MountVernon

City Council **December 13, 2021**

Legislative Session **Agenda** **7:30 PM**

COMMITTEE MEETINGS

6:00-6:15 p.m.	Street/Water equipment	Utilities Woods
6:15-6:30 p.m.	Police Department hourly employees	Employee & Community Relations Scoles
6:30-6:40 p.m.	MVNU bond refinancing	Finance & Budget Francis
6:40-6:45 p.m.	MNVU bond refinancing public hearing	Council as a Whole
6:45-7:15 p.m.	Employee compensation	Employee & Community Relations Scoles
7:30 p.m.	City Council Legislative Meeting	Ref: Agenda

- Committee Meeting Schedule

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

INVOCATION

Brad Whitaker, New Life Church of the Nazarene

PLEDGE OF ALLEGIANCE

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Nov 22, 2021 7:30 PM

RECEIVE PETITIONS AND COMMUNICATIONS

None.

RECEIVE COMMITTEE REPORTS

None.

LIQUOR CONTROL LICENSE

None.

PROCLAMATION

Jerry Clinger Day

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

Jennifer LaPointe, The Kleingers Group, stormwater management

RESOLUTIONS FOR THIRD READING

R E S O L U T I O N N O . 2 0 2 1 - 1 0 3

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RACHEL CURTIS TO THE UTILITIES COMMISSION OF THE CITY OF MOUNT VERNON FOR A TWO (2) YEAR TERM; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Scoles, Woods

R E S O L U T I O N N O . 2 0 2 1 - 1 0 4

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF EMILY MARTH TO THE CIVIL SERVICE COMMISSION; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Scoles, Woods

RESOLUTIONS FOR SECOND READING

R E S O L U T I O N N O . 2 0 2 1 - 1 0 5

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON TO PURCHASE EQUIPMENT FOR THE STREET AND WATER/WASTEWATER DEPARTMENTS; AND DECLARING AN EMERGENCY.

Utilities: Woods, Seavolt

R E S O L U T I O N N O . 2 0 2 1 - 1 0 8

A RESOLUTION IN SUPPORT OF THE KNOX COUNTY ACTIVE TRANSPORTATION PLAN.

Streets and Public Buildings: Warga, Francis

R E S O L U T I O N N O . 2 0 2 1 - 1 0 9

A RESOLUTION APPOINTING REPRESENTATIVES FOR CITY COUNCIL TO THE CITY'S HOUSING COUNCIL; AND DECLARING AN EMERGENCY.

Planning and Zoning: Hillier, Keener

RESOLUTIONS FOR FIRST READING

RESOLUTION NO. 2021-111

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.

Finance and Budget: Francis, Hillier

RESOLUTION NO. 2021-112

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

Finance and Budget: Francis, Hillier

RESOLUTION NO. 2021-113

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION.

Finance and Budget: Francis, Hillier

RESOLUTION NO. 2021-114

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO APPLY FOR CORPO DEDICATED FUNDS PROGRAMMED BY THE CENTRAL OHIO RURAL PLANNING ORGANIZATION (CORPO) TO IMPROVE AND RELOCATE STATE ROUTE 13 AND DECLARING AN EMERGENCY.

Streets and Public Buildings: Warga, Francis

ORDINANCES FOR THIRD READING

ORDINANCE NO. 2021-40

AN ORDINANCE ESTABLISHING THE COMPENSATION MODEL FOR NON-BARGAINING UNIT EMPLOYEES OF THE CITY AND DECLARING AN EMERGENCY

Employee and Community Rel.: Scoles, Woods

ORDINANCE NO. 2021-46

AN ORDINANCE AMENDING ORDINANCE NO. 2020-42 FIXING THE NUMBER OF HOURLY EMPLOYEES IN THE CITY OF MOUNT VERNON POLICE DEPARTMENT.

Employee and Community Rel.: Scoles, Woods

ORDINANCES FOR SECOND READING

O R D I N A N C E   N O . 2 0 2 1 - 4 7

AN ORDINANCE AMENDING THE TIME LIMIT FOR CANVASSERS AND SOLICITORS IN THE CITY, AND DECLARING AN EMERGENCY.

Planning and Zoning: Hillier, Keener

ORDINANCES FOR FIRST READING

O R D I N A N C E   N O . 2 0 2 1 - 4 8

AN ORDINANCE DETERMINING THE NECESSITY OF AND AUTHORIZING THE ISSUANCE AND SALE OF ECONOMIC DEVELOPMENT REVENUE REFUNDING BONDS, SERIES 2022 (MOUNT VERNON NAZARENE UNIVERSITY) OF THE CITY OF MOUNT VERNON, OHIO IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $7,800,000; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE, A LOAN AGREEMENT, A BOND PURCHASE AGREEMENT, A TAX EXEMPTION CERTIFICATE AND AGREEMENT AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY.

Finance and Budget: Francis, Hillier

O R D I N A N C E   N O . 2 0 2 1 - 4 9

AN ORDINANCE AMENDING SECTION 187.02(A), OF CHAPTER 187 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.

Finance and Budget: Francis, Hillier

O R D I N A N C E   N O . 2 0 2 1 - 5 0

AN ORDINANCE TO AMEND SECTION 339.02(A) OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING TRUCKS OFF STATE ROUTES, AND DECLARING AN EMERGENCY

Streets and Public Buildings: Warga, Francis

O R D I N A N C E   N O . 2 0 2 1 - 5 1

AN ORDINANCE TO SUBDIVIDE THE CITY OF MOUNT VERNON, OHIO INTO WARDS; AND DECLARING AN EMERGENCY.

Planning and Zoning: Hillier, Keener

O R D I N A N C E   N O . 2 0 2 1 - 5 2

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE MATERIAL TERMS OF THE SETTLEMENT WITH JANSSEN PHARMACEUTICALS, INC., OWNED BY JOHNSON & JOHNSON AND TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THAT SETTLEMENT, AND DECLARING AN EMERGENCY.

Finance and Budget: Francis, Hillier

ORDINANCE NO. 2021-53

AN ORDINANCE SETTING A ONE-TIME PAYMENT FOR HOURLY NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

Finance and Budget: Francis, Hillier

REMARKS FROM THE ADMINISTRATION

REMARKS FROM COUNCIL

ADJOURN AT THE CALL OF THE PRESIDENT

PRESS RELEASE

City Hall
40 Public Square
Mount Vernon, OH 43050

FOR MORE INFORMATION, CONTACT:
Todd Hill, Clerk of Council
740-393-9517 Fax: 740-397-6595

FOR IMMEDIATE RELEASE
December 8, 2021

Mount Vernon City Council
Committee Meeting Schedule
December 13, 2021

6:00-6:15 p.m.	Street/Water equipment	Utilities Woods
6:15-6:30 p.m.	Police Department hourly employees	Employee & Community Relations Scoles
6:30-6:40 p.m.	MVNU bond refinancing	Finance & Budget Francis
6:40-6:45 p.m.	MNVU bond refinancing public hearing	Council as a Whole
6:45-7:15 p.m.	Employee compensation	Employee & Community Relations Scoles
7:30 p.m.	City Council Legislative Meeting	Ref: Agenda

The above listed meeting will be held to discuss the above items; but will not be limited to those listed.
Mount Vernon News - WMVO - WNZR – City Hall Bulletin Board

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2021-103

Meeting: 12/13/21 7:30 PM
Dept: Employee and Community Rel.
Scoles, Woods
Category: Appointment
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 3430

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RACHEL CURTIS TO THE UTILITIES COMMISSION OF THE CITY OF MOUNT VERNON FOR A TWO (2) YEAR TERM; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Council for the City of Mount Vernon confirm the Mayor's appointment of Rachel Curtis, 708 N. McKenzie St., Mount Vernon, Ohio, to the Utilities Commission of the City of Mount Vernon, fulfilling the unexpired term of Elizabeth Doolittle, beginning immediately and expiring on March 10, 2022.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

11/08/21 **City Council** **FIRST READING**

Resolution No. 2021-103 was given a first reading.

11/22/21 **City Council** **SECOND READING**

Resolution No. 2021-103 was given a second reading.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Employee and Community Rel.
Scoles, Woods
Category: Appointment
Prepared By: Todd Hill
Initiator: Todd Hill

RESOLUTION 2021-104 **DOC ID: 3431**

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF EMILY MARTH TO THE CIVIL SERVICE COMMISSION; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Council for the City of Mount Vernon confirms the Mayor’s appointment of Emily Marth, 105 N. Catherine St, Mount Vernon, Ohio, to the Civil Service Commission, fulfilling the unexpired term of Emily Morrison, beginning immediately and ending November 20, 2026.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

11/08/21 **City Council** **FIRST READING**

Resolution No. 2021-104 was given a first reading.

11/22/21 **City Council** **SECOND READING**

Resolution No. 2021-14 was given a second reading.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Utilities
Woods, Seavolt
Category: Utilities
Prepared By: Terry Scott
Initiator: Todd Hill

RESOLUTION 2021-105

DOC ID: 3438

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON TO PURCHASE EQUIPMENT FOR THE STREET AND WATER/WASTEWATER DEPARTMENTS; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Safety-Service Director for the City of Mount Vernon is authorized and directed to purchase the following items for the Street Department and Water/Wastewater departments:

1. New Street Sweeper - Street Department through State Cooperative Purchase Plan.
2. New Vacuum Truck with related attachments - Water/Wastewater Department through State Cooperative Purchase Plan.

SECTION 2: This Resolution is hereby declared to be an emergency measure for the immediate preservation of the public, peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

11/22/21 **City Council** **FIRST READING**

Resolution No. 2021-105 was given a first reading. Its committee was changed from Finance & Budget to Utilities.

MountVernon	**City Council** **City of Mount Vernon** **Mount Vernon, OH 43050**	Meeting: 12/13/21 7:30 PM **Dept: Streets and Public Buildings** **Warga, Francis** Category: Streets
	SCHEDULED	Prepared By: Todd Hill Initiator: Todd Hill
	RESOLUTION 2021-108	**DOC ID: 3439**

A RESOLUTION IN SUPPORT OF THE KNOX COUNTY ACTIVE TRANSPORTATION PLAN.

WHEREAS, numerous constituencies from throughout Knox County participated in a multi-month discussion and design process to develop a countywide vision for safe, user-oriented bicycle/pedestrian facilities that incorporate the use of existing trails, recreation areas and historic and natural preservation areas located throughout Knox County; and

WHEREAS, the group has conducted a number of meetings and developed the Knox County Active Transportation Plan (the "Plan"), which Plan has a countywide vision for the development of safe, user-oriented facilities for bicycle/pedestrian facilities throughout Knox County, a copy of which Plan is on file with the City of Mount Vernon; and

WHEREAS, the approval and support of the Plan by the City will assist in supporting future funding applications and opportunities for Knox County, and other interested parties, to develop components of the Plan, which developments will enhance and improve the recreational environment of Knox County for its residents/taxpayers, and also complement the recreational tourism industry throughout Knox County; and

WHEREAS, the Council finds and determines that it is in the best interests of the residents of the City and the other political subdivisions of Knox County to support the Plan.

NOW, THEREFORE, be it resolved by the Council of the City of Mount Vernon, Knox County, State of Ohio as follows:

SECTION 1: That the Council for the City of Mount Vernon approves and endorses the Knox County Active Transportation Plan and its objectives, dated November 2021, a copy of which is on file with the City of Mount Vernon.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

11/22/21	**City Council**	**FIRST READING**

Resolution No. 2021-108 was given a first reading.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Planning and Zoning
Hillier, Keener
Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill

RESOLUTION 2021-109
DOC ID: 3434

A RESOLUTION APPOINTING REPRESENTATIVES FOR CITY COUNCIL TO THE CITY'S HOUSING COUNCIL; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2002-12 established a “Community Reinvestment Area Housing Council” (“Housing Council”) to fulfill certain duties relating to any Community Reinvestment Act areas created within the City; and

WHEREAS, R.C. Section 3735.69(A) requires Council to appoint two (2) members to the Housing Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That Council appoints the following persons to represent Council and its members on the Housing Council: Michael P. Hillier and Samantha Scoles.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason of providing representation of Council on the Housing Council and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

11/22/21 City Council FIRST READING

Resolution No. 2021-109 was given a first reading.

MountVernon

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2021-111

Meeting: 12/13/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3446 A

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to make supplemental appropriations as follows:

1. To Account 101.2650.56613, Arbor Plantings, in the amount of $75,000.00.
   (Ariel Foundation Park Grant - Tree Plantings)
2. To Account 226.2100.51112, P-T Firefighter in the amount of $30,000.00
   (Unappropriated Funds - Initial Fire Service Contract)
3. To Account 227.1300.55514, Infrastructure, in the amount of $200,000.
4. To Account 227.1300.54111, Services Received, in the amount of $5,000.00.
   (ARPA Grant Funding)
5. To Account 303.1300.56621, Water System Bond Redemption, in the amount of $2,175.45
6. To Account 303.1300.56622, Water System Bond Interest, in the amount of $1,455.77.
   (Unanticipated Revenues Received)
7. To Account 404.1300.54485, TIF-Transfer to Bond Retirement, in the amount of $1,916.39.
   (Unanticipated Revenues Received)
8. To Account 224.1900.54453, Purchase Cruisers, in the amount of $22,900.00.
   (Unanticipated Revenues from Sale of Assets)
9. To Account 224.1900.53215, Maintenance of Equipment, in the amount of $12,000.00.
   (Unanticipated Refunds & Reimbursements)

SECTION 2: This Resolution provides for appropriations for the current expenses of the city, and therefore, pursuant to Revised Code Section 731.20, it shall become effective upon its date of passage and approval by the Mayor.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill

RESOLUTION 2021-112 **DOC ID: 3447 B**

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to transfer funds as follows:

1. Transfer from Account 301.1300.56621, Bond Redemption, to Account 301.1300.56622, Bond Interest, in the amount of $27,500.00.
2. Transfer from Account 302.1300.56621, Bond Redemption, to Account 302.1300.56622, Bond Interest, in the amount of $1,500.00.
3. From Account 404.3600.54112, County Auditor Deductions, to Account 404.1300.54485, Transfer to Bond Retirement, in the amount of $2,155.00.
4. From Account 405.2900.55514, Roads-Asphalt, to Account 405.1300.54185, Transfer to Bond Retirement, in the amount of $14,000.00.
5. From Account 402.1300.54484, TIF-Local School District, to Account 402.1300.54485, TIF-Transfer to Bond Retirement, in the amount of $8,400.00.
6. From Account 101.2640.51111, Pool Personnel, to Account 101.1200.51112, Mayor’s Admin Assistant, in the amount of $4,000.00.
7. From Account 101.1700.51111, Municipal Court Judge, to Account 101.1700.51112, Municipal Court Clerk, in the amount of $4,030.00.
8. From Account 701.2780.54486, Transfer to Water Reserve, to Account 701.2720.53312, Water-Plant Maintenance, in the mount of $30,000.00.
9. From Account 720.2820.53312, W/W-Plant Maintenance, to Account 720.2820.53211, W/W-Plant Chemicals, in the amount of $20,000.00.
10. From Account 720.2820.54114, Sludge Removal, to Account 720.2820.53211, W/W-Plant Chemicals, in the amount of $10,000.00.
11. From Account 224.1900.52125, Employee Insurance, to Account 224.1900.51111, Chief, Captain, & Policemen, in the amount of $200,000.00.
12. From Account 224.1900.51112, Radio Clerk & Executive Secretaries, to Account 224.1900.52126, Medicare, in the amount of $3,000.00.

13. From Account 224.2100.52125, Employee Insurance, to Account 224.2100.52126, Medicare, in the amount of $6,000.00.
14. From Account 224.2100.52125, Employee Insurance, to Account 224.2100.51111, Chief, Captains, Firefighters, in the amount of $100,000.00.
15. From Account 224.3600.54455, Lease/Purchase Fire Equipment, to Account 224.2100.51111, Chief, Captains, Firefighters, in the amount of $283,000.00.
16. From Account 224.3600.54455, Lease/Purchase Fire Equipment, to Account 224.2100.51112, Fire Executive Secretary, in the amount of $1,000.00.
17. From Account 720.2840.55514, Line Maintenance & Repairs, to Account 720.2840.51111, Collection Employees, in the amount of $15,000.00.

SECTION 2: This Resolution provides for appropriations for the current expenses of the city, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon its date of passage and approval by the Mayor.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill

RESOLUTION 2021-113

DOC ID: 3455

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION.

WHEREAS, the Safety-Service Director for the City of Mount Vernon did make the necessary inquiries that these billed amounts as indicated are legitimate and proper and did approve payment in the amounts shown; and

WHEREAS, at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract or order was in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

<u>SECTION 1</u>: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to pay bills as follows:

1. To American Electric Power in the amount of $3,648.72, to be taken from Account 101.3600.54211, Street Lighting.

<u>SECTION 2:</u> This Resolution provides for appropriations for the current expenses of the city, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon its date of passage and approval by the Mayor.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Streets and Public Buildings
Warga, Francis
Category: Streets
Prepared By: Rob Broeren
Initiator: Todd Hill

RESOLUTION 2021-114

DOC ID: 3456 A

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO APPLY FOR CORPO DEDICATED FUNDS PROGRAMMED BY THE CENTRAL OHIO RURAL PLANNING ORGANIZATION (CORPO) TO IMPROVE AND RELOCATE STATE ROUTE 13 AND DECLARING AN EMERGENCY.

WHEREAS, the completion of the relocation of State Route 13 is important to the City of Mount Vernon in order to improve safety and reduce congestion; and

WHEREAS, this need to improve safety and reduce congestion is vital to improve the quality of life for the citizens and motoring public by reducing emissions, and improving overall safety and well-being of the citizens and visitors of the City of Mount Vernon;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1. That the Safety-Service Director is hereby authorized to apply for CORPO Dedicated Funds programmed by the Central Ohio Rural Planning Organization (CORPO) for the State Route 13 Relocation Project.

SECTION 2. That the City of Mount Vernon acknowledges and understands the CORPO "Policies for Managing CORPO Dedicated Funds" and confirms to the best of its knowledge that the information contained in the project application is accurate, that it intends to diligently pursue that project, and that a local share is required to match federal funds.

SECTION 3. Once constructed, the City of Mount Vernon agrees to perform typical routine maintenance necessary on the newly constructed State Route 13 roadway to keep the roadway in a safe and passable condition for the motoring public.

SECTION 4. That it is hereby found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meeting open to the public and in compliance with the law.

SECTION 5. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Mount Vernon and the inhabitants thereof, for the reason that it is to apply for this funding by December 17th, 2021, and provided that it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2021-40

Meeting: 12/13/21 7:30 PM
Dept: Employee and Community Rel.
Scoles, Woods
Category: Personnel
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3411

AN ORDINANCE ESTABLISHING THE COMPENSATION MODEL FOR NON-BARGAINING UNIT EMPLOYEES OF THE CITY AND DECLARING AN EMERGENCY

WHEREAS, the City seeks to reward merit, retain its employees and recruit high-quality candidates for employment; and

WHEREAS, the City seeks to provide compensation comparable to other cities in the municipal market; and

WHEREAS, the City contracted with Clemens, Nelson and Associates to complete a compensation analysis for its non-bargaining unit staff, develop a compensation model for the City, and align Mount Vernon's compensation with similar communities.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: The following pay grades are adopted:

Position	Pay Grade
Safety Service Director	10
City Engineer	10
Chief of Fire Dept & Emergency Services	10
Police Chief	10
Public Utilities Director	9
Assistant City Engineer	9
Public Works Director	8
Assistant Law Director I	8
Human Resources Director	8
Assistant Law Director II	7
Assistant Director of Distribution/Collection	7
Assistant Director of Water	7
Assistant Director of Wastewater	7
Police Captain	7
CARD Director	7
Project Engineer	7
Public Works Assistant Director	6
Public Works Assistant Director	6
Public Works Assistant Director	6
Income Tax Administrator	5

Victim Advocate	5
Project Manager	4
Deputy Auditor	4
Development Service Manager	4
Property Maintenance Enforcement Officer	4
Merit System Administrator	4
Assistant Deputy Auditor	2
Legal Assistant	1
Income Tax Assistant	1
Executive Secretary / Administrative Assistant	1

SECTION 2: The wages for the following personnel will be set as follows:

Position	Compensation
Safety Service Director	$87,942.40 annually
Administrative Assistant Mayor	$21.16 /hr
Administrative Assistant SSD	$21.16 /hr
Human Resources Director	$74,713.60 annually
Merit System Administrator	$13,436.60 annually
City Engineer	$90,604.80 annually
Project Engineer	$62,254.40 annually
Development Service Manager	$52,561.60 annually
Property Maintenance Enforcement Officer	$50,523.20 annually
Chief of Fire Dept & Emergency Services	$87,256.00 annually
Executive Secretary Fire	$22.93 /hr
Police Chief	$85,092.80 annually
Police Captain	$80,683.20 annually
Executive Secretary Police (DB)	$24.11 /hr
Executive Secretary Police (CJ)	$22.93 /hr
Public Works Director	$74,692.80 annually
Public Works Assistant Director Cemetery/PBL	$61,547.20 annually
Public Works Assistant Director Streets/Storm	$61,547.20 annually
Public Works Assistant Director Parks/Rec	$61,547.20 annually
Assistant Law Director I	$76,772.80 annually
Legal Assistant (JH)	$22.93 /hr
Legal Assistant (KP)	$21.83 /hr
Legal Assistant (CD)	$21.16 /hr
Income Tax Administrator	$66,414.40 annually
Income Tax Assistant (HB)	$22.93 /hr
Income Tax Assistant (DC)	$23.20 /hr
Deputy Auditor	$24.88 /hr

Assistant Deputy Auditor	$23.03 /hr

SECTION 3: The normal work week for non-exempt personnel shall be forty (40) hours in pay status work on five (5) consecutive eight (8) hour days, Monday through Friday, exclusive of the time allotted for meals, during the period starting at 12:01 A. M. Sunday to 12:00 P. M. Midnight, Saturday. Exempt employees are expected to work as necessary, including outside of normal business hours, in the completion of their duties. Exempt employees will work with their supervisor in establishing their work schedule

SECTION 4: These positions shall be entitled to the benefits outlined in Section E of the Mount Vernon Employee Handbook, unless the employee is appointed by an elected office holder other than the Mayor. All employees appointed by an elected office holder other than the Mayor shall be entitled to those benefits outlined by their appointing authority.

SECTION 5: The salary authorized by this Ordinance shall be payable bi-weekly.

SECTION 6: Any provision in legislation previously adopted which is in conflict with this Ordinance is repealed.

SECTION 7: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that an emergency exists in the usual daily operation of the department of allowing the Auditor's office to proceed with 2021 payroll, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

10/11/21 City Council

Ordinance No. 2021-40 was given a first reading. The Employee & Community Relations Committee has asked for a 30-minute meeting on the matter before the next Council meeting on Oct. 27.

10/25/21 City Council SECOND READING

Ordinance No. 2021-40 was given a second reading. The Employee & Community Relations chair has asked for a 30-minute committee meeting on the matter before the next Council meeting on Nov. 8.

11/08/21 City Council POSTPONED TO A CERTAIN TIME

Scoles made a motion to postpone consideration of Ordinance No. 2021-40 until the Council meeting of Dec. 13, with a second by Woods. Motion to postpone passed by a roll-call vote of 6-1, with Keener voting no. The Employee and Community Relations Committee chair has asked for a 30-minute meeting on the matter before the Council meeting of Dec. 13.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2021-46

Meeting: 12/13/21 7:30 PM
Dept: Employee and Community Rel.
Scoles, Woods
Category: Personnel
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3433

AN ORDINANCE AMENDING ORDINANCE NO. 2020-42 FIXING THE NUMBER OF HOURLY EMPLOYEES IN THE CITY OF MOUNT VERNON POLICE DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the following positions are hereby authorized as indicated:

POLICE DEPARTMENT:
~~Ten~~ **Nine** Supervisors (Lieutenants and Sergeants)
Not more than ~~19~~ **20** Police Officers
One Records Clerk

Use of all above mentioned said personnel is authorized as required to meet the work demands of the Police Department as appropriated.

HISTORY:

11/08/21 City Council FIRST READING

Ordinance No. 2021-46 was given a first reading. Seavolt noted that the ordinance's sponsoring committee should be the Employee and Community Relations Committee, not the Fire, Police and Civil Defense Committee. The Employee and Community Relations Committee chair asked for a 15-minute meeting on the matter before the next Council meeting on Nov. 22.

11/22/21 City Council SECOND READING

Ordinance No. 2021-46 was given a second reading.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Planning and Zoning
Hillier, Keener
Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill

ORDINANCE 2021-47

DOC ID: 3435

AN ORDINANCE AMENDING THE TIME LIMIT FOR CANVASSERS AND SOLICITORS IN THE CITY, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio, that:

SECTION 1: That Section 734.04 of the Codified Ordinances be amended to read as follows:

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of any occupant of such residence, for the purpose of securing an audience with the occupant(s) thereof and to engage in canvassing as defined in Section 753.01, prior to 9:00 a.m. or after ~~9:00 p.m.~~ **sundown**, Monday through Sunday ~~or on a State of national holiday~~.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason of protecting the peace of mind of City residents after the fall of darkness, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

11/22/21 **City Council** **FIRST READING**

Ordinance No. 2021-47 was given a first reading.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3454

ORDINANCE 2021-48

AN ORDINANCE DETERMINING THE NECESSITY OF AND AUTHORIZING THE ISSUANCE AND SALE OF ECONOMIC DEVELOPMENT REVENUE REFUNDING BONDS, SERIES 2022 (MOUNT VERNON NAZARENE UNIVERSITY) OF THE CITY OF MOUNT VERNON, OHIO IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $7,800,000; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE, A LOAN AGREEMENT, A BOND PURCHASE AGREEMENT, A TAX EXEMPTION CERTIFICATE AND AGREEMENT AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mount Vernon, Ohio (the "Issuer"), by virtue of the laws of the State of Ohio, including Article VIII, Section 13 of the Constitution of Ohio and Chapter 165 of the Ohio Revised Code (collectively, the "Act"), heretofore issued its $8,933,334 original principal amount of the Economic Development Revenue Refunding Bonds, Series 2016 (Mount Vernon Nazarene University Project), dated September 1, 2016 (the "Prior Bonds"), the proceeds of which were made available to Mount Vernon Nazarene University (the "Borrower"), an Ohio nonprofit corporation, for the purpose of refinancing the costs of the acquisition, construction, renovation, installation and equipping of a 65,000-square-foot expansion to the Prince Student Union, which included a new arena and other intercollegiate athletic facilities, academic and office space and all necessary appurtenances thereto located on the real property of the Borrower located at 800 Martinsburg Road, Mount Vernon, Ohio for use in fulfilling the exempt purposes of the Borrower (the "Prior Project"); and

WHEREAS, at the request of the Borrower, this Council (the "Issuing Authority") has determined to authorize the issuance of Economic Development Revenue Refunding Bonds, Series 2022 (Mount Vernon Nazarene University) of the Issuer (the "Bonds"), for the purpose of:

refunding and retiring the outstanding principal amount of the Prior Bonds; funding a debt service reserve fund for the Bonds, if necessary; and paying costs of issuance of the Bonds; and

WHEREAS, this Issuing Authority has determined that in connection with the refunding and retirement of the outstanding principal amount of the Prior Bonds in an amount not to exceed $7,800,000, it will be acting in the manner consistent with and in furtherance of the provisions of the Act, including Section 165.07(D) of the Ohio Revised Code; and

WHEREAS, proposed forms of the following documents have been presented to the Issuer for approval in connection with the issuance, sale, and delivery of the Bonds:

1. A Trust Indenture (the "Indenture") between the Issuer and U.S. Bank National Association, as trustee (the "Trustee"), with respect to the proposed Bonds, including the proposed form of the Bonds;

2. A Loan Agreement (the "Loan Agreement") between the Issuer and the Borrower, with respect to the Bonds;

3. A Bond Purchase Agreement (the "Bond Purchase Agreement") with respect to the Bonds (as defined above) among the Issuer, the Borrower, and KeyBanc Capital Markets Inc., the underwriter of the Bonds (the "Underwriter");

4. A Tax Exemption Certificate and Agreement (the "Tax Certificate and Agreement") among the Issuer, the Borrower and the Trustee; and

5. A Preliminary Offering Circular (the "Preliminary Offering Circular") with respect to the Bonds; and

WHEREAS, in accordance with the applicable provisions of the Act, the Issuer proposes to enter into the Indenture, the Loan Agreement, the Tax Certificate and Agreement, and the Bond Purchase Agreement, along with various other certificates and closing documents necessary for the issuance of the Bonds (collectively, the "Issuer Documents");

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, Knox County, Ohio:

SECTION 1. That this Council, as the Issuing Authority, hereby determines, based solely upon information from the Borrower, that it is necessary to issue revenue refunding bonds under Section 165.07(D) of the Ohio Revised Code, and that the Issuer shall issue the Bonds pursuant to the provisions of the Act, in a principal amount of not to exceed $7,800,000 for the purposes set forth in the preambles hereto. Such Bonds shall be designated "City of Mount Vernon, Ohio Economic Development Revenue Refunding Bonds, Series 2022 (Mount Vernon Nazarene University)" or such other designation as shall be acceptable to the officials executing the Bonds. The Bonds shall be designated and shall be issued in the forms and denominations, and shall be numbered, dated and payable as provided in the Indenture and the Bond Purchase Agreement herein authorized and may be issued in one or more series as tax-exempt or federally taxable bonds.

SECTION 2. That all defined terms used herein and not otherwise defined herein shall have the respective meanings given to them in the Indenture.

Any reference herein to the Issuer or the Issuing Authority, or to any officers or members thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "hereby," "hereto," "hereunder," and similar terms, mean this Ordinance.

SECTION 3. That, from the sale of the Bonds, the Borrower shall use the proceeds thereof to retire and refund the Prior Bonds and for the other purposes set forth in the preambles hereof in accordance with the Issuer Documents.

SECTION 4. That the Bonds shall mature as provided in the Indenture and Bond

Purchase Agreement, and have such terms, bear such interest, and be subject to mandatory and optional redemption as provided in the Indenture and the Bond Purchase Agreement. The Bonds shall bear interest at a weighted average interest rate not to exceed 5.5% per annum and shall mature over a period not to exceed 30 years from their issue date. The Bonds shall be payable at the designated office of the Trustee. The Bonds shall be executed on behalf of the Issuer by the manual or facsimile signature of the Mayor and the Auditor. In case any officer whose signature or a facsimile thereof shall appear on the Bonds shall cease to be such officer before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until after that time.

The form of the Bonds submitted to the Issuer, subject to appropriate insertions and revisions in order to comply with the provisions of the Indenture, is hereby approved, and when the same shall be executed on behalf of the Issuer as aforesaid in the manner contemplated hereby and by the Indenture, in an aggregate principal amount not to exceed $7,800,000, shall represent the approved form of Bonds of the Issuer.

The Bonds authorized hereby shall bear on their face a statement that the Bonds are not general obligations, debt or bonded indebtedness of the Issuer or the State of Ohio or any political subdivision thereof, and the holders or owners of the Bonds are not given the right, and have no right, to have excises or taxes levied by the Issuer or the State of Ohio or any political subdivision thereof, for the payment of the debt service on the Bonds and that the right to such payment is limited to the revenues and funds pledged for such purpose under the Indenture herein authorized.

<u>SECTION 5.</u> That the Mayor and the Auditor be and they are hereby authorized and directed to execute and deliver on behalf of the Issuer the Indenture with the Trustee. The

Indenture shall be substantially in the form presented to this Issuing Authority and on file with the Clerk, subject to such changes, insertions and omissions as may be permitted by the Act and approved by the Mayor and the Auditor, which approval shall be conclusively evidenced by the execution of said Indenture as aforesaid.

SECTION 6. That the Mayor and the Auditor be and they are hereby authorized and directed to execute and deliver on behalf of the Issuer the Loan Agreement with the Borrower. The Loan Agreement shall be substantially in the form presented to this Issuing Authority and on file with the Clerk, subject to such changes, insertions and omissions as may be permitted by the Act and approved by the Mayor and the Auditor, which approval shall be conclusively evidenced by the execution of said Loan Agreement as aforesaid.

SECTION 7. That the Mayor and the Auditor be and they are hereby authorized and directed to execute and deliver on behalf of the Issuer a Bond Purchase Agreement with the Underwriter and the Borrower, providing for the sale of the Bonds, substantially in the form heretofore presented to this Issuing Authority and on file with the Clerk, so long as the terms of purchase contained therein are within the parameters established in Sections 1 through 4 of this Ordinance. Such Bond Purchase Agreement shall set forth the underwriting discount, principal amount, maturities and interest rate or rates on the Bonds and redemption features, and the execution and delivery of the Bond Purchase Agreement shall be conclusive evidence of the authorization of such underwriting discount, principal amount, maturities, any mandatory sinking fund or optional redemption provisions and interest rate or rates on the Bonds and that the terms of purchase are within the parameters of Sections 1 through 4 of this Ordinance.

SECTION 8. That the Mayor and the Auditor be and they are hereby authorized and directed to execute and deliver on behalf of the Issuer a Tax Certificate and Agreement. The Tax

Certificate and Agreement shall be substantially in the form presented to this Issuing Authority and on file with the Clerk, subject to such changes, insertions and omissions as may be approved by the Mayor or Auditor, which approval shall be conclusively evidenced by the execution of said Tax Certificate and Agreement as aforesaid.

SECTION 9. That the Mayor and the Auditor, or either of them, are hereby authorized and directed to do all the acts and things required of them by the provisions of the Bonds and the other Issuer Documents hereinafter authorized to the end that full and complete performance of all of the terms, covenants and agreements of the Bonds and the other Issuer Documents shall be effected, including taking all actions necessary to complete the sale of the Bonds under the "Blue Sky" laws of any jurisdiction; provided that the Issuer shall not be required to submit to service of process in connection with any such "Blue Sky" action in any state except Ohio.

SECTION 10. That this Council, as the Issuing Authority, hereby covenants that it will restrict the use of the proceeds of the tax-exempt Bonds hereby authorized in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code and the regulations prescribed thereunder. The Mayor and Auditor or any other officer having responsibility with respect to the issuance of said tax-exempt Bonds is authorized and directed to give an appropriate certificate on behalf of the Issuer, on the date of delivery of said tax-exempt Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Section 148 and regulations thereunder.

SECTION 11. That the appropriate officers of the Issuer, be and they hereby are authorized to execute and deliver on behalf of the Issuer such other certificates, documents and instruments in connection with the issuance and sale of the Bonds as may be required, necessary or appropriate, including, without limitation, any documents which are necessary or appropriate in order to provide that the tax-exempt Bonds constitute "qualified 501(c)(3) bonds" under the Internal Revenue Code of 1986, as amended, including IRS Form 8038 (or similar applicable forms). Such documents, including the ones specifically authorized hereby, shall be subject to such changes, insertions and omissions as may be approved by the appropriate officers of this Issuer, which approval shall be conclusively evidenced by the execution thereof as aforesaid.

SECTION 12. That this Council, as the Issuing Authority and as the "applicable elected representative" of the Issuer for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, hereby approves the issuance of the Bonds in an amount not to exceed $7,800,000, the proceeds will be used by the Borrower to (i) refinance outstanding revenue bonds of the City (referred to in this Ordinance as the Prior Bonds) that were issued to refinance the original costs to construct, renovate, acquire, install and equip a 65,000-square-foot expansion to the Prince Student Union, that included a new arena and other intercollegiate athletic facilities, academic and office space and all necessary appurtenances thereto located at 800 Martinsburg Road, Mount Vernon, Ohio 43050 (referred to in this Ordinance as the "Prior Project"), (ii) fund a debt service reserve fund, if required, and (iii) pay costs of issuance of the Bonds. The initial legal owner and principal user of the Prior Project is the Borrower, Mount Vernon Nazarene University.

SECTION 13. The use and distribution of the Preliminary Offering Circular that is completed with all appendices and exhibits and prepared by the Borrower in connection with the sale of the Bonds is approved. The use and distribution of a final Offering Circular in substantially the form of the Preliminary Offering Circular with changes therein to reflect the terms of the Bonds, established by the Bond Purchase Agreement within the parameters of this Ordinance is hereby authorized.

The Issuer has not confirmed, and assumes no responsibility for the accuracy, sufficiency or fairness of any statements in the Preliminary Offering Circular or the final Offering Circular or any amendments thereof or supplements thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the Bonds, the Underwriter, the Prior Project or the Borrower, or any other documents, or the history, businesses, properties, organization, management, financial condition, market area or any other matter relating to the Borrower or contained otherwise in such Preliminary or final Offering Circular, except for the discussions under the heading "THE ISSUER."

SECTION 14. That no recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, or in any Bond, or in the Issuer Documents, or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer or member as such, past, present, or future, of this Issuing Authority or the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof, or for or to any holder of any Bond, or otherwise, of any sum that may be due and unpaid by the Issuer upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer or member, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the

Issuer or any receiver thereof, or for or to the owner or any holder of any Bond, or otherwise, of any sum that may remain due and unpaid upon any Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Issuer Documents and the issuance of the Bonds.

SECTION 15. That it is found and determined that all formal actions of this Issuing Authority concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Issuing Authority, and that all deliberations of this Issuing Authority in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 16. That all ordinances or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 17. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, safety and welfare of the City of Mount Vernon, Ohio and for the further reason that immediate action is required to enable the Borrower to undertake the refinancing of the Prior Bonds for annual debt service reduction, which will preserve jobs and provide additional employment opportunities within the territorial boundaries of the Issuer for the benefit of the economic welfare of the Issuer. This Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill

ORDINANCE 2021-49 **DOC ID: 3453**

AN ORDINANCE AMENDING SECTION 187.02(A), OF CHAPTER 187 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That Section 187.02(a) of Chapter 187 of the Codified Ordinances of the City of Mount Vernon be amended to read as follows:

187.02 RATE AND DISTRIBUTION OF TAX

(a) Commencing on January 1, 2006, or as soon thereafter as permitted by law, there is levied a tax of three percent (3%) on all rents received by a hotel for lodging furnished to transient guests, with total receipts applied as follows:

(1) Five percent (5%) of the funds received shall be retained in the general fund.
(2) The remaining balance of tax receipts shall be deposited in a fund designated as Lodging Tax for distribution to agencies so designated by City Council to be used for the purposes of tourism destination marketing and tourism destination development to be granted to qualifying area not-for-profit organizations and projects.
(3) Each not-for-profit organization receiving Lodging Tax funding shall be responsible for reporting to City Council on a regular, but no less than an annual basis (report filed no later than February 1 after the close of the year) outlining the used of the funds and the performance of the organization based on the expectations outlined in the grant contract between the organization and the City of Mount Vernon.
(4) The City Council authorizes the Safety Service Director to enter into a grant contract with each of the following not-for-profit organizations for the Lodging Excise Tax fund to be distributed in the method and period of time designated:

i. Mount Vernon Parking Company - The contract period for the Mount Vernon Parking Company shall be for the period of January 1, ~~2020~~ **2022** through December 31, ~~2021~~ **2023**. The Mount Vernon Parking Company will receive ten percent (10%) of the total tax collected payable on a monthly basis.

ii. Heritage Centre Association, Inc. of Mount Vernon, Ohio, dba: Main Street Mount Vernon - The contract period for the Heritage Centre Association, Inc., dba: Main Street Mount Vernon, shall be for the period of January 1, ~~2020~~ **2022** through December 31, ~~2021~~ **2023**. The Heritage Centre Association, Inc., dba: Main Street Mount Vernon will receive thirty percent (30%) of the total tax collected payable on a monthly basis.

iii. Knox Partnership for Arts & Culture, Inc., dba: The Woodward Opera House Conservancy - The contract period for Knox Partnership for Arts & Culture, Inc., dba: The Woodward Opera House Conservancy shall be for the period of January 1, ~~2020~~ **2022** through December 31, ~~2021~~ **2023**. The Knox Partnership for Arts & Culture, Inc., dba: The Woodward Opera House Conservancy will receive twenty percent (20%) of the total tax collected payable on a monthly basis.

iv. Knox County Convention & Visitors Bureau - The contract period for the Knox County Convention & Visitors Bureau shall be for the period of January 1, ~~2020~~ **2022** through December 31, ~~2021~~ **2023**. The Knox County Convention & Visitors Bureau will receive twenty percent (20%) of the total tax collected payable on a monthly basis.

v. Foundation Park Conservancy - The contract period for the Foundation Park Conservancy shall be for the period of January 1, ~~2020~~ **2022** through December 31, ~~2021~~ **2023**. The Foundation Park Conservancy will receive five percent (5%) of the total tax collected payable on a monthly basis.

vi. The remaining balance of tax receipts, ten percent (10%) shall be deposited in a fund created and designated as Available Petition Fund for distribution to not-for-profit agencies to be used for the purposes of tourism destination marketing and tourism destination development through an application process. The Greater Downtown Management Council (GDMC) will accept, review and give recommendation to the applications. The Mayor and the Auditor of the City of Mount Vernon, Ohio will have the authority to accept, modify, or reject the GDMC's recommendation of each application received.

SECTION 2: That Section 187.07(e), 187.09, 187.14, 187.14(g), 187.14(h), and 187.14(i) of Chapter 187 of the Codified Ordinances of the City of Mount Vernon be amended to read as follows:

187.07 PENALTIES AND INTEREST

(e) Penalties During Pendency of Hearing or Appeal. No penalty provided under the terms of this chapter shall be imposed during the pendency of any hearing provided for in

Section 187.08, nor during the pendency of any appeal to the Local Board of Tax Review provided for in Section 187.09.

187.09 APPEAL

Any operator aggrieved by any decision of the Auditor with respect to the amount of the tax, interest and penalties, if any, may appeal to the Local Board of Tax Review (as defined in Section 187.14 of the Codified Ordinances of the City of Mount Vernon, Ohio) by filing a notice of appeal with the Auditor within fifteen days of the serving or mailing of the determination of the tax due. The Board shall fix a time and place for hearing the appeal and shall give notice in writing to the operator at his last known place of address. The findings of the Board shall be served upon the appellant in the manner prescribed above for service of a notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

187.14 LOCAL BOARD OF TAX REVIEW

(g) Each Local Board of Tax Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under Ohio Revised Code Section 149.43. Hearings requested by a taxpayer before a Local Board of Tax Review created pursuant to this section are not meetings of a public body subject to Ohio R.C. 121.22.

(h) The Local Board of Tax Review is hereby created, which shall consist of three members**.** The three members of the Local Board of Tax Review must be domiciled in the Municipality.

Two members shall be appointed by the legislative authority of the Municipality, and may not be employees, elected officials, or contractors with the Municipality at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the top administrative official of the Municipality. This member may be an employee of the Municipality, but may not be the director of finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

The term for members of the Local Board of Tax Review appointed by the legislative authority of the Municipality shall be two years. There is no limit on the number of terms that a member may serve should the member be re-appointed by the legislative authority. The board member appointed by the top administrative official of the Municipality shall serve at the discretion of the administrative official.

Members of the Local Board of Tax Review appointed by the legislative authority may be removed by the legislative authority as set forth in Section 718.11(A)(4) of the Revised Code.

A member of the board who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

A vacancy in an unexpired term shall be filled in the same manner as the original appointment within sixty days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the board shall impair the power and authority of the remaining members to exercise all the powers of the board.

If a member is temporarily unable to serve on the board due to a conflict of interest, illness, absence, or similar reason, the legislative authority or top administrative official that appointed the member shall appoint another individual to temporarily serve on the board in the member's place. This appointment shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

No member of the Local Board of Tax Review shall receive compensation, fee, or reimbursement of expenses for service on the board.

(i) The Local Board of Tax Review may adopt rules and regulations governing the conduct of its affairs that are consistent with Section 187.

SECTION 3: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and to continue the enforcement of lodging excise tax regulations within the city and said Ordinance shall therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Streets and Public Buildings
Warga, Francis
Category: Streets
Prepared By: Rob Broeren
Initiator: Lindsay Hoar

ORDINANCE 2021-50 **DOC ID: 3452**

AN ORDINANCE TO AMEND SECTION 339.02(A) OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING TRUCKS OFF STATE ROUTES, AND DECLARING AN EMERGENCY

Now, therefore be it Ordained by the Council of the City of Mount Vernon, Ohio, that:

SECTION 1. That section 339.02(a) of the Codified Ordinances be amended to read as follows (new text replaces the previous text):

(a) Use of Local Streets. No person shall operate a commercial tractor, truck, semitrailer or trailer, except for such vehicles that are five tons or less, not including their loads, and except for smaller passenger vehicles and pick-up trucks, upon any street in the City other than a State route, except those local streets designated as City truck routes and marked as such by appropriate traffic signs, and except where operation on the street is necessary to load or unload cargo on such street, to obtain or perform services on such street or to travel to or from a truck terminal or office located on such street. Drivers of commercial tractors, trucks, semitrailers or trailer intending to pick up or deliver cargo, obtain or perform services or travel to or from a truck terminal or office located on local streets not designated as City truck routes may leave State routes or designated City truck routes within the City and travel by the shortest route to the place where the cargo is to be delivered or picked up or the service obtained or performed or to the location of the truck terminal or office. The operator of any such vehicle shall thereafter return by the shortest route to a State route or City truck route. The gross vehicle weight as stated on the Ohio Bureau of Motor Vehicles registration form of any vehicle described in this subsection shall be prima-facie competent evidence of the gross weight of such vehicle.

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public, peace, health and safety, and for the further reason to allow continued enforcement of the City's traffic ordinances, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Planning and Zoning
Hillier, Keener
Category: Planning and Zoning
Prepared By: Todd Hill
Initiator: Todd Hill

ORDINANCE 2021-51
DOC ID: 3451 A

AN ORDINANCE TO SUBDIVIDE THE CITY OF MOUNT VERNON, OHIO INTO WARDS; AND DECLARING AN EMERGENCY.

WHEREAS, according to the last Federal census, the City of Mount Vernon has a population of 16,956; and

WHEREAS, this Council is authorized and directed by law to redistrict said City and sub-divide the same into wards.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the City of Mount Vernon be and it is hereby sub-divided into four (4) wards, which are equal in number of the members of Council who are hereafter to be elected from wards according to law, and said four (4) wards are hereby created and established in this City, and the boundaries thereof shall be such as are hereinafter set forth, which boundaries are so fixed as that each ward shall contain as nearly as practicable an equal number of inhabitants.

SECTION 2: That the boundaries of the wards shall be as follows:

FIRST WARD: The First Ward shall contain all that territory bounded and described as follows: commencing for a beginning point at the point of intersection of the center lines of South McKenzie Street and East Vine Street and running thence from said beginning point east along the center line of East Vine Street to the point where it intersects the center line of South Catherine Street; thence south along the center line of Catherine Street to the point where it intersects the center line of Oak Street; thence west along the center line of Oak Street to the point where it intersects the center line of Potwin Street; thence south along the center line of Potwin Street to the point where it intersects the center line of East Gambier Street; thence east along the center line of Gambier Street and Gambier Road to the corporation line of the City of Mount Vernon, Ohio; thence continuing with the meandering of the corporation line as it encompasses the southern portion of the City of Mount Vernon, Ohio to a point where the center line of Parrott Street Extension intersects the west right of way line of the railroad formerly known as the B&O Railroad; thence northerly along the west railroad right of way line to its point of intersection with the center line of Columbus Road; thence easterly on the center line of Columbus Road to the point of intersection with the center line of South Main Street; thence north along the center line of South Main Street to the point of intersection with the center line of the South Gay Street Ramp; thence following the center line of Gay Street Ramp and South Gay Street to the point of intersection with the center line of Howard Street; thence east along the center line of Howard Street to the point of intersection with the center line of South McKenzie Street; thence north along the center line of South McKenzie Street to the point of beginning at the intersection of East Vine Street and South McKenzie Street.

<u>SECOND WARD</u>: The Second Ward shall consist of all the territory bounded and described as follows: commencing for a beginning at the point of intersection of the center lines of South McKenzie Street and East Vine Street and running south from said beginning point along the center line of McKenzie Street to the point where it intersects with the center line of Howard Street; thence west along the center line of Howard Street to the point where it intersects with the center line of South Gay Street; thence south along the center line of South Gay Street and the South Gay Street Ramp to the point where it intersects with the center line of South Main Street; thence south along the center line of South Main Street to the point where it intersects the center line of Columbus Road; thence westerly along the center line of Columbus to the point where it intersects with the corporation line of the City of Mount Vernon, Ohio, at this point the corporation line is also the west right of way line of the railroad right of way formerly known as the B&O Railroad, and continuing northerly with the meandering of the corporation line as it encompasses the western portion of the City of Mount Vernon to the point of intersection with the center line of James Street; thence easterly along the center line of James Street to the point of intersection with the center line of North Mulberry Street; thence south along the center line of North Mulberry Street to the point of intersection with the center line of Nash Street; thence east along the center line of Nash Street to the point of intersection with the center line of Mansfield Avenue; thence south along the center line of Mansfield Avenue to the point of intersection with the center line of Warden Street; thence east on the center line of Warden Street to the point of intersection with the center line of North Gay Street; thence south on the center line of Gay Street to the point of intersection with the center line of East Hamtramck Street; thence east along the center line of Hamtramck Street to the point of intersection with the center line of North McKenzie Street; thence south along the center line of McKenzie Street to the point of beginning at the intersection of East Vine Street and South McKenzie Street.

<u>THIRD WARD</u>: The Third Ward shall contain all that territory bounded and described as follows: commencing for a beginning at the intersection of the center lines of Catherine Street and Coshocton Avenue; thence east along the center line of Coshocton Avenue to the point of intersection with the center line of Center Street; thence south on the center line of Center Street to the point of intersection with the center line of East Gambier Street; thence east along the center line of Gambier Street and Gambier Road to the point where the corporation line begins meandering northerly; then following the meanderings of the corporation line around the eastern part of the City to the point where the corporation line intersects the center line of Sychar Road; thence south along the center line of Sychar Road to the point of intersection with the center line of East Pleasant Street; thence west on the center line of Pleasant Street to the point of intersection with the center line of North Catherine Street; thence south along the center line of Catherine Street to the point of beginning at the intersection of Catherine Street and Coshocton Avenue.

<u>FOURTH WARD</u>: The Fourth Ward shall contain all that territory bounded and described as follows: commencing for a beginning at the intersection of the center lines of Catherine Street and Coshocton Avenue; thence east along the center line of Coshocton Avenue to the point of intersection with the center line of Center Street; thence south on the center line of Center Street to the point of intersection with the center line of East Gambier Street; thence west

along the center line of Gambier Street to the point of intersection with the center line of Potwin Street; thence north along the center line of Potwin Street to the point of intersection with the center line of Oak Street; thence east along the center line of Oak Street to the point of intersection with the center line of South Catherine Street; thence north along the center line of Catherine Street to the point of intersection with the center line of East Vine Street; thence west along the center line of Vine Street to the point of intersection with the center line of South McKenzie Street; thence north along the center line of McKenzie Street to the point of intersection with the center line of East Hamtramck Street; thence west along the center line of Hamtramck Street to the point of intersection with the center line of North Gay Street; thence north along the center line of Gay Street to the point of intersection with the center line of Warden Street; thence west along the center line of Warden Street to the point of intersection with the center line of Mansfield Avenue; thence north along the center line of Mansfield Avenue to the point of intersection with the center line of Nash Street; thence west along the center line of Nash Street to the point of intersection with the center line of North Mulberry Street; thence north on the center line of Mulberry Street to the point of intersection with the center line of James Street; thence west long the center line of James Street to the corporation line; then turning north and following the meanderings of the corporation line along the northern portion of the City of Mount Vernon, Ohio to the point of intersection with the center line of Sychar Road; thence south along the center line of Sychar Road to the point of intersection with the center line of East Pleasant Street; thence west on the center line of Pleasant Street to the point of intersection with the center line of North Catherine Street; thence south along the center line of Catherine Street to the point of beginning at the intersection of Catherine Street and Coshocton Avenue.

<u>SECTION 3:</u> This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public, peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government, and further, that this Council deems it imperative that immediate action be taken in order to insure the continued usual daily operation of the various departments of the municipal government, the said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 12/13/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Rob Broeren
Initiator: Todd Hill

SCHEDULED

ORDINANCE 2021-52

DOC ID: 3458

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE MATERIAL TERMS OF THE SETTLEMENT WITH JANSSEN PHARMACEUTICALS, INC., OWNED BY JOHNSON & JOHNSON AND TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THAT SETTLEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mount Vernon, Ohio (hereinafter referred to as “the City”) is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities that produced opioids, including Janssen Pharmaceuticals, Inc., owned by Johnson & Johnson; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Janssen Pharmaceuticals, Inc., owned by Johnson & Johnson accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS a settlement proposal has been negotiated by various states including the State of Ohio with Janssen Pharmaceuticals, Inc., owned by Johnson & Johnson to resolve governmental entity claims in the State of Ohio ; and

WHEREAS, Council desires to accept and agree to terms of the proposed settlement, as summarized in Exhibit 1;

NOW, THEREFORE, Be it Ordained by the Council of the City Of Mount Vernon, Knox County, State of Ohio, that:

SECTION 1. The Safety-Service Director is hereby authorized to accept and agree to the material terms of the proposed settlement, as summarized in Exhibit 1, and to execute any necessary documents on behalf of the City of Mount Vernon to effectuate this settlement.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this 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 all legal requirements including its Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the City and for the further reason that the participation documents must be signed by December 17, 2021 to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

National Opioid Settlement

Executive Summary [Subject to ongoing corrections and updates]

Nationwide settlements have been reached to resolve all Opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). These settlements will provide substantial funds to states and subdivisions for abatement of the Opioids epidemic across the country and will impose transformative changes in the way the settling defendants conduct their business.

If the proposed settlements are fully adopted by states and subdivisions nationwide:

- The Distributors will pay a maximum of $21 billion over 18 years, while J&J will pay a maximum of $5 billion over no more than nine years, with approximately $22.8 billion in settlement proceeds payable to state and local subdivisions.[1] . Of the funds going directly to participating states and subdivisions, at least 85% must be used for abatement of the Opioid Epidemic, with the overwhelming bulk of the proceeds restricted to funding future abatement efforts by state and local governments.
- The Distributors will make an initial deposit of funds into escrow by the end of September 2021, with additional deposits by J&J and the Distributors in early Summer of 2022.
- Funds can begin to flow to states and local governments as early as April 2022, depending on when a settling State meets certain requirements. The J&J agreement also offers opportunities for significant acceleration of payments if states and subdivisions meet specified participation levels.
- The settlements will allow for a broad range of approved abatement uses by state and local governments. Developed in consultation with the nation's leading public health experts, the list of pre-approved uses includes a wide range of intervention, treatment, education, and recovery services so that state and local governments can decide what will best serve their communities. It is anticipated that entire communities will benefit from the effects of the opioid-remediation efforts funded by the settlements and the injunctive relief the settlements provide.
- In addition to billions of dollars for abatement, the agreements also provide for injunctive relief that requires important changes to the Distributors' and J&J's conduct to better protect our nation's health and welfare. This reform package includes the creation of a groundbreaking clearinghouse through which the Distributors will be required to account not only for their own shipments, but also the shipments of the other distributors, in order to detect, stop, and report suspicious Opioids orders. In addition, J&J (which ceased marketing Opioids in 2015 and ceased selling Opioids in 2020)

will not market or sell any Opioid products in the next ten years and has agreed to cease lobbying concerning prescription opioids for ten years. J&J also has agreed to make the clinical trial data for its discontinued Opioids available for medical research.

- Less than 10% of the settlement proceeds will be earmarked to compensate private lawyers who have been prosecuting Opioids cases on behalf of state and local governments for several years and have incurred substantial out of pocket costs. Compensation will occur through an application procedure overseen by court-appointed arbiters. An additional sum is provided to settling States that did not hire outside counsel, to use towards furthering the abatement goal and to defray their investigation and litigation costs.

These are not class action "opt out" settlements. Instead, these settlements require that a critical mass of both state and local governments "opt in" over the next six months. The extent of this participation will determine whether the settlement agreements take effect. The Distributors and J&J on the one hand, and the states and subdivisions on the other, each have options to walk away if they are not satisfied with levels of participation. Participation levels also affect how much money settling parties will receive because about half of the abatement funds are in the form of "incentive payments" and certain other settlement provisions also provide incentives for higher levels of participation. Put simply, the greater the level of participation, the more funds will ultimately be paid out for abatement.

The Tribes, the Distributors, and J&J are also working toward resolution of Tribal Opioids claims through mediations under the auspices of the MDL court.

The agreements with the Distributors and J&J are the culmination of almost three years of intense negotiations among representatives of the State Attorneys General, the court-appointed Plaintiffs' Executive Committee and Negotiation Committee comprised of lawyers in the National Prescription Opiate MDL who represent subdivisions, and counsel to the Distributors and J&J, facilitated by Judge Dan Polster (who oversees the federal MDL litigation) and by the Special Masters appointed by the MDL Court.

The agreements, if adopted, will not settle or release any claims brought by private parties, including private individuals, private hospitals, or private third-party payers.

[1] West Virginia previously settled with the Distributors in an unrelated settlement. A portion of the Distributors' settlement funds ($491 million) is treated as a credit toward potential settlements with West Virginia subdivisions and with Tribes. For J&J's agreement, a portion of the settlement funds ($270 million) is treated as a credit for Oklahoma (which obtained a trial verdict against J&J), the Tribes, and other litigation cost for non-participating entities.

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 12/13/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Rob Broeren
Initiator: Todd Hill

ORDINANCE 2021-53
DOC ID: 3459

AN ORDINANCE SETTING A ONE-TIME PAYMENT FOR HOURLY NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That in lieu of any other wage adjustments for calendar year 2021, the following hourly non-bargaining unit employees of the City of Mount Vernon, Ohio, shall receive a one-time payment of five hundred dollars ($500.00):

Office of the Mayor: Administrative Assistant/Clerk of Council (1)
Office of Safety-Service: Administrative Assistant /Assistant Clerk of Council (1)
Office of City Auditor: Deputy Auditor and Assistant Deputy Auditor (3)
Office of City Income Tax: Income Tax Assistants (2)
Police Department: Executive Secretaries (2)
Fire Department: Executive Secretary (1)
Office of Law Director: Legal Assistants (3)

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be force from and after the earliest period allowed by law.