

**ORDINANCE NO. 2020-18**  
**Introduced By: Administration**

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES  
AND OTHER EXPENDITURES OF THE CITY OF LYNDHURST  
FOR THE PERIOD ENDING DECEMBER 31, 2020  
REPEALING ORDINANCE NO. 2019-92  
AND DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, STATE OF OHIO:**

**Section 1.** That to provide for the current expenses and other expenditures of the City of Lyndhurst for the period beginning January 1, 2020 and ending December 31, 2020, the following sums be appropriated as set forth in the following sections.

**Section 2.** That there be appropriated from the **General Fund** the following:

SECURITY OF PERSONS AND PROPERTY

1110 PUBLIC SAFETY

Salaries & Wages	\$15,000	
Other Expenses	\$2,323	\$17,323

1111 POLICE

Salaries & Wages	\$3,378,566	
Other Expenses	\$879,092	\$4,257,658

1114 ANIMAL CONTROL

Salaries & Wages	\$0	
Other Expenses	\$35,500	\$35,500

1116 SPO & AUXILIARY

Salaries & Wages	\$59,405	
Other Expenses	\$14,765	\$74,170

1118 PARKS & SCHOOL SECURITY

Salaries & Wages	\$8,085	
Other Expenses	\$1,499	\$9,584

1121 COMMUNICATIONS

Salaries & Wages	\$469,871	
Other Expenses	\$148,384	\$618,255

1131 FIRE DEPARTMENT

Salaries & Wages	\$2,667,810	
Other Expenses	\$773,901	\$3,441,711

<i>TOTAL SECURITY OF PERSONS AND PROPERTY</i>		<i>\$8,454,200.50</i>
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PUBLIC HEALTH AND WELFARE

2211 COUNTY HEALTH DEPARTMENT

Other Expenses	\$76,305	\$76,305
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<i>TOTAL PUBLIC HEALTH AND WELFARE</i>		<i>\$76,305.00</i>
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COMMUNITY ENVIRONMENT

3311 PLANNING COMMISSION

Salaries & Wages	\$7,200	
Other Expenses	\$5,262	\$12,462

3313 BOARD OF ZONING APPEALS

Salaries & Wages	\$10,750	
Other Expenses	\$1,986	\$12,736

3315 ARCHITECTURAL BOARD OF REVIEW

Salaries & Wages	\$6,450	
Other Expenses	\$1,072	\$7,522

3323 BUILDING DEPARTMENT

Salaries & Wages	\$333,591	
Other Expenses	\$198,725	<u>\$532,316</u>

*TOTAL COMMUNITY ENVIRONMENT* \$565,036.00

LEISURE TIME ACTIVITIES

4419 PARKS

Salaries & Wages	\$171,158	
Other Expenses	\$77,015	\$248,173

4421 BRAINARD SPRAYGROUND

Salaries & Wages	\$52,750	
Other Expenses	\$47,750	\$100,500

4422 LYNDHURST POOL

Salaries & Wages	\$181,747	
Other Expenses	\$135,730	\$317,477

4433 HOME DAYS

Other Expenses	\$15,000	\$15,000
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4435 HOLIDAY LIGHTING

Other Expenses	\$2,000	\$2,000
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4437 COMMUNITY PARTNERSHIP ON AGING

Other Expenses	\$142,817	<u>\$142,817</u>
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*TOTAL LEISURE TIME ACTIVITIES* \$825,967.00

BASIC UTILITIES

5561 REFUSE COLLECTION AND DISPOSAL

Salaries & Wages	\$243,285	
Other Expenses	\$494,432	\$737,717

5563 RECYCLING

Salaries & Wages	\$157,093	
Other Expenses	\$128,007	\$285,100

5565 LEAVES

Salaries & Wages	\$96,450	
Other Expenses	\$60,863	\$157,313

5567 TREES

Salaries & Wages	\$95,484	
Other Expenses	\$104,056	<u>\$199,540</u>

*TOTAL BASIC UTILITIES* \$1,379,670.00

GENERAL GOVERNMENT

7711 MAYOR

Salaries & Wages	\$164,080	
Other Expenses	\$93,985	\$258,065

7712 INCOME TAX ADMINISTRATION

Other Expenses	\$365,000	\$365,000
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7713 FINANCE DEPARTMENT

Salaries & Wages	\$380,956	
Other Expenses	\$172,616	\$553,572

7714 LAW DEPARTMENT

Salaries & Wages	\$90,271	
Other Expenses	\$124,197	\$214,468

7715 SERVICE DEPARTMENT

Salaries & Wages	\$365,820	
Other Expenses	\$189,394	\$555,214

7717 CIVIL SERVICE COMMISSION

Salaries & Wages	\$7,500	
Other Expenses	\$29,434	\$36,934

7721 COUNCIL

Salaries & Wages	\$105,470	
Other Expenses	\$51,845	\$157,315

7731 MUNICIPAL COURT

Salaries & Wages	\$795,350	
Other Expenses	\$479,672	\$1,275,022

7741 GENERAL ADMINISTRATION

Other Expenses	\$412,515	\$412,515
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7742 PUBLIC LANDS & BUILDINGS

Salaries & Wages	\$161,464	
Other Expenses	\$411,111	\$572,575

7744 STATUTORY

Other Expenses	\$359,247	\$359,246.62
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7746 ENGINEERING

Salaries & Wages	\$19,300	
Other Expenses	\$18,482	\$37,782

7761 UNCLAIMED

Other Expenses	\$5,000	<u>\$5,000</u>
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*TOTAL GENERAL GOVERNMENT* \$4,802,708.62

*TOTAL OPERATIONS* \$16,103,887.12

INTERFUND TRANSFERS & ADVANCES

to Police Pension Fund	\$419,198
to Fire Pension Fund	\$467,350
to LV Perm Improv Tax Inc Fund	\$812,394
to Permanent Improv Fund	\$550,000
to Sewer Maintenance Fund	\$0
to Sewer Construction Fund	\$0
to Community Center Fund	\$275,000
to Petty Cash Fund	<u>\$0</u>

*TOTAL INTERFUND TRANSFERS AND ADVANCES* \$2,523,942.00

***GRAND TOTAL GENERAL FUND*** ***\$18,627,829.12***

**Section 3.** That there be appropriated from the **Special Revenue Fund Class** the following:

<b><u>210 STATE HIGHWAY FUND</u></b>			
Other Expenses	\$75,000	\$75,000	
TOTAL STATE HIGHWAY FUND			\$75,000.00
<b><u>220 COURT PROBATION SERVICES</u></b>			
Salaries & Wages	\$26,800		
Other Expenses	\$10,641	\$37,441	
TOTAL COURT PROBATION SERVICES			\$37,441.00
<b><u>230 COURT SPECIAL PROJECTS FUND</u></b>			
Salaries & Wages	\$125,450		
Other Expenses	\$348,269	\$473,719	
<b><u>231 COURT SPECIAL PROJECTS IDIAM FUND</u></b>			
Other Expenses	\$21,000	\$21,000	
TOTAL COURT SPECIAL PROJECTS FUND			\$494,719.00
<b><u>240 STREET CONSTRUCTION, MAINT. &amp; REPAIR FUND</u></b>			
<b><u>1141 TRAFFIC SAFETY</u></b>			
Salaries & Wages	\$67,892		
Other Expenses	\$117,740	\$185,632	
<b><u>5552 STORM SEWERS</u></b>			
Salaries & Wages	\$72,500		
Other Expenses	\$120,801	\$193,301	
<b><u>6611 STREETS</u></b>			
Salaries & Wages	\$215,100		
Other Expenses	\$237,556	\$452,656	
<b><u>6621 SNOW REMOVAL</u></b>			
Salaries & Wages	\$122,000		
Other Expenses	\$247,358	\$369,358	
TOTAL STREET CONSTRUCTION, MAINT & REPAIR FUND			\$1,200,947.00
<b><u>250 COMMUNITY CENTER FUND</u></b>			
Salaries & Wages	\$163,183		
Other Expenses	\$134,260	\$297,443	
TOTAL COMMUNITY CENTER FUND			\$297,442.82
<b><u>260 COURT EDP FUND</u></b>			
Salaries & Wages	\$0		
Other Expenses	\$325,984	\$325,984	
TOTAL COURT EDP FUND			\$325,984.00
<b><u>280 DUI/INDIGENT FUND</u></b>			
Other Expenses	\$50,000	\$50,000	
TOTAL DUI/INDIGENT FUND			\$50,000.00
<b><u>290 LAW ENFORCEMENT FUND</u></b>			
Other Expenses	\$11,000	\$11,000	
TOTAL LAW ENFORCEMENT FUND			\$11,000.00
<b><u>291 LAW ENFORCEMENT ESA FUND</u></b>			
Other Expenses	\$18,650	\$18,650	
TOTAL LAW ENFORCEMENT ESA FUND			\$18,650.08
<b><i>TOTAL SPECIAL REVENUE FUNDS</i></b>			<b><i>\$2,511,183.90</i></b>

**Section 4.** That there be appropriated from the **Debt Service Fund Class** the following:

**310 GENERAL BOND RETIREMENT FUND**

Other Expenses	\$2,567,060	\$2,567,060	
TOTAL GENERAL BOND RETIREMENT FUND			\$2,567,060.00

**320 LV PUBLIC IMPROVEMENT FUND**

Other Expenses	\$431,000	\$431,000	
TOTAL GENERAL LV PUBLIC IMPROV FUND			\$431,000.00

**TOTAL DEBT SERVICE FUNDS** **\$2,998,060.00**

**Section 5.** That there be appropriated from the **Capital Projects Fund Class** the following:

**410 PERMANENT IMPROVEMENT FUND**

Capital Outlay	\$1,086,515	\$1,086,515	
TOTAL PERMANENT IMPROVEMENT FUND			\$1,086,515.00

**440 PARKS & RECREATION EQUIPMENT**

Capital Outlay	\$0	\$0	
TOTAL PARKS & RECREATION EQUIPMENT FUND			\$0.00

**450 STREET IMPROVEMENT FUND**

Capital Outlay	\$1,402,302	\$1,402,302	
TOTAL STREET IMPROVEMENT FUND			\$1,402,302.00

**470 CAPITAL RESERVE FUND**

Capital Outlay	\$2,268,800	\$2,268,800	
TOTAL CAPITAL RESERVE FUND			\$2,268,800.00

**TOTAL CAPITAL PROJECTS FUNDS** **\$4,757,617.00**

**Section 6.** That there be appropriated from the **Special Assessment Fund Class** the following:

**810 STREET LIGHTING FUND**

Other Expenses	\$240,250	\$240,250	
TOTAL STREET LIGHTING FUND			\$240,250.00

**820 SEWER MAINTENANCE & REPAIR FUND**

Salaries & Wages	\$187,290		
Other Expenses	\$108,891		
Capital Outlay	\$376,000	\$672,181	
TOTAL SEWER MAINTENANCE & REPAIR FUND			\$672,181.00

**830 SIDEWALK FUND**

Other Expenses	\$54,500	\$54,500	
TOTAL SIDEWALK FUND			\$54,500.00

**840 SEWER CONSTRUCTION FUND**

Other Expenses	\$18,500		
Capital Outlay	\$699,000	\$717,500	
TOTAL SEWER CONSTRUCTION FUND			\$717,500.00

**850 SHADE TREE FUND**

Salaries & Wages	\$44,800		
Other Expenses	\$51,919	\$96,719	
TOTAL SHADE TREE FUND			\$96,719.00

**TOTAL SPECIAL ASSESSMENT FUNDS** **\$1,781,150.00**

**Section 7.** That there be appropriated from the **Trust & Agency Fund Class** the following:

**710 OTHER TRUST & AGENCY**

Other Expenses	\$165,500	\$165,500	
TOTAL OTHER TRUST & AGENCY FUND			\$165,500.00

**720 POLICE PENSION FUND**

Other Expenses	\$585,860	\$585,860	
TOTAL POLICE PENSION FUND			\$585,860.00

**730 FIRE PENSION FUND**

Other Expenses	\$591,171	\$591,171	
TOTAL FIRE PENSION FUND			\$591,171.00

**790 PETTY CASH FUND**

Other Expenses	\$0	\$0	
TOTAL PETTY CASH FUND			<u>\$0.00</u>

**TOTAL TRUST & AGENCY FUNDS** **\$1,342,531.00**

**GRAND TOTAL ALL FUNDS** **\$32,018,371.02**

**Section 8.** The Director of Finance is hereby authorized to draw her warrant for payment of any of the foregoing appropriations upon receiving the proper certifications and voucher thereof, approved by the Council of the City of Lyndhurst, Ohio or officers authorized by law to approve the same, or by ordinance or resolution of Council to make expenditures, provided that no warrant be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

**Section 9.** REPEAL OF PRIOR ORDINANCES: Any and all ordinances, or parts thereof, inconsistent herewith, and specifically Ordinance No. 2019-92 to the extent it is inconsistent herewith, are hereby repealed; otherwise, any provisions of such Ordinance not inconsistent herewith shall remain in full force and effect.

**Section 10.** Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council, and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**Section 11.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, for further reason that it is necessary to immediately make the appropriations herein in order that the City can properly function and meet its obligations currently. Wherefore, this Ordinance shall take effect immediately upon its passage by the affirmative vote of not less than five (5) members elected to council and approval by the Mayor; otherwise, from and after the earliest time allowed by law.

PASSED: \_\_\_\_\_  
\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
\_\_\_\_\_  
Vice- Mayor

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
 Clerk of Council

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

**ORDINANCE NO. 2020-19**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING TRANSFERS AND ADVANCES**  
**AND DECLARING AN EMERGENCY**

**WHEREAS**, it is necessary from time to time to make transfers and advances from various funds to various funds in order to provide for essential governmental operations; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

**SECTION 1.** The following transfers are hereby authorized and approved in the amounts not to exceed:

<b>TRANSFER FROM FUND</b>	<b>TRANSFER TO FUND</b>	<b>AMOUNT NOT TO EXCEED</b>
General Fund	Police Pension Fund	\$419,198.00
General Fund	Fire Pension Fund	\$467,350.00
General Fund	Permanent Improv Fund	\$550,000.00
General Fund	Community Center Fund	\$275,000.00
Law Enforcement ESA Fund	General Fund	\$2,650.08

**SECTION 2.** The following advances are hereby authorized and approved in the amounts not to exceed:

<b>ADVANCE FROM FUND</b>	<b>ADVANCE TO FUND</b>	<b>AMOUNT NOT TO EXCEED</b>
General Fund	LV Perm Imp Tax Inc Fund	\$812,394.00

**SECTION 3.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it affects the day to day financial operations of the municipality and is necessary to maintain accurate and proper records. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**VICE MAYOR**

ATTEST: \_\_\_\_\_

*Clerk of Council*

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.

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*Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Proposed



**ORDINANCE NO. 2020-20**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,200,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS BY RESURFACING, PAVING WITH CONCRETE AND MAKING OTHER IMPROVEMENTS 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 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is five years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 10 years from their date of issuance; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, COUNTY OF CUYAHOGA, OHIO, THAT:**

**SECTION 1.** Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in an aggregate principal amount not to exceed \$1,200,000 (the Bonds) for the purpose of paying costs of improving streets by resurfacing, paving with concrete and making other improvements as designated in the plans approved or to be approved by Council.

**SECTION 2.** Estimated Bond Terms. The Bonds shall be dated approximately March 1, 2021, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in five annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be June 1, 2021, and the first principal payment of the Bonds is estimated to be December 1, 2022.

**SECTION 3.** Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in an aggregate principal amount not to exceed \$1,200,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The aggregate principal amount of and rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

**SECTION 4.** Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of U.S. Bank National Association, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

**SECTION 5.** Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor or the Vice Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance in the Certificate of Award, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note

and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes deposited and maintained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

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

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

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited and maintained in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes 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 Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes 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 Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

**SECTION 6.** Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Vice Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each 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 Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to 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 Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**SECTION 7.** Application of Note Proceeds. The proceeds from the sale of the Notes, 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 Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

**SECTION 8.** Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**SECTION 9.** Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the 11.5-mill limitation provided by the City's Charter, 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 Notes or the Bonds when and as the same fall due.

**SECTION 10.** Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes 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 Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes 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 favorable tax treatment

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

**SECTION 11.** 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 copy of the signed Certificate of Award to the Cuyahoga County Fiscal Officer.

**SECTION 12.** Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond 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 Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. 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 Director of Finance 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.

**SECTION 13.** Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes 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 Notes 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 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

**SECTION 14.** 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 an open meeting of this Council or committees, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 15.** Captions and Headings. 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 16.** 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 the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to enter into contracts for the improvement which is needed to eliminate existing and potential hazards to vehicular and pedestrian traffic in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of not less than five (5) members elected to Council, and approval by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**VICE MAYOR**

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

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in the Sun Messenger, a newspaper of general circulation in said City, on \_\_\_\_\_, 2020 and \_\_\_\_\_, 2020.

\_\_\_\_\_  
**Clerk of Council**

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Proposed