

# BRUNSWICK CITY FINANCE COMMITTEE

## Agenda

NOVEMBER 27, 2023

6:15 PM

or Immediately Following  
Safety & Environment Committee

1. Discussion Items

- (a) **RES. NO. 97-2023**- An emergency resolution requesting an advance release of property tax revenue funds from the Medina County Treasurer collected for the benefit of the City of Brunswick. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)
- (b) **ORD. NO. 98-2023**- An emergency ordinance adopting the Annual Appropriation Budget for Expenditures of the City of Brunswick for the year beginning January 1, 2024 and ending December 31, 2024. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)
- (c) **ORD. NO. 99-2023** - An emergency ordinance amending Section 1 of Ordinance No. 104-2022 to provide for a Revised Allocation of Municipal Income Tax receipts during the period from January 1, 2024 through December 31, 2024. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)
- (d) **ORD. NO. 100-2023** - An emergency ordinance amending Ordinance No.106-2022 and the City's Fund Balance Reserve Policy. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)
- (e) **ORD. NO. 101-2023** - An emergency ordinance creating an OPWC Pepperwood Drive Improvement Fund (#375) - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)
- (f) **ORD. NO. 103-2023** - An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

2. General Discussion

3. Adjournment

PROPOSED LEGISLATION



**DATE:** 11/27/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **RES. NO. 97-2023-** An emergency resolution requesting an advance release of property tax revenue funds from the Medina County Treasurer collected for the benefit of the City of Brunswick. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

**BACKGROUND:** Each year, the City of Brunswick requests an advance release of the maximum amount allowed by law of property taxes collected by the Treasurer. This request is for the 2024 collection year.

**PURPOSE AND EXPLANATION:** To allow the City to maximize the interest to be earned on available monies and improve the cash flows of the City. If the City did not execute this legislation then Medina County would be able to reap the interest and cash flow benefits from this otherwise "available" City money.

**IMPLEMENTATION SCHEDULE:** Consideration for passage as an emergency with the suspension of the rules on 2nd reading - December 11, 2023.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:** The total financial impact of this legislation is determined by a few variables that cannot be measured at this time. However, the impact of this legislation is positive for the City of Brunswick as it will allow for the City to obtain financial resources earlier than what it would be if it was not passed. This legislation merely changes the timing of when property tax money is received, thus allowing for better interest earning potential and improving cash flows. The actual amount of each advancement of property taxes received and the actual interest rates available when the advancements are received cannot be measured or determined at the time this legislation is presented.

**RECOMMENDED ACTION:**

One Reading	No
Two Readings	Yes
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

Recommendation for passage as an emergency with a suspension of the rules on December 11, 2023, to allow for the timely filing of paperwork with Medina County Auditor's Office. The emergency and suspension of the rules are deemed necessary in order for the City to be prepared and allow it to receive its property tax revenues in advance of the semi-annual settlement and maximize its interest revenue potential. Once the paperwork is received from the Medina County Auditor's Office, it must be completed and filed no later than early January with this Resolution to receive the property taxes in advance of the normal settlement times defined by law.

**ADDITIONAL  
INFORMATION:**

# CITY OF BRUNSWICK, OHIO

## RESOLUTION NUMBER 97-2023



By: Mr. Hanek, Mr. Abella, Mr. Lambert

AN EMERGENCY RESOLUTION REQUESTING AN ADVANCED RELEASE OF PROPERTY TAX REVENUE FUNDS FROM THE MEDINA COUNTY TREASURER COLLECTED FOR THE BENEFIT OF THE CITY OF BRUNSWICK

WHEREAS: The City Council of the City of Brunswick wishes to receive advance release of property tax revenues collected by the Medina Country Treasurer for the benefit of the City of Brunswick.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City of Brunswick hereby requests advance release payment of the maximum amount allowed by law from the taxes collected for the benefit of said City credited to the General, Police Pension (Police Fund), Road Levy Improvement and Fire Station Construction Funds of said City, said release payment to be made from prior years, but not collected until 2024 on any and all levies pertaining to the City of Brunswick.

SECTION 2: That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of the Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is necessary to provide for the City of Brunswick, the necessary funds for the operation of the City; wherefore, this Resolution shall be in full force and effect immediately after its passage by the required number of votes; otherwise, the earliest time permitted by law.

PASSED: 1<sup>st</sup> Reading \_\_\_\_\_  
Rules Suspended: AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



**DATE:** 11/27/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 98-2023-** An emergency ordinance adopting the Annual Appropriation Budget for Expenditures of the City of Brunswick for the year beginning January 1, 2024 and ending December 31, 2024. - **1st Reading** (To be brought from Finance Committee, Administration/Todd Fischer)

**BACKGROUND:** Each year and in accordance with Ohio Revised Code Section 5705.38 (A) Council is required to adopt an annual appropriation budget.

**PURPOSE AND EXPLANATION:** In order to comply with the Ohio Revised Code Section 5705 any and all activity of the City must be included in the budget.

As actual information is obtained and compared to estimates or new items are requested to be added or deleted by the respective departments, it is required to present proposed budget amendments to Council for approval. This process is required by law and audited under the direction of the Auditor of State for compliance every year.

**IMPLEMENTATION**

**SCHEDULE:** The 2024 Budget proposal will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. If approved by the Finance Committee, the Administration's request is to move this legislation to the November 27, 2023 Council agenda as an emergency with suspension of the rules for two readings.

The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, allowing for the process involving capital purchases with significant supply chain issues to begin as soon as possible and allowing for a more timely and seamless transition into 2024.

**FINANCIAL**

**INFORMATION:** Schedule of Fund Appropriations - See Exhibit A - 01/01/2024 - See Exhibit A - Various - - \$100,406,914.56

**FINANCIAL  
SUMMARY:**

The total 2024 appropriation budget for all funds (including all book internal transfers, self-insurance, agency funds, etc.) equals \$100,406,914.56

**RECOMMENDED  
ACTION:**

One Reading	No
Two Readings	Yes
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

The 2024 Budget proposal will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. If approved by the Finance Committee, the Administration's request is to move this legislation to the November 27, 2023 Council agenda as an emergency with suspension of the rules for two readings.

The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, allowing for the process involving capital purchases with significant supply chain issues to begin as soon as possible and allowing for a more timely and seamless transition into 2024.

**ADDITIONAL  
INFORMATION:**

See Exhibit A.

# CITY OF BRUNSWICK, OHIO

## ORDINANCE NUMBER 98-2023



By: Mr. Hanek, Mr. Abella, Mr. Lambert

AN EMERGENCY ORDINANCE ADOPTING THE ANNUAL APPROPRIATION BUDGET FOR EXPENDITURES OF THE CITY OF BRUNSWICK FOR THE YEAR BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024.

WHEREAS: The City of Brunswick Charter requires that an annual budget be prepared and submitted as provided by the laws of the State of Ohio;

WHEREAS: Ohio Revised Code Section 5705.38(A) requires this Council to adopt an annual appropriation budget; and

WHEREAS: City Council has publicly reviewed the 2024 Operating and Capital Program Budget and is desirous to comply with local and State Laws.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That to provide for expenditures of the City of Brunswick, Ohio during the fiscal year beginning January 1, 2024 and ending December 31, 2024, the 2024 Operating and Capital Program Appropriation Budget, as attached hereto and incorporated herein as Exhibit "A", is hereby adopted.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare, and for the further reason that Ohio law prescribes time limitations on the adoption and certification of the 2024 Operating and Capital Appropriation Budget. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1<sup>st</sup> Reading \_\_\_\_\_  
2<sup>nd</sup> Reading \_\_\_\_\_  
3<sup>rd</sup> Reading \_\_\_\_\_  
Rules Suspended: AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Laura E. Timura

**City of Brunswick, Ohio**  
 Departmental Budget Worksheet  
 For the Budget Year Ending, December 31, 2024

**EXHIBIT A**

Fund Number	Fund Name / Department	Personal Service	Other	Total
<b>General Fund</b>				
001	General Fund			
	City Council	193,737.00	89,869.00	\$ 283,606.00
	Mayor	111,478.00	98,163.00	\$ 209,641.00
	City Manager	201,060.00	135,145.00	\$ 336,205.00
	Information Technologies	185,620.00	363,190.00	\$ 548,810.00
	Engineering	25,723.00	669,247.00	\$ 694,970.00
	Building Department	361,000.00	303,838.00	\$ 664,838.00
	Cemetery Maintenance	-	23,000.00	\$ 23,000.00
	Janitorial Contract	-	23,100.00	\$ 23,100.00
	City Hall Building & Grounds	5,843.00	49,704.00	\$ 55,547.00
	Administrative Services	96,093.00	58,826.00	\$ 154,919.00
	Economic Development	120,517.00	259,847.00	\$ 380,364.00
	Animal Control	81,109.00	73,012.00	\$ 154,121.00
	Law Department	191,671.00	349,585.00	\$ 541,256.00
	Finance Department	274,410.00	240,883.00	\$ 515,293.00
	Income Tax Department	216,279.00	248,717.00	\$ 464,996.00
	Parks & Recreation Director	81,299.00	64,056.00	\$ 145,355.00
	General Fund Administration	-	1,337,547.25	\$ 1,337,547.25
	Planning Division/Community Development	77,096.00	183,557.00	\$ 260,653.00
	Board of Building Appeals	516.00	1,222.00	\$ 1,738.00
	Board of Zoning Appeals	1,281.00	4,613.00	\$ 5,894.00
	Board of Civil Service	11,849.00	49,092.00	\$ 60,941.00
	Board of Ethics	4,080.00	4,650.00	\$ 8,730.00
	Board of Charter Review	-	-	\$ -
	Board of Commemorative Affairs	-	34,500.00	\$ 34,500.00
	General Fund Transfers / Advances	-	28,295,643.33	\$ 28,295,643.33
001	Total General Fund	\$ 2,240,661.00	\$ 32,961,006.58	\$ 35,201,667.58
<b>Special Revenue Funds:</b>				
110	Court Computerization Fund	5,705.00	16,396.00	\$ 22,101.00
112	VAWA Grant Fund	-	-	\$ -
113	CDBG Grant Fund	-	-	\$ -
114	Police Wages Fund	4,890,609.00	5,131,351.00	\$ 10,021,960.00
115	Fire Fund	2,737,861.00	3,207,075.00	\$ 5,944,936.00
117	Street Repair & Maintenance Fund	1,295,714.00	2,719,577.60	\$ 4,015,291.60
118	State Highway Fund	-	165,960.00	\$ 165,960.00
119	Law Enforcement Fund	-	10,615.00	\$ 10,615.00
120	Brunswick Transit Alternative (BTA) Fund	-	45,000.00	\$ 45,000.00
123	Brunswick Area Television (BAT) Fund	159,317.00	273,929.00	\$ 433,246.00
127	Parks Fund	212,807.00	441,518.00	\$ 654,325.00
129	Department of Justice Federal Grant Fund	-	112,117.69	\$ 112,117.69
130	DUI Enforcement & Education Fund	-	9,700.00	\$ 9,700.00
131	Recreation Center Fund	413,973.00	642,396.00	\$ 1,056,369.00
140	Local Fiscal Recovery Fund	-	-	\$ -
<b>Enterprise Funds:</b>				
223	Refuse Fund	74,701.00	3,053,927.00	\$ 3,128,628.00
224	Storm Water Management Fund	35,224.00	1,365,878.25	\$ 1,401,102.25
<b>Capital Improvement Funds:</b>				
300	General Permanent Improvement Fund	-	3,460,733.99	\$ 3,460,733.99
332	Road Levy Fund	-	2,579,373.00	\$ 2,579,373.00
333	Road Improvement Fund	-	3,566,633.18	\$ 3,566,633.18
334	Traffic Control Fund	-	3,125.00	\$ 3,125.00
335	Public Square Fund	-	12,297.56	\$ 12,297.56
336	City Building Improvement Fund	-	177,226.00	\$ 177,226.00
337	EPA Grant Fund	-	1,500,000.00	\$ 1,500,000.00
339	Fire Improvement Fund	-	79,618.16	\$ 79,618.16
341	Park Improvement Fund	-	500,000.00	\$ 500,000.00
345	U.S. Army Corp of Engineer's Grant Fund	-	2,255,000.00	\$ 2,255,000.00
347	North Carpenter Road Improvement Fund	-	1,736,328.34	\$ 1,736,328.34
348	Boston Road Improvement Fund	-	-	\$ -

**City of Brunswick, Ohio**  
 Departmental Budget Worksheet  
 For the Budget Year Ending, December 31, 2024

**EXHIBIT A**

Fund Number	Fund Name / Department	Personal		Total
		Service	Other	
353	I-71 / Rt. 303 Enhancement Fund	-	3,895.03	\$ 3,895.03
359	Fire Station Construction Fund	-	12,000,000.00	\$ 12,000,000.00
360	Brunswick Lake Improvement Fund	-	602,572.55	\$ 602,572.55
373	OPWC Skyview Drive Improvement Fund	-	912,030.90	\$ 912,030.90
374	OPWC Magnolia Drive Improvement Fund	-	1,582,139.25	\$ 1,582,139.25
375	OPWC Pepperwood Drive Improvement Fund	-	1,317,000.00	\$ 1,317,000.00
<b>Self Insurance Fund:</b>				
600	Self Insurance Fund	-	3,799,560.00	\$ 3,799,560.00
<b>Debt Service Funds:</b>				
771	General Obligation Bond Retirement Fund	-	-	\$ -
772	General Obligation Fire Station Bond Retirement Fund	-	1,075,125.00	\$ 1,075,125.00
782	Special Assessment BRF: Laurel Road (2006)	-	35,462.50	\$ 35,462.50
783	Special Assessment BRF: Brunswick Lake - Dam	-	18,948.80	\$ 18,948.80
784	Special Assessment BRF: Brunswick Lake - Dredging	-	11,826.18	\$ 11,826.18
<b>Agency Funds:</b>				
880	Recreation Programs Agency Fund	-	-	\$ -
881	General Trust Agency Fund	-	750,000.00	\$ 750,000.00
882	Unclaimed Money Agency Fund	-	20,000.00	\$ 20,000.00
883	Twelve Step Agency Fund	-	-	\$ -
884	Family Violence Agency Fund	-	-	\$ -
885	Flexible Spending Agency Fund	-	140,000.00	\$ 140,000.00
886	Non-Residential 3% Building Permit Agency Fund	-	35,000.00	\$ 35,000.00
887	Residential 1% Building Permit Agency Fund	-	10,000.00	\$ 10,000.00
<b>Grand Total</b>				<b>\$ 100,406,914.56</b>

PROPOSED LEGISLATION



**DATE:** 11/27/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 99-2023** - An emergency ordinance amending Section 1 of Ordinance No. 104-2022 to provide for a Revised Allocation of Municipal Income Tax receipts during the period from January 1, 2024 through December 31, 2024. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

**BACKGROUND:** Per Codified Ordinance Section 880.01.1 (e), the Council is required to pass an Ordinance when amending the distribution of municipal income taxes to various funds. Generally, this process occurs at the beginning of the year when the new annual appropriation measure is being considered or “as needed”. The estimated income tax collections and distribution of net income taxes, as written, have also been set to comply with the levy language of the City’s two income tax specific safety levies in place for 2024.

**PURPOSE AND EXPLANATION:** In accordance with Section 880.01.1 (e) of the Brunswick Codified Ordinances, this Council will be required to pass ordinances from time to time to provide for the allocation of income tax receipts as required and permitted by Section 880.01; and

The City Council has determined that the allocation formula during the period from January 1, 2024 through December 31, 2024, should maximize the amounts provided for municipal services and improvements; and

In order to carry out that purpose subject to and consistent with the requirements of Section 880.01 of the Codified Ordinances, this Council has determined that it is necessary to amend Section 1 of Ordinance No. 104-2022;

**IMPLEMENTATION SCHEDULE:** The proposed 2024 income tax allocation draft legislation and 2024 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. This 2024 income tax allocation legislation is anticipated to be moved to the November 27, 2023 Council agenda for two readings as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, synch up similar 2024 budget legislation together at the same time, allowing for the daily operations of the City of

Brunswick to continue without interruptions, and allowing for a more seamless transition into 2024.

**FINANCIAL  
INFORMATION:**

**FINANCIAL  
SUMMARY:**

This piece of legislation adopts the distribution requirements for municipal income taxes and imposes a ceiling or maximum of income tax dollars that can be received in specifically listed funds. The estimated income tax collections and distribution of net income taxes as written have also been set to comply with the levy language of the City's two income tax specific safety levies. Note: The actual income taxes received ultimately relate to the fiscal impact. Actual income tax receipt amounts will become known at the completion and closure of the fiscal year.

**RECOMMENDED  
ACTION:**

One Reading	No
Two Readings	Yes
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

The proposed 2024 income tax allocation draft legislation and 2024 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. This 2024 income tax allocation legislation is anticipated to be moved to the November 27, 2023 Council agenda for two readings as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, synch up similar 2024 budget legislation together at the same time, allowing for the daily operations of the City of Brunswick to continue without interruptions, and allowing for a more seamless transition into 2024.

**ADDITIONAL  
INFORMATION:**

None.

# CITY OF BRUNSWICK, OHIO

## ORDINANCE NUMBER 99-2023



By: Mr. Hanek, Mr. Abella, and Mr. Lambert

AN EMERGENCY ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 104-2022 TO PROVIDE FOR A REVISED ALLOCATION OF MUNICIPAL INCOME TAX RECEIPTS DURING THE PERIOD FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2024.

WHEREAS: In accordance with Section 880.01.1 (e) of the City of Brunswick Codified Ordinances, this Council is required to pass Ordinances from time to time to provide for the allocation of income tax receipts as required and permitted by Codified Ordinance Section 880.01.1; and

WHEREAS: This Council has determined that the allocation formula during the period from January 1, 2024 through December 31, 2024 should maximize the amounts provided for municipal services and improvements; and

WHEREAS: In order to carry out such purpose, subject to and consistent with the requirements of Section 880.01.1 of the Codified Ordinances, this Council has determined that it is necessary to amend Section 1 of Ordinance No. 104-2022;

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 1 of Ordinance No. 104-2022, adopted on November 28, 2022, be and is hereby amended to read as follows:

“SECTION 1. Subject to and consistent with the provisions of Section 880.01.1 of the Codified Ordinances, during the period from January 1, 2024 through December 31, 2024, the income tax receipts collected under the provisions of Chapter 880 of the Codified Ordinances each month, after provision for costs of administering and enforcing the provisions of that Chapter (the “Net Income Tax Receipts”), shall be allocated to and deposited in or transferred to the following funds at the close of each month in the following percentage allocations notwithstanding the tax year to which they are attributable:

<b>Fund</b>	<b>Allocation</b>
Police Fund	37.50%
Fire Fund	24.50%
Street Repair & Maintenance Fund	7.00%
BTA Fund	0.25%
Parks Fund	2.25%
Capital Improvement Fund	3.50%
General Fund	25.00%

; provided that when amounts allocated to a fund reach the designated annual maximum for that fund for 2024 set forth below, no additional net income tax receipts will be deposited into that fund in 2024.

The annual maximum allocations for the various funds for 2024 shall be as follows:

# CITY OF BRUNSWICK, OHIO

## ORDINANCE NUMBER 99-2023



(A) As to the Police Fund and the Fire Fund, the greater of:

(i) The aggregate amount set forth in the following table:

<b>Fund</b>	<b>Allocation</b>
Police Fund	\$9,425,000
Fire Fund	<u>\$6,525,000</u>
Aggregate Police & Fire Funds Total	\$15,950,000

**or**

(ii) As to the Police Fund, 59.09% of the aggregate amount of Net Income Tax Receipts from the taxes levied pursuant to Section 880.005.1(b) and (c) of the Codified Ordinances in that year, and as to the Fire Fund, 40.91% of the aggregate amount of Net Income Tax Receipts from the taxes levied pursuant to Section 880.005.1(b) and (c) of the Codified Ordinances in that year.

Any amounts in excess of such annual maximum allocations shall be allocated to the General Fund.

(B) As to the Street Repair & Maintenance Fund, the BTA Fund and the Parks Fund, the amounts set forth in the following table:

<b>Fund</b>	<b>Maximum Allocation</b>
Street Repair & Maintenance Fund	\$1,575,000
BTA Fund	\$15,000
Parks Fund	\$580,000

Any amounts in excess of such annual maximum allocations shall be allocated to the General Fund.

(C) There shall be no annual maximum applicable to the allocation of Net Income Tax Receipts to the General Fund or to the Capital Improvement Fund in 2024.

This Council finds and determines that, based on the City's estimated income tax receipts for 2024, the allocation percentages and maximum allocations set forth in this Section are consistent with the requirements of paragraphs (b), (c) and (d) of Section 880.01.1 of the Codified Ordinances. This Council shall act promptly to revise the foregoing allocation percentages and or maximum allocations if, as and when such revisions are necessary to ensure continuing compliance with the requirements of Section 880.01.1 of the Codified Ordinances.

The Finance Director/Income Tax Administrator shall prepare monthly financial reports reflecting amounts of the prior month's allocations to the various funds and year to date allocations to the various funds and confirming the City's continuing compliance with the requirements of Section 880.01.1 of the Codified Ordinances.

SECTION 2: That Section 1 of Ordinance No. 104-2022, as adopted on November 28, 2022, be and is hereby repealed.

**CITY OF BRUNSWICK, OHIO**  
**ORDINANCE NUMBER 99-2023**



SECTION 3: The 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, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, 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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the additional reason that this Ordinance is necessary for the usual daily operation of a municipal government. Therefore, the same shall be in full force and effect immediately after its passage by the required number of votes; otherwise, the earliest time permitted by law.

PASSED: 1<sup>st</sup> Reading \_\_\_\_\_  
2<sup>nd</sup> Reading \_\_\_\_\_  
3<sup>rd</sup> Reading \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Laura E. Timura

PROPOSED LEGISLATION



**DATE:** 11/27/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 100-2023** - An emergency ordinance amending Ordinance No.106-2022 and the City's Fund Balance Reserve Policy. - **1st Reading** (To be brought from Finance Committee, Administration/Todd Fischer)

**BACKGROUND:** Over the past two decades, the compounded impacts of the economy, political environment, global pandemic, and increasing demand for services and capital needs have presented challenges in maintaining adequate cash reserves for the City of Brunswick.

From 2002 through 2009, the City expended significantly more money than it was taking in, thus draining the cash reserves to levels that were unacceptable to the City and the Brunswick Citizens' Financial Audit Review and Advisory Committee. The most significant factor or identified cause of these practices was the implementation of long-term financial commitments without a corresponding long-term funding stream in place.

From mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy. The City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee decided to systematically increase the reserve levels and thus amend the fund balance reserve policy during 2017. Additional increases to the fund balance reserves were recommended in 2020, 2021, 2022 and 2023 to better prepare and react to the health pandemic, future economic downturns, inflationary pressures, or any other emergency situation.

As part of the City Manager's 2024 budget proposal and five-year capital program, additional increases to this policy are recommended. All of the amendments made to this policy include increases to the fund balance reserve levels. Approved increases provide more financial flexibility for the City in the future to react to secure more grant funding and react to various situations, including but not limited to economic downturns or

address emergency situations.

**PURPOSE AND EXPLANATION:**

See background and the attached Fund Balance Reserve Policy - Exhibit A for proposed amendments.

**IMPLEMENTATION SCHEDULE:**

This legislation to amend the City's Fund Balance Reserve Policy and 2024 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. This legislation is anticipated to be moved to the November 27, 2023 Council agenda for two readings as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, sync up various pieces of legislation with the 2024 appropriation budget and allowing for a more seamless transition into 2024.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:**

If this legislation is passed, it would increase the City's ability to receive larger grant awards and better deal with future economic impacts, inflation, pandemics or other emergency situations. If certain events were to arise that would allow the cash reserves to either fall below the minimum reserve or go above the maximum reserves, then certain conditions and actions as outlined in the amended policy would be required.

**RECOMMENDED ACTION:**

One Reading	No
Two Readings	Yes
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

This legislation to amend the City's Fund Balance Reserve Policy. This draft legislation and the 2024 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. This legislation is anticipated to be moved to the November 27, 2023 Council agenda for two readings as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, syncing up various pieces of legislation with the 2024 appropriation budget and allowing for a more seamless transition into 2024.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 100-2023

By: Mr. Hanek, Mr. Abella, Mr. Lambert

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 106-2022  
AND THE CITY'S FUND BALANCE RESERVE POLICY.

WHEREAS: Per determination by this Council, the City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee, the City adopted a Fund Balance Reserve Policy per Ordinance No. 96-12, as amended by Ordinance Nos. 90-17, 20-2020, 101-2020, 115-2021 and 106-2022, to detail the City's objective to achieve a sound financial condition and to maintain appropriate levels of unencumbered cash reserves in the General Fund; and

WHEREAS: It has been determined to further amend the Fund Balance Reserve Policy to provide additional financial flexibility as may be required to respond to unknown effects of the global health pandemic, future economic downturns, inflationary pressures or any other unknown emergency.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Fund Balance Reserve Policy, as attached hereto as Exhibit "A", is hereby adopted.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the usual daily operation of a municipal government and for the additional reason that Council wishes to improve our ability to respond to future unknown impacts. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

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PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

RULES SUSPENDED: AYES \_\_\_\_ NAYS \_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_ NAYS \_\_\_\_

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

Clerk of Council  
Laura E. Timura

# CITY OF BRUNSWICK



## FUND BALANCE RESERVE POLICY

**Established October 2012 (Ordinance #96-12)**

**Amended by City Council - (Ordinance #90-17), (Ordinance #20-2020),  
(Ordinance #101-2020), (Ordinance #115-2021), (Ordinance #106-2022) and  
(Ordinance # -2023)**

## **BACKGROUND:**

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Over the past two decades, the compounded impacts of the economy, political environment, global pandemic, and increasing demand for services and capital needs have presented challenges in maintaining adequate cash reserves for the City of Brunswick.

From 2002 through 2009, the City expended significantly more money than it was taking in, thus draining the cash reserves to levels that were unacceptable to the City and the Brunswick Citizens' Financial Audit Review and Advisory Committee. The most significant factor or identified cause of these practices was the implementation of long-term financial commitments without a corresponding long-term funding stream in place.

During mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy. The City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee decided to systematically increase the reserve levels and thus amend the fund balance reserve policy during 2017. Additional increases to the fund balance reserves were recommended in 2020, 2021, 2022 and 2023 to better prepare and react to the health pandemic, future economic downturns, inflationary pressures, or any other emergency situation.

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## **OBJECTIVE:**

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It shall be the objective of the City to achieve a sound financial condition and to maintain appropriate levels of unencumbered cash reserves in the General Fund to:

- 1) Ensure the timely payment of all financial obligations.
- 2) Reduce susceptibility to downturns in the economy or revenue shortfalls.
- 3) Provide financial resources to pay for unanticipated emergencies.
- 4) Comply with and meet debt covenants and obligations.
- 5) Secure and maintain investment grade credit ratings.

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## **RESERVE POLICY:**

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The City's General Fund accounts for all financial resources except those required to be accounted for in another fund. These financial resources are available for any purpose, provided they are expended or

transferred according to the general laws of Ohio and the Charter of the City of Brunswick. The City shall attempt to maintain a minimum General Fund unencumbered cash fund balance reserve of no less than \$7,000,000 as of December 31, 2023 and \$7,500,000 as of December 31, 2024. As of December 31, 2025, and each fiscal year thereafter, the City shall attempt to maintain a minimum General Fund unencumbered cash fund balance of no less than \$8,000,000.

Council may legislatively designate the use of the General Fund unencumbered cash reserves below the established minimum. If at the end of a fiscal year, the General Fund unencumbered cash fund balance reserve falls below the minimum, the City Manager shall prepare and submit his/her plan for expenditure reductions and/or revenue adjustments to City Council. City Council shall act as necessary to restore the unencumbered General Fund cash reserve fund balance reserve back to the minimum level, preferably within one year, but no more than three years after the last day of the fiscal year in which the minimum reserve level was breached.

In the event the General Fund unencumbered cash fund balance reserve exceeds \$11,750,000 as of December 31, 2023; \$12,750,000 as of December 31, 2024; and \$13,500,000 as of December 31, 2025; and each fiscal year thereafter on the last day of the fiscal year, the excess may be used in one of or a combination of the following ways:

- One-time expenditures or set aside for future one time expenditures, including but not limited to debt principal reductions or capital improvements, which do not increase recurring operating costs;
- Other one-time costs, or the establishment of or increase in legitimate reservations or designations of any fund balance under the authority of Council;
- Start-up expenditures for new programs provided such action is accompanied by an approved multi-year projection of revenues and expenditures. The program shall not be authorized unless the projections are both reasonable and include revenue streams sufficient to cover the expenditures.

This policy and reserve requirements should be reviewed on an annual basis and, if appropriate, amended accordingly.

# CITY OF BRUNSWICK



## FUND BALANCE RESERVE POLICY

Established October 2012 (Ordinance #96-12)

Amended by City Council - (Ordinance #90-17), (Ordinance #20-2020),  
(Ordinance #101-2020), (Ordinance #115-2021), ~~and (Ordinance #106-2022—~~  
~~2022) and (Ordinance # -2023)~~

## **BACKGROUND:**

---

Over the past two decades, the compounded impacts of the economy, political environment, global pandemic, and increasing demand for services and capital needs have presented challenges in maintaining adequate cash reserves for the City of Brunswick.

From 2002 through 2009, the City expended significantly more money than it was taking in, thus draining the cash reserves to levels that were unacceptable to the City and the Brunswick Citizens' Financial Audit Review and Advisory Committee. The most significant factor or identified cause of these practices was the implementation of long-term financial commitments without a corresponding long-term funding stream in place.

During mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy. The City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee decided to systematically increase the reserve levels and thus amend the fund balance reserve policy during 2017. Additional increases to the fund balance reserves were recommended in 2020, 2021, ~~2022~~ and ~~2023~~~~2022~~ to better prepare and react to the health pandemic, future economic downturns, inflationary pressures, or any other emergency situation.→

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## **OBJECTIVE:**

---

It shall be the objective of the City to achieve a sound financial condition and to maintain appropriate levels of unencumbered cash reserves in the General Fund to:

- 1) Ensure the timely payment of all financial obligations.
- 2) Reduce susceptibility to downturns in the economy or revenue shortfalls.
- 3) Provide financial resources to pay for unanticipated emergencies.
- 4) Comply with and meet debt covenants and obligations.
- 5) Secure and maintain investment grade credit ratings.

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## **RESERVE POLICY:**

---

The City's General Fund accounts for all financial resources except those required to be accounted for in another fund. These financial resources are available for any purpose, provided they are expended or

transferred according to the general laws of Ohio and the Charter of the City of Brunswick. The City shall attempt to maintain a minimum General Fund unencumbered cash fund balance reserve of no less than ~~\$\$6,500,000-\$7,000,000~~ as of December 31, ~~2022~~2023 and ~~\$7,500,000 as of December 31, 2024~~. As of December 31, ~~2023~~2025, and each fiscal year thereafter, the City shall attempt to maintain a minimum General Fund unencumbered cash fund balance of no less than ~~\$8,000,000-\$7,000,000~~.

Council may legislatively designate the use of the General Fund unencumbered cash reserves below the established minimum. If at the end of a fiscal year, the General Fund unencumbered cash fund balance reserve falls below ~~\$~~ the minimum, the City Manager shall prepare and submit his/her plan for expenditure reductions and/or revenue adjustments to City Council. City Council shall act as necessary to restore the unencumbered General Fund cash reserve fund balance reserve back to the minimum level, preferably within one year, but no more than three years after the last day of the fiscal year in which the minimum reserve level was breached.

In the event the General Fund unencumbered cash fund balance reserve exceeds ~~\$10,250,000 as of December 31, 2022;~~ ~~\$11,250,000~~ ~~\$11,750,000~~ as of December 31, 2023; ~~\$12,750,000 as of December 31, 2024~~ and ~~\$132,500,000,000~~ as of December 31, 2025 ~~4~~ and each fiscal year thereafter on the last day of the fiscal year, the excess may be used in one of or a combination of the following ways:

- One-time expenditures or set aside for future one time expenditures, including but not limited to debt principal reductions or capital improvements, which do not increase recurring operating costs;
- Other one-time costs, or the establishment of or increase in legitimate reservations or designations of any fund balance under the authority of Council;
- Start-up expenditures for new programs provided such action is accompanied by an approved multi-year projection of revenues and expenditures. The program shall not be authorized unless the projections are both reasonable and include revenue streams sufficient to cover the expenditures.

This policy and reserve requirements should be reviewed on an annual basis and, if appropriate, amended accordingly.

PROPOSED LEGISLATION



**DATE:** 11/27/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 101-2023** - An emergency ordinance creating an OPWC Pepperwood Drive Improvement Fund (#375) - **1st Reading** (To be brought from Finance Committee, Administration/Todd Fischer)

**BACKGROUND:** Ohio Revised Code Section 5705.09(F) requires the City to establish a special fund for each class of revenue derived from a source other than the general property tax, which the law requires to be used for a particular purpose; and

The OPWC Pepperwood Drive Improvement Fund (#375) will be created and used to account for the OPWC monies awarded to the City of Brunswick for Pepperwood Drive improvement projects as outlined in the OPWC application(s).

**PURPOSE AND EXPLANATION:** Ohio Revised Code Section 5705.09(F) requires the City to establish a special fund for each class of revenue derived from a source other than the general property tax, which the law requires to be used for a particular purpose; and

The OPWC Pepperwood Drive Improvement Fund (#375) will be created and used to account for the OPWC monies awarded to the City of Brunswick for Pepperwood Drive improvement projects as outlined in the OPWC application(s).

**IMPLEMENTATION SCHEDULE:** The requested timeline is for this legislation to be moved to the November 27, 2023 Council agenda as an emergency with suspension of the rules for two readings.

This will sync up with other 2024 budget legislation and related timetables for a seamless transition into 2024.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:** The establishment of a fund allows for the accounting structure to be in place if and

when a grant is awarded. There are no costs associated with the act of establishing a fund.

A separate piece of legislation establishing the appropriations and/or authorization comes separately.

**RECOMMENDED  
ACTION:**

One Reading	No
Two Readings	Yes
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

The emergency and suspension clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allow for the daily operations of the City of Brunswick to continue without interruptions, synch up 2024 budget related legislation together and allow for a timely and seamless transition into 2024 by having the accounting structure in place.

**ADDITIONAL  
INFORMATION:**

None.

# CITY OF BRUNSWICK, OHIO

## ORDINANCE NUMBER 101-2023



By: Mr. Hanek, Mr. Abella, and Mr. Lambert

### AN EMERGENCY ORDINANCE CREATING AN OPWC PEPPERWOOD DRIVE IMPROVEMENT FUND (#375)

WHEREAS: Ohio Revised Code Section 5705.09(F) requires the City to establish a special fund for each class of revenues derived from a source other than the general property tax, which the law requires to be used for a particular purpose; and

WHEREAS: The OPWC Pepperwood Drive Improvement Fund #375 will be created and used to account for any OPWC monies awarded to the City of Brunswick for Pepperwood Drive improvement projects as outlined in the OPWC application(s).

### THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That an OPWC Pepperwood Drive Improvement Fund #375 is hereby created.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipal department, and for the further reason that proper fund accounting measures be created. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1<sup>st</sup> Reading \_\_\_\_\_  
2<sup>nd</sup> Reading \_\_\_\_\_  
3<sup>rd</sup> Reading \_\_\_\_\_  
Rules Suspended: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Laura E. Timura

PROPOSED LEGISLATION



**DATE:** 11/27/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 103-2023** - An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

**BACKGROUND:** At an election held in this City on May 2, 2023, on the question of issuing bonds of the City in the aggregate principal amount of \$12,000,000 for the purpose stated in Section 2 and of levying taxes outside the ten-mill limitation provided by law to pay the debt charges on those bonds and any anticipatory securities, the requisite majority of those voting on the question voted in favor of it; and

Council finds and determines that the City should proceed at this time to authorize the issuance and sale of the bonds authorized at that election for that purpose; and

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

**PURPOSE AND EXPLANATION:** See background above.

**IMPLEMENTATION SCHEDULE:** The requested timeline is for this legislation to be moved to the November 27, 2023 Council agenda as an emergency for three readings.

The recommendation is for this Ordinance to be in effect on or before January 1, 2024.

**FINANCIAL INFORMATION:**

**FINANCIAL**

**SUMMARY:**

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 unlimited as to amount or rate, 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 (G.O, Fire Station Bond Retirement SubFund #772), which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

**RECOMMENDED ACTION:**

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	Yes
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

Consideration for emergency measure as it is necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that it is necessary that this Ordinance be effective immediately in order to issue and sell the Bonds, which is necessary to enable the City to enter into contracts for the improvements which are needed to provide for the health and safety of the residents of the City.

**ADDITIONAL INFORMATION:**

None.

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 103-2023

BY: Mr. Hanek, Mr. Abella, Mr. Lambert

AN EMERGENCY ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$12,000,000 TO PROVIDE FUNDS FOR THE PURPOSE OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A NEW FIRE STATION AND PREPARING, EQUIPPING AND OTHERWISE IMPROVING ITS SITE.

WHEREAS: At an election held in this City on May 2, 2023, on the question of issuing bonds of the City in the aggregate principal amount of \$12,000,000 for the purpose stated in Section 2 and of levying taxes outside the ten-mill limitation provided by law to pay the debt charges on those bonds and any anticipatory securities, the requisite majority of those voting on the question voted in favor of it; and

WHEREAS: This Council finds and determines that the City should proceed at this time to authorize the issuance and sale of the Bonds authorized at that election for that purpose; and

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

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES 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 or in the Certificate of Award 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 (i) 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 (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository 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), 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(c), 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 Stifel, Nicolaus & Company, Incorporated.

“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 2044, 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 \$12,000,000 (the Bonds) for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site (the improvements), being bonds approved at the election identified in the first preamble of this ordinance, including the payment of expenses related to the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$12,000,000 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 received by the City and representing premium and accrued interest 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 (a) the earliest optional redemption date shall not be more than 10½ years after the Closing Date and (b) the redemption price for the earliest 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 15<sup>th</sup> 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, 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. In accordance with the Bond Registrar Agreement, the Bond Registrar is permitted to establish a Cost of Issuance Fund for the payment of costs and expenses incurred in connection with the Bonds. 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 or reimbursed 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, Fiscal Officer, Director of Law, 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 Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement, 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 City Manager and the Fiscal Officer are 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 on behalf of the City, 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 Director of Law 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, (i) engagement of the services of a municipal advisor or (ii) the 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 the 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 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 shall 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, to the extent not paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with 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: 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 unlimited as to amount or rate, 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.

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,” 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 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 Medina County Auditor.

SECTION 10: Retention of Bond and Disclosure Counsel. In connection with the issuance of the Bonds, the legal services of Squire Patton Boggs (US) LLP, as bond and disclosure counsel, 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 opinion 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 the extent they are not paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with the Bond Registrar Agreement, 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 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, safety and welfare of the City and for the further reason that it is necessary that this Ordinance be effective immediately in order to issue and sell the Bonds, which is necessary to enable the City to enter into contracts for the improvements which are needed to provide for the health and safety of the residents of the City; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage by the required number of votes, otherwise, at the earliest time permitted by law.

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PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

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

AYES \_\_\_\_\_ NAYS \_\_\_\_\_

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

AYES \_\_\_\_\_ NAYS \_\_\_\_\_

Clerk of Council  
Laura E. Timura

## FISCAL OFFICER'S CERTIFICATE


To the Council of the City of Brunswick, Ohio:

As fiscal officer of the City of Brunswick, Ohio, I certify in connection with your proposed issue of not to exceed \$12,000,000 of bonds approved by the voters of the City at an election on May 2, 2023 (the Bonds), to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site (the improvements), as follows:

1. The estimated life or period of usefulness of the improvements above described is certified to be at least five years.

2. The maximum maturity of bonds to be issued for such purpose, calculated in accordance with the provisions of Section 133.20 of the Revised Code and as the maximum maturity approved by the voters, is 20 years.

Dated: November 27, 2023



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Director of Finance  
City of Brunswick, Ohio