies, or (B) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to engage a municipal advisor and prepare and to submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the fees of a municipal advisor or the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the

Bond Registrar in accordance with the Certificate of Award and/or the Bond Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or to be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the engagement of a municipal advisor or of obtaining that bond insurance.

The expenditure of the amounts necessary to engage a municipal advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with the Certificate of Award and/or the Bond Registrar Agreement, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7: Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year the amount of the tax shall be reduced by the amount of lawfully available municipal income taxes appropriated and to be applied to the payment of the debt charges on the Bonds in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Sections 133.05(B)(7) and 5705.51(A)(5) and (D) of the Revised Code, to appropriate annually from such municipal income taxes such amounts, and to continue to levy and collect such municipal income taxes in such amounts, as are necessary to meet such annual debt charges. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

Section 8: Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 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 of the Code applies, and (b) the interest thereon will not be 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 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 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 Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Bonds as “qualified tax-exempt obligations”), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 9: Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Erie County Auditor.

Section 10: Retention of Bond and Disclosure Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond and disclosure counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinions upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any

reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 11: Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 12: Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 13: Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to retire a portion of the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: July 25, 2023

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

## **ORDINANCE NO. 2023-26**

Introduced by Joel Hagy

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,050,000 TO PAY COSTS OF IMPROVING THE PORTION OF US-6 LOCATED IN THE CITY BY CONSTRUCTING, RECONSTRUCTING, RESURFACING, PAVING, GRADING, DRAINING AND MAKING OTHER IMPROVEMENTS AND, IN CONNECTION THEREWITH, CONSTRUCTING AND RECONSTRUCTING, AS NECESSARY, ONE OR MORE ROUNDABOUTS, CURBS, GUTTERS, SIDEWALKS, CONCRETE APRONS, STORM SEWERS AND RELATED DRAINAGE FACILITIES, AND REPLACING OR ADDING LIGHTING AND TRAFFIC SIGNALS, TOGETHER WITH ALL NECESSARY RELATED IMPROVEMENTS AND APPURTENANCES THERETO, ALL AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.**

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is 20 years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, County of Erie, Ohio, that:

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

“Authorized Denominations” means (subject to any limitations in Section 3) the denomination of \$5,000 or any integral multiple thereof.

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 6.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become

such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bond Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 4.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

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

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Continuing Disclosure Agreement” means the agreement authorized by Section 6(c), to be substantially in the form on file with the Clerk of Council, made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

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

“Fiscal Officer” means the Director of Finance of the City.



“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2024.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

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

“Principal Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in each of the years from and including 2024 to and including 2043, provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

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

Section 2: Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of \$1,050,000 (the Bonds) to pay costs of improving the portion of US-6 located in the City by constructing, reconstructing, resurfacing, paving, grading, draining and making other improvements and, in connection therewith, constructing and reconstructing, as necessary, one or more roundabouts, curbs, gutters, sidewalks, concrete aprons, storm sewers and related drainage facilities, and replacing or adding lighting and traffic signals, together with all necessary related improvements and appurtenances thereto, all as designated in the plans approved or to be approved by Council, including the payment of expenses related to the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$1,050,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

The proceeds from the sale of the Bonds (except any premium and accrued interest) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest (after the payment of costs of issuance) shall be paid into the Bond Retirement Fund.

Section 3: Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Fiscal Officer's determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that (i) the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other such fiscal year and (ii) the true interest cost of the Bonds does not exceed 8%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15<sup>th</sup> day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the money to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45<sup>th</sup> day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to

be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 102%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond

Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (a) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered owner, of a new Bond or 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 Bond surrendered.

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

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the money so

held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4: Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Fiscal Officer, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code and this Ordinance.

The Huntington National Bank is appointed to act as the initial Bond Registrar; provided, however, that the Fiscal Officer is authorized to appoint a different Bond Registrar in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The City Manager and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5: Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of

that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond 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 Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond 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 Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond 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 Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds

in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered 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 Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

#### Section 6: Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount, to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance and the Bond Purchase Agreement. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The City Manager, the Fiscal Officer, the Law Director, the Clerk of Council and other City officials, as appropriate, each are authorized and directed 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.

The City Manager and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement between the City and the Original Purchaser, in



substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Bond Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure – Official Statement. The City Manager and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Fiscal Officer is authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Law Director and/or bond or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Municipal Advisor; Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Fiscal Officer, the (i) engagement of the services of a municipal advisor or (ii) filing of an application for (A) a rating on the Bonds by one or more nationally-recognized rating agencies, or (B) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to engage a municipal

advisor and prepare and to submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the fees of a municipal advisor or the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with the Certificate of Award and/or the Bond Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or to be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the engagement of a municipal advisor or of obtaining that bond insurance.

The expenditure of the amounts necessary to engage a municipal advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with the Certificate of Award and/or the Bond Registrar Agreement, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7: Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year the amount of the tax shall be reduced by the amount of lawfully available municipal income taxes appropriated and to be applied to the payment of the debt charges on the Bonds in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Sections 133.05(B)(7) and 5705.51(A)(5) and (D) of the Revised Code, to appropriate annually from such municipal income taxes such amounts, and to continue to levy and collect such municipal income taxes in such amounts, as are necessary to meet such annual debt charges. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

Section 8: Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 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 of the Code applies, and (b) the interest thereon will not be 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 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 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 Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Bonds as “qualified tax-exempt obligations”), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 9: Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Erie County Auditor.

Section 10: Retention of Bond and Disclosure Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond and disclosure counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinions upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and

reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 11: Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 12: Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 13: Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to enter into contracts for the improvement which is needed to provide for the health and safety of the residents of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: July 25, 2023

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Mayor

Attest: \_\_\_\_\_  
Clerk of Council



**TO:** Mayor Tapp and City Council  
**FROM:** Jack Evans  
**RE:** Resolution No. 55-2023 (*submitted by Jack Evans*)  
**DATE:** July 25, 2023

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### **Subject Matter/Background**

This application is to garner grant funding to assist with the Project known as South Main Street Water Main Replacement. This project will cover water main replacement in portions of South Main St, Huron Avery, Huron and Mudbrook Road, also full replacement on Forest Hills, Valleyview, Hickory Drive and Mill Street.

### **Financial Review**

If awarded, the City will track grant funds and expenses for road replacement on this project in the capital improvement fund (Fund 401). The City is requesting a grant from OPWC in the amount of \$600,000 to help subsidize this project. Any matching funds, if required, will be supported by General Fund transfers.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 55-2023 is in order.

[Resolution No. 55-2023 OPWC Grant Application S Main Watermain \(2\).doc](#)

[Resolution No. 55-2023 Exh A OPWC Application.pdf](#)

RESOLUTION NO. 55-2023  
Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC), SCIP AND LTIP PROGRAM YEAR 38, FY 2025 GRANT RELATING TO THE SOUTH MAIN STREET WATERMAIN REPLACEMENT PROJECT IN THE AMOUNT OF SIX HUNDRED THOUSAND AND 00/100 DOLLARS (\$600,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD IN AN AMOUNT NOT TO EXCEED SIX HUNDRED THOUSAND AND XX/100 DOLLARS (\$600,000.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant funding from the Ohio Public Works Commission (OPWC), SCIP and LTIP Program Year 38, FY 2025 to partially subsidize the South Main Street Watermain Reconstruction Project (referred to as the "Project"); and

WHEREAS, the Projects meets basic eligibility requirements for project funding as it has a direct relationship to transportation and to the MPO's long range plans, such that they enhance a current or proposed transportation system; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from OPWC; and

WHEREAS, the City of Huron must direct and authorize the City Manager, Matthew Lasko, to act as the Authorized Representative for the application and project, if awarded ; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON AS FOLLOWS:

SECTION 1. That the Council of the City of Huron authorizes and directs the City Manager to submit a grant application through the Ohio Public Works Commission (OPWC) SCIP and LTIP Program Year 38, FY 2025 to become eligible for potential funding assistance relating to the South Main Street Watermain Replacement Project the amount of Six Hundred Thousand and xx/100 Dollars (\$600,000.00). A copy of the grant application materials is attached hereto as Exhibit "A."

SECTION 2. That if grant funds are awarded, authorization is given to the City Manager to execute any agreement(s) with OPWC to be eligible for funding under the program, and to accept the grant award of up to Six Hundred Thousand and xx/100 Dollars (\$600,000.00).

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code

SECTION 4. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_



## Erie Regional Planning Commission Department of Planning & Development

2900 Columbus Avenue  
Sandusky, Ohio 44870-5554  
Phone: 419-627-7792 Fax: 419-627-6670

*Planning for the future of Erie County*

June 12, 2023

### RE: OPWC - ROUND 38 SCIP & LTIP APPLICATIONS

It's time again to prepare OPWC grant and loan program applications.

Applicants should submit either paper or electronic applications (pdf on a CD, DVD, or electronic storage device) to the Erie County Regional Planning Department **no later than Friday September 8, 2023 at 4:00 p.m.**

#### **Applications need to include the following documents:**

- Application for Financial Assistance form. (attached)
- Round 38 District 5 Capital Improvement Projects Questionnaire and Priority Rating Sheet. (attached)
- Certified copy of legislation from applicant authorizing a designated official to sign and submit the application.
- Financial Officer Statement stating that local funds are available
- Professional Engineer's Cost Estimate and Useful Life.
- **Supporting Documentation:** For road projects you will need a traffic count that is no more than three years old and if your project will create jobs, you will need documentation. Pictures and maps always help.

Also attached for your review are the Supplemental Application Instructions revised November 2021. Villages and Townships that qualify for the Small Government Program are urged to complete that section of the application as they may qualify for funding out of that program.

Please do not hesitate to contact me if you need clarification on this letter or have questions regarding the application process. For additional information on applying, please visit:

<https://www.mvpo.org/opwc-r38-applications>

Regards,

Kevin Cannon  
Erie County Regional Planning



## **District 5 PY38/FY25 SCIP and LTIP Schedule**

Friday, September 8, 2023

Deadline for SCP and LTIP projects to be submitted to County sub-committees in paper or electronic form

Friday, October 6, 2023

All SCIP and LTIP project applications due to the District 5 Liaison and will either be entered into the portal by local staff or liaison.

Tuesday, November 7, 2023

Executive Committee to review SCIP and LTIP project applications

Tuesday, November 21, 2023

Deadline for District 5 Small Government Committee to rate and rank project applications

Tuesday, December 12, 2023  
@ 5:00 p.m. at Wood County

District 5 Executive Committee to take final action on SCIP and LTIP projects

Tuesday, December 12, 2023  
@5:15 p.m. at Wood County

District 5 Integrating Committee to take final action on project applications

Friday, December 15, 2023

Deadline for to submit project applications to The Ohio Public Works Commission

Project Agreements will **tentatively** be received by the applicant on or before July 1, 2025.



State of Ohio  
**Public Works Commission**  
*Application for Financial Assistance*

IMPORTANT: Please consult "Instructions for Financial Assistance for Capital Infrastructure Projects" for guidance in completion of this form.

Applicant

Applicant: \_\_\_\_\_ Subdivision Code: \_\_\_\_\_

District Number: \_\_\_\_\_ County: \_\_\_\_\_ Date: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone: \_\_\_\_\_  
(The individual who will be available during business hours and who can best answer or coordinate the response to questions)

Email: \_\_\_\_\_ FAX: \_\_\_\_\_

Project

Project Name: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Subdivision Type	Project Type	Funding Request Summary
(Select one)	(Select single largest component by \$)	(Automatically populates from page 2)
<input type="checkbox"/> 1. County	<input type="checkbox"/> 1. Road	Total Project Cost: _____ 0 .00
<input type="checkbox"/> 2. City	<input type="checkbox"/> 2. Bridge/Culvert	1. Grant: _____ 0 .00
<input type="checkbox"/> 3. Township	<input type="checkbox"/> 3. Water Supply	2. Loan: _____ 0 .00
<input type="checkbox"/> 4. Village	<input type="checkbox"/> 4. Wastewater	3. Loan Assistance/ Credit Enhancement: _____ 0 .00
<input type="checkbox"/> 5. Water (6119 Water District)	<input type="checkbox"/> 5. Solid Waste	
	<input type="checkbox"/> 6. Stormwater	Funding Requested: _____ 0 .00

**District Recommendation** (To be completed by the District Committee)

Funding Type Requested	SCIP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
(Select one)		
<input type="checkbox"/> State Capital Improvement Program	RLP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
<input type="checkbox"/> Local Transportation Improvement Program	Grant:	Amount: _____ .00
<input type="checkbox"/> Revolving Loan Program	LTIP:	Amount: _____ .00
<input type="checkbox"/> Small Government Program		
District SG Priority: _____	Loan Assistance / Credit Enhancement:	Amount: _____ .00

**For OPWC Use Only**

STATUS	Grant Amount: _____ .00	Loan Type: <input type="checkbox"/> SCIP <input type="checkbox"/> RLP
Project Number: _____	Loan Amount: _____ .00	Date Construction End: _____
_____	Total Funding: _____ .00	Date Maturity: _____
Release Date: _____	Local Participation: _____ %	Rate: _____ %
OPWC Approval: _____	OPWC Participation: _____ %	Term: _____ Yrs

## 1.0 Project Financial Information (All Costs Rounded to Nearest Dollar)

### 1.1 Project Estimated Costs

#### Engineering Services

Preliminary Design:	_____	.00	
Final Design:	_____	.00	
Construction Administration:	_____	.00	
Total Engineering Services:	a.) _____	0 .00	_____ 0 %
Right of Way:	b.) _____	.00	
Construction:	c.) _____	.00	
Materials Purchased Directly:	d.) _____	.00	
Permits, Advertising, Legal:	e.) _____	.00	
Construction Contingencies:	f.) _____	.00	_____ 0 %
Total Estimated Costs:	g.) _____	0 .00	

### 1.2 Project Financial Resources

#### Local Resources

Local In-Kind or Force Account:	a.) _____	.00	
Local Revenues:	b.) _____	.00	
Other Public Revenues:	c.) _____	.00	
ODOT / FHWA PID: _____	d.) _____	.00	
USDA Rural Development:	e.) _____	.00	
OEPA / OWDA:	f.) _____	.00	
CDBG:	g.) _____	.00	
<input type="checkbox"/> County Entitlement or Community Dev. "Formula"			
<input type="checkbox"/> Department of Development			
Other: _____	h.) _____	.00	
Subtotal Local Resources:	i.) _____	0 .00	_____ 0 %

#### OPWC Funds (Check all requested and enter Amount)

Grant: _____ 0 % of OPWC Funds	j.) _____	.00	
Loan: _____ 0 % of OPWC Funds	k.) _____	.00	
Loan Assistance / Credit Enhancement:	l.) _____	.00	
Subtotal OPWC Funds:	m.) _____	0 .00	_____ 0 %
Total Financial Resources:	n.) _____	0 .00	_____ 100 %

## 1.3 Availability of Local Funds

Attach a statement signed by the Chief Financial Officer listed in section 5.2 certifying all local resources required for the project will be available on or before the earliest date listed in the Project Schedule section. The OPWC Agreement will not be released until the local resources are certified. Failure to meet local share may result in termination of the project. Applicant needs to provide written confirmation for funds coming from other funding sources.

## 2.0 Repair / Replacement or New / Expansion

2.1 Total Portion of Project Repair / Replacement:	_____ .00	<u>0</u> %
2.2 Total Portion of Project New / Expansion:	_____ .00	<u>0</u> %
2.3 Total Project:	<u>0</u> .00	<u>100</u> %

## 3.0 Project Schedule

3.1 Engineering / Design / Right of Way	Begin Date: _____	End Date: _____
3.2 Bid Advertisement and Award	Begin Date: _____	End Date: _____
3.3 Construction	Begin Date: _____	End Date: _____

Construction cannot begin prior to release of executed Project Agreement and issuance of Notice to Proceed.

Failure to meet project schedule may result in termination of agreement for approved projects. Modification of dates must be requested in writing by project official of record and approved by the Commission once the Project Agreement has been executed.

## 4.0 Project Information

If the project is multi-jurisdictional, information must be consolidated in this section.

### 4.1 Useful Life / Cost Estimate / Age of Infrastructure

Project Useful Life: \_\_\_\_\_ Years      Age: \_\_\_\_\_ (Year built or year of last major improvement)

*Attach Registered Professional Engineer's statement, with seal or stamp and signature confirming the project's useful life indicated above and detailed cost estimate.*

### 4.2 User Information

Road or Bridge:      Current ADT \_\_\_\_\_ Year \_\_\_\_\_      Projected ADT \_\_\_\_\_ Year \_\_\_\_\_

Water / Wastewater: Based on monthly usage of 4,500 gallons per household; attach current ordinances.

Residential Water Rate      Current \$ \_\_\_\_\_      Proposed \$ \_\_\_\_\_

Number of households served: \_\_\_\_\_

Residential Wastewater Rate      Current \$ \_\_\_\_\_      Proposed \$ \_\_\_\_\_

Number of households served: \_\_\_\_\_

Stormwater: Number of households served: \_\_\_\_\_

## 4.3 Project Description

A: SPECIFIC LOCATION (Supply a written location description that includes the project termini; a map does not replace this requirement.) 500 character limit.

B: PROJECT COMPONENTS (Describe the specific work to be completed; the engineer's estimate does not replace this requirement) 1,000 character limit.

C: PHYSICAL DIMENSIONS (Describe the physical dimensions of the existing facility and the proposed facility. Include length, width, quantity and sizes, mgd capacity, etc in detail.) 500 character limit.

## 5.0 Project Officials

Changes in Project Officials must be submitted in writing from an officer of record.

### 5.1 Chief Executive Officer (Person authorized in legislation to sign project agreements)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

FAX: \_\_\_\_\_

E-Mail: \_\_\_\_\_

### 5.2 Chief Financial Officer (Can not also serve as CEO)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

FAX: \_\_\_\_\_

E-Mail: \_\_\_\_\_

### 5.3 Project Manager

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

FAX: \_\_\_\_\_

E-Mail: \_\_\_\_\_

## 6.0 Attachments / Completeness review

Confirm in the boxes below that each item listed is attached (Check each box)

- ☐ A certified copy of the legislation by the governing body of the applicant authorizing a designated official to sign and submit this application and execute contracts. This individual should sign under 7.0, Applicant Certification, below.
- ☐ A certification signed by the applicant's chief financial officer stating the amount of all local share funds required for the project will be available on or before the dates listed in the Project Schedule section. If the application involves a request for loan (RLP or SCIP), a certification signed by the CFO which identifies a specific revenue source for repaying the loan also must be attached. Both certifications can be accomplished in the same letter.
- ☐ A registered professional engineer's detailed cost estimate and useful life statement, as required in 164-1-13, 164-1-14, and 164-1-16 of the Ohio Administrative Code. Estimates shall contain an engineer's seal or stamp and signature.
- ☐ A cooperative agreement (if the project involves more than one subdivision or district) which identifies the fiscal and administrative responsibilities of each participant.
- ☐ Farmland Preservation Review - The Governor's Executive Order 98-III, "Ohio Farmland Protection Policy" requires the Commission to establish guidelines on how it will take protection of productive agricultural and grazing land into account in its funding decision making process. Please include a Farm Land Preservation statement for projects that have an impact on farmland.
- ☐ Capital Improvements Report. CIR Required by O.R.C. Chapter 164.06 on standard form.
- ☐ Supporting Documentation: Materials such as additional project description, photographs, economic impact (temporary and/or full time jobs likely to be created as a result of the project), accident reports, impact on school zones, and other information to assist your district committee in ranking your project. Be sure to include supplements which may be required by your local District Public Works Integrating Committee.

## 7.0 Applicant Certification

The undersigned certifies: (1) he/she is legally authorized to request and accept financial assistance from the Ohio Public Works Commission as identified in the attached legislation; (2) to the best of his/her knowledge and belief, all representations that are part of this application are true and correct; (3) all official documents and commitments of the applicant that are part of this application have been duly authorized by the governing body of the applicant; and, (4) should the requested financial assistance be provided, that in the execution of this project, the applicant will comply with all assurances required by Ohio Law, including those involving Buy Ohio and prevailing wages.

**Applicant certifies that physical construction on the project as defined in the application has NOT begun, and will not begin until a Project Agreement for this project has been executed with the Ohio Public Works Commission. Action to the contrary will result in termination of the agreement and withdrawal of Ohio Public Works Commission funding from the project.**

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Certifying Representative (Printed form, Type or Print Name and Title)

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Original Signature / Date Signed

# DISTRICT FIVE

## OHIO PUBLIC WORKS COMMISSION

# QUESTIONNAIRE and SCORING METHODOLOGY

## Program Year 38/ Fiscal Year 2025

**For Preparing an Application for a  
State Capital Improvement Program and Local Transportation  
Improvement Program Project**



- OPWC Rep:** Ashley Ellrod **OPWC Liaison:** Dennis Miller
- Phone:** 614-745-9076 **Phone:** 419-784-3882
- Email:** [Ashley.ellrod@pwc.ohio.gov](mailto:Ashley.ellrod@pwc.ohio.gov) **Email:** [dmiller@mvp.org](mailto:dmiller@mvp.org)





**TO:** Mayor Tapp and City Council  
**FROM:** Erik Engle  
**RE:** Resolution No. 56-2023 (*submitted by Erik Engle*)  
**DATE:** July 25, 2023

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### **Subject Matter/Background**

Resolution 56-2023 will authorize the first legislative step in the process related to the Sidewalk Assessment for 2024, where staff has identified District 2 as the designated area aligned with the Tree Assessment process. Legal has prepared the legislation in accordance with the directive and upon adoption administration will proceed with the assessment process as outlined in the ORC. As with all assessment projects, notification and due process rights are required prior to the consideration of the subsequent legislative steps that will need to be adopted before the assessment list can be certified to the County Auditor.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 56-2023 is in order.

[Resolution No. 56-2023 Resolution of Necessity Sidewalks \(2\).docx](#)  
[District 2 Streets\\_ Exhibit A.pdf](#)

RESOLUTION NO. 56-2023  
Introduced by William Biddlecombe

A RESOLUTION OF NECESSITY ACKNOWLEDGING INSPECTION OF PROPERTIES CITY-WIDE IN ANTICIPATION OF ENFORCEMENT OF SIDEWALK-RELATED ORDINANCES AND OHIO LAW RELATING TO SIDEWALKS.

WHEREAS, City-wide property inspections shall be undertaken to investigate the condition of sidewalks within District 2 (as shown in the diagram attached hereto as "Exhibit A" and incorporated herein by reference) the City of Huron to ensure compliance with existing Codified Ordinances and Ohio law;

WHEREAS, the City of Huron will pursue enforcement efforts, including but not limited later legislation requiring maintenance, repair, or replacement of sidewalks, and certification of actual charges to ensure compliance to the Erie County Auditor at a later date if and as applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That this Council hereby recommends and approves City-wide property inspections to investigate the condition of sidewalks within District 2 (as shown in the diagram attached hereto as "Exhibit A" and incorporated herein by reference) the City of Huron to ensure compliance with existing Codified Ordinances and Ohio law, and in anticipation of enforcement of said Ordinances and Ohio law.

SECTION 2. That the condition of sidewalks pertaining to certain properties in the City of Huron may require remediation of noncompliant conditions to ensure the health and safety of the citizens of the City of Huron, Ohio.

SECTION 3. The Building and Zoning Department shall advise relevant property owners in writing, when and as required by City Ordinances, of any noncompliance after such inspection(s) are performed, and an opportunity to remedy any violations shall be afforded consistent with relevant City Ordinances.

SECTION 4. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. § 121.22.

\_\_\_\_\_  
Monty Tapp, Mayor

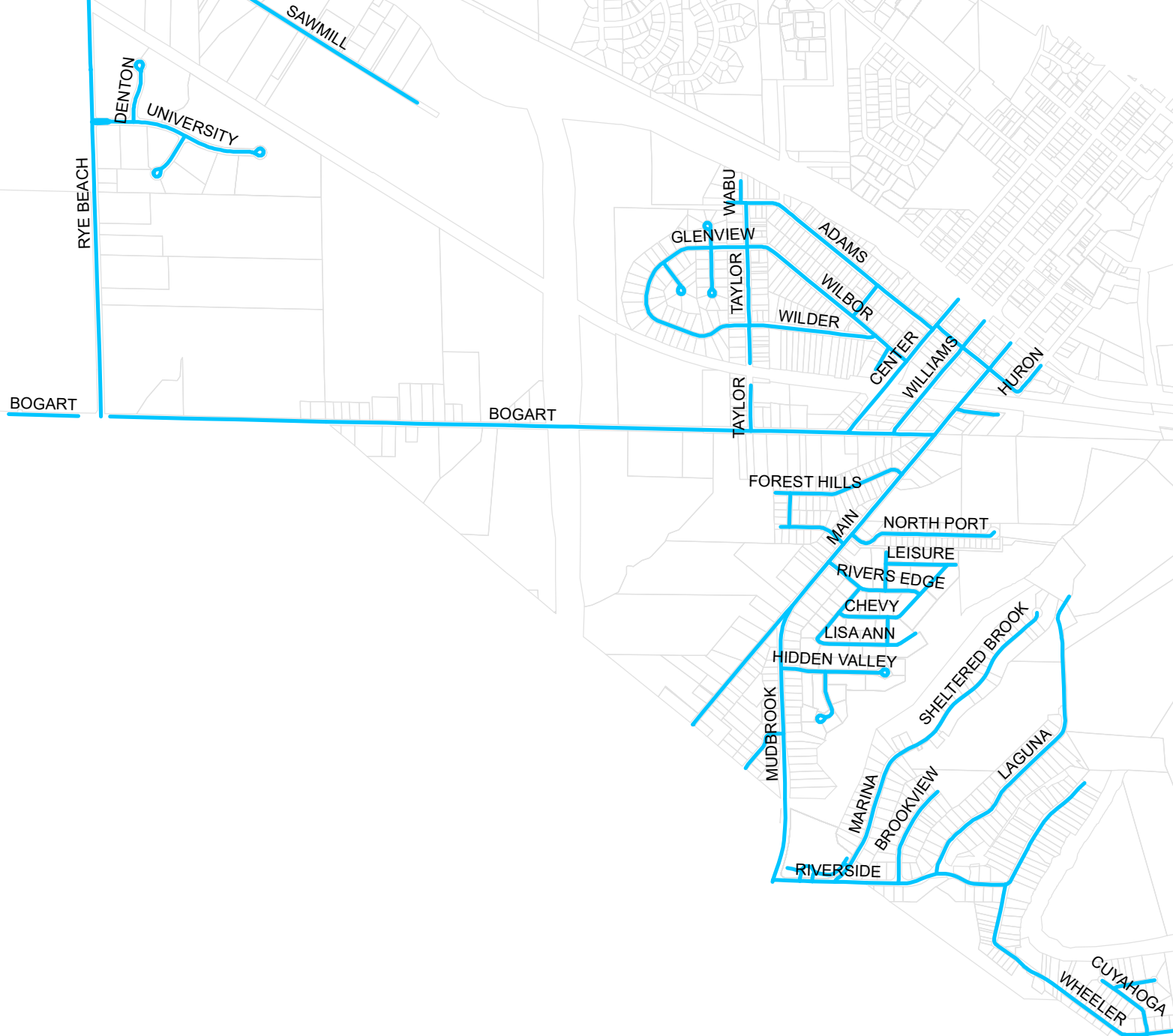
ATTEST:

\_\_\_\_\_  
Clerk of Council

ADOPTED:

\_\_\_\_\_

# District 2





**TO:** Mayor Tapp and City Council  
**FROM:** Erik Engle  
**RE:** Resolution No. 57-2023 (*submitted by Erik Engle*)  
**DATE:** July 25, 2023

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### **Subject Matter/Background**

Resolution 57-2023 will authorize the first legislative step in the process related to the Tree Assessment for 2024, where staff has identified District 2 as a priority boundary for tree maintenance. Legal has prepared the legislation in accordance with the directive and upon adoption administration will proceed with the assessment process as outlined in the ORC. As with all assessment projects, notification and due process rights are required prior to the consideration of the subsequent legislative steps that will need to be adopted before the assessment list can be certified to the County Auditor.

### **Legal Review**

The matter has been reviewed, follows normal administrative procedure and is properly before you.

### **Recommendation**

If Council is in agreement with the request, a motion adopting Resolution No. 57-2023 is in order.

[Resolution No. 57-2023 Resolution of Necessity Trees \(1\).docx](#)  
[District 2 Streets\\_Exhibit A.pdf](#)

RESOLUTION NO. 57-2023  
Introduced by William Biddlecombe

A RESOLUTION OF NECESSITY ACKNOWLEDGING INSPECTION OF PROPERTIES CITY-WIDE IN ANTICIPATION OF ENFORCEMENT OF TREE-RELATED ORDINANCES AND OHIO LAW RELATING TO TREES.

WHEREAS, City-wide property inspections shall be undertaken to investigate the condition of trees within District 2 (as shown in the diagram attached hereto as "Exhibit A" and incorporated herein by reference) the City of Huron to ensure compliance with existing Codified Ordinances and Ohio law;

WHEREAS, the City of Huron will pursue enforcement efforts, including but not limited later legislation requiring care and maintenance to, or replacement of, various trees within District 2, and certification of actual charges to ensure compliance to the Erie County Auditor at a later date if and as applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That this Council hereby recommends and approves City-wide property inspections to investigate the condition of trees within District 2 (as shown in the diagram attached hereto as "Exhibit A" and incorporated herein by reference) the City of Huron to ensure compliance with existing Codified Ordinances and Ohio law, and in anticipation of enforcement of said Ordinances and Ohio law.

SECTION 2. That the condition of trees pertaining to certain properties in the City of Huron may require remediation of noncompliant conditions to ensure the health and safety of the citizens of the City of Huron, Ohio.

SECTION 3. The Building and Zoning Department shall advise relevant property owners in writing, when and as required by City Ordinances, of any noncompliance after such inspection(s) are performed, and an opportunity to remedy any violations shall be afforded consistent with relevant City Ordinances.

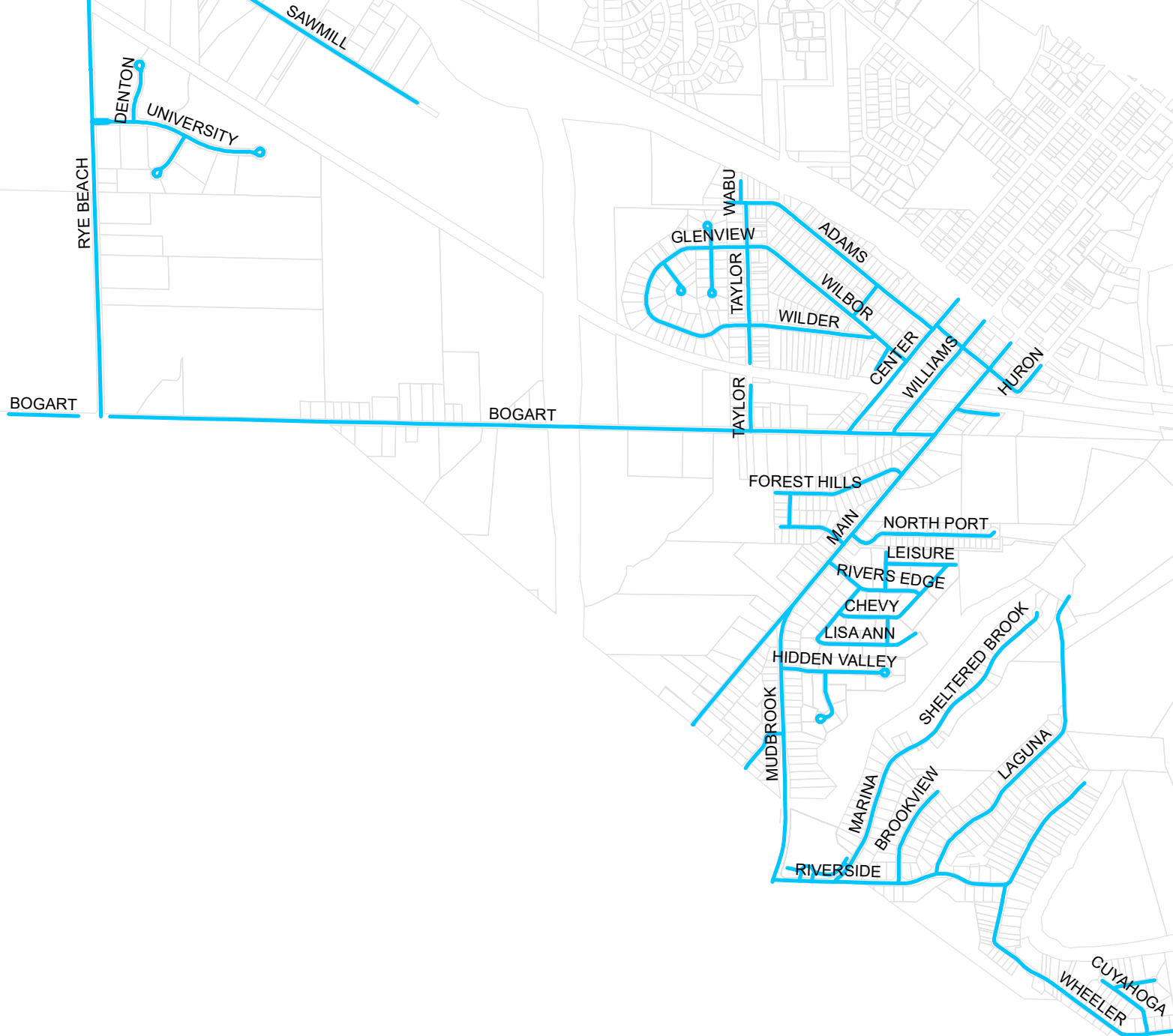
SECTION 4. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. § 121.22.

\_\_\_\_\_  
Monty Tapp, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

# District 2



**CITY OF HURON**  
**APPLICATION TO RE-DISTRICT PROPERTY**  
(Type or Print)

Date : 7/18/27

Property Owner: JAN WESKE BUCHHEZ  
Address: 615 MARINER VILLAGE  
City, State, Zip: HURON, OH 44839  
Email Address: TEULIZ31@GMAIL.COM  
Address of Property to be Rezoned: 2027 CLEVELAND BLVD - 2029 CLEVELAND BLVD  
Parcel Number: \_\_\_\_\_

Applicant: (Name & Address - if different from the property owner)

TAMARA L ZULHOF  
243 E MARKET ST #3 SANDUSKY, OH 44870

Current Zoning District of Subject Property:

R-1 ☐ R-2 ☐ R-3 ☐ B-1 ☐ B-2 ☐ B-3 ☐

I-1 ☐ I-2 ☐ Other: R-1A

Explain the reason that re-districting/re-zoning is being

requested: EXPANSION AND RECONFIGURATION OF EXISTING STRUCTURE

ADDITIONAL OUTDOOR DINING AND LIQUOR SALES

Proposed Zoning District of Subject Property:

R-1 ☐ R-2 ☐ R-3 ☐ B-1 ☐ B-2 ☐ B-3 ☒

I-1 ☐ I-2 ☐ Other: \_\_\_\_\_

Was a re-zoning request ever submitted for this property? No ☒ Yes ☐ Date: \_\_\_\_\_

Is the applicant represented by legal counsel? Yes ☐ No ☒

If Yes, Counsel's Name and Address: \_\_\_\_\_

Contact Number and Email: \_\_\_\_\_



The following must be attached to this application:

1. A survey and legal description of the property.
2. A map of the subject property (maximum size 11" x 17")
3. A map of the subject property in relation to the adjoining properties. (max size 11" x 17")
4. A complete list of the names and current addresses of all property owners within 150' of the exterior boundaries of the subject property.
5. A \$250.00 non-refundable application fee, made payable to the City of Huron. (Section 1321.12 (c))

Applicant Signature: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_

(required)

DO NOT WRITE BELOW THIS LINE

\*\*\*\*\*

Date Completed Application Received: \_\_\_\_\_

Zoning Department Representative: \_\_\_\_\_

Date Submitted to City Council: \_\_\_\_\_

Date Submitted to Planning Commission: \_\_\_\_\_

7/18/23

5/1/2023

7/25/23

QMG

Jill Farkyn

EMAIL w/ INFO



Bucholz Combined Acreage  
0.5597 Acre

Being situated in the State of Ohio, County of Erie, City of Huron, Lots 99 & 132 Rye Beach Land Co. Subdivision (PV 8 PG 4-5) and being more definitely described as follows:

Beginning at a PK Nail, set, on the East right-of-way line of Rye Beach Road (60 Ft), marking the Southwest corner of Lot 99 in said Rye Beach Subdivision;

- (1) Thence North  $01^{\circ}35'23''$  West along the East right-of-way line of Rye Beach Road, the same being the West line of lot 99, a distance of 155.27 feet to a 1/2" iron pin & cap, set, marking the Northwest corner of Lot 99;
- (2) Thence North  $88^{\circ}23'27''$  East along the North line of Lot 99, the same being the South line of Lot 100 owned by Kenneth & Marlene Gadd (DV 360 PG 632), a distance of 81.22 feet to a 1/2" iron pin & cap, set, marking the Southwest corner of Lot 132;
- (3) Thence North  $01^{\circ}01'08''$  West along the West line of Lot 132, the same being the East line of Lot 100, a distance of 40.00 feet to a point, marking the Northwest corner of Lot 132;
- (4) Thence North  $88^{\circ}23'27''$  East along the North line of Lot 132, the same being the South line of Lot 131 owned by Thelma Meredith (RN 202206144), passing through a 1/2" iron pin & cap, set at a distance of 1.35 feet, a distance of 80.00 feet to a 1/2" iron pin & cap, set on the West right-of-way line of Atwood Place (50 Ft), marking the Northeast corner of Lot 132;
- (5) Thence South  $01^{\circ}01'08''$  East along the West right-of-way line of Atwood Place, passing through a railroad spike, found at a distance of 40.00 feet, a distance of 148.51 feet to a PK Nail, set, marking the Southeast corner of Lot 99;
- (6) Thence South  $72^{\circ}06'52''$  West along the south line of Lot 99, a distance of 166.84 feet to the point of beginning, containing 0.5597 acre, more or less, of which 0.2068 acre is in PP # 43-00307.000 and 0.2795 acre is in PP # 43-00306.000 and 0.0734 acre is in PP # 43-00305.000, but being subject to all legal highways, easements and restrictions of record.

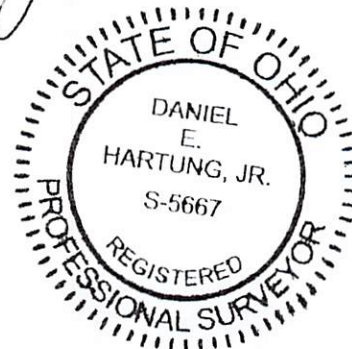
The above description was prepared from an actual survey by Daniel E. Hartung Jr., Professional Surveyor No. 5667 in June 2023. The bearings were based on ODOT VRS.

APPROVED as per Erie County Requirements  
And Sections 4733-37 thru 4733-37-07 of the Ohio  
Administrative Code only. No Field Verifications  
for Accuracy made.

Michael J. Farrell  
Engineer/Surveyor: Erie County Engineer's

Date: 6-21-2023

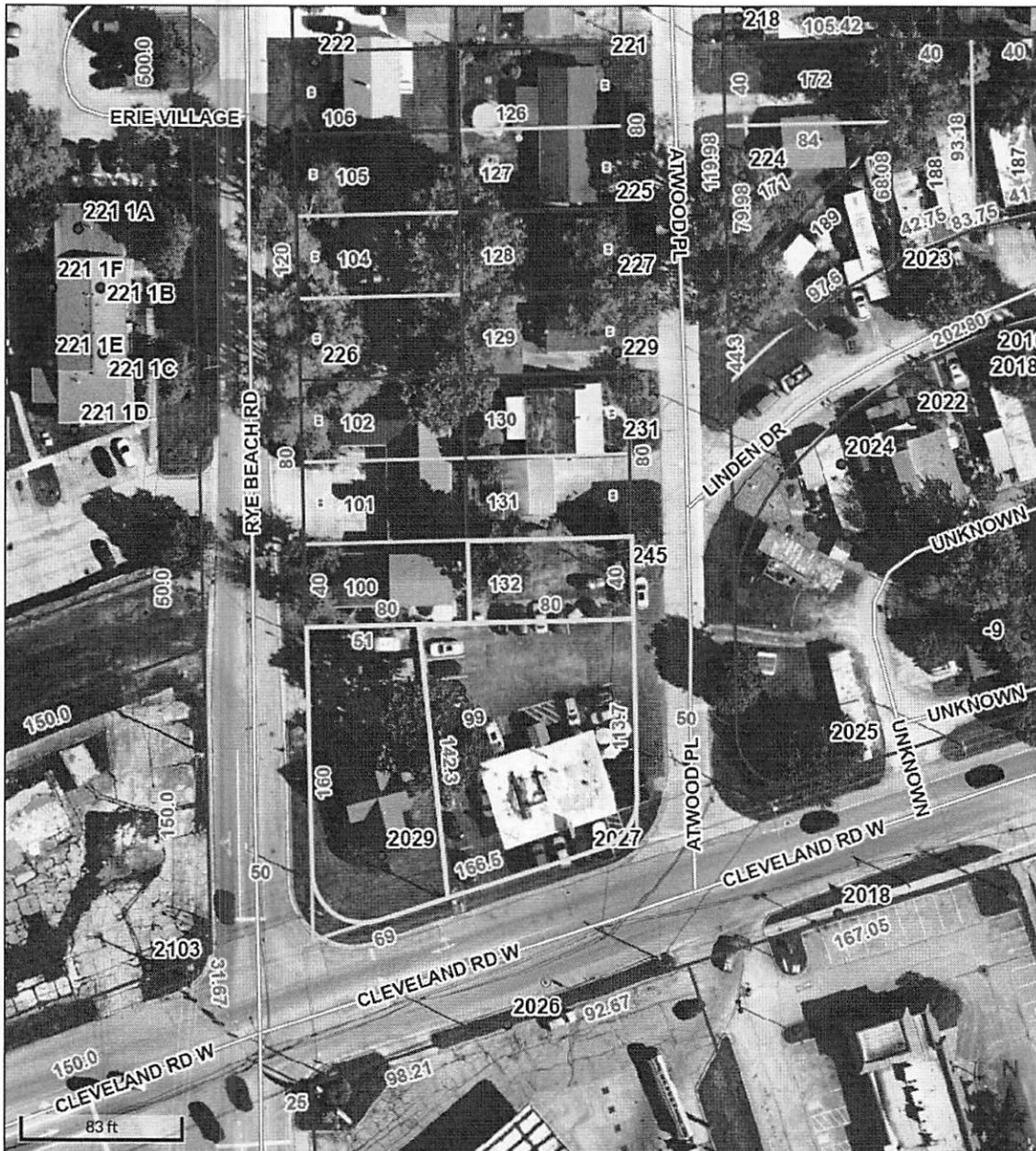
Daniel E. Hartung Jr. 6/21/23  
Daniel E. Hartung Jr., PE, PS



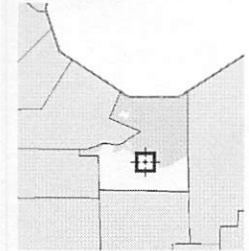


Richard H. Jeffrey  
ERIE COUNTY AUDITOR | ERIE COUNTY, OHIO

ALL PARCELS ARE ZONED R-1A



Overview



Legend

- Parcels
- Parcel Dimensions
- Parcel Dimensions (Original)
- Lot Lines
- Lot Line Labels
- Streets
- Addresses
  - 0
  - 1
  - <all other values>

Date created: 3/16/2023  
Last Data Uploaded: 3/16/2023 7:40:07 AM

Developed by Schneider  
GEOSPATIAL

43-00306.000  
43-00305.000  
43-00307.000