

Summary Sheet September 15, 2020

<u>Bill</u>	<u>Ord</u>	<u>Status</u>	<u>Title</u>	<u>Sponsor</u>	<u>Meeting</u>
20-157	20-152	Vote	Auth issuance of bonds in the amount of not to exceed \$35,000,000 for the purpose of constructing, renovating and improving the water system, including facilities, water mains and other structures and appurtenances related thereto; furnishing and equipping the same; improving the sites thereof; and acquiring land and interests in land necessary in connection therewith and authorizing and approving related matters;	Van Harlingen	
20-158	20-153	Vote Amended	Amending Sections 937.11 and 937.12 of the Mansfield Codified Ordinance of 1997, as amended, to revise sewer user rates by measurement	Lawrence	Sept 15th vote on before 20-157 amended language
20-159	20-154	Vote Amended	Amending Section 941.08 (Water Charges) of the Mansfield Codified Ordinance of 1997, as amended, to revise sewer user rates by measurement	Lawrence	Sept 15th vote on before 20-157 amended language
20-170	20-174	Vote	Amend Sec 109.06 of the Cod Ord of 1997, as amended to update Constr Auth Use of Constr Mgr at Risk Delivery for Construction of Public Improvements	Van Harlingen	
20-181	20-182	Vote Amended	Auth PWD to enter into a professional services contract with Debt Recovery Solutions, to be the third-party debt collection agent for the City of Mansfield to collect delinquent water and sewer accounts	Van Harlingen	amended to add another reading
20-185	20-186	1st Read Amended	Expressing approval and support for the adoption of the "Parks Master Plan" a plan created by EMH&T Engineering, Surveyors, Planners & Scientists encompassing all city-owned park land	Meier	amended to correct language
20-186	20-187	1st Read Amended	Authorizing the City of Mansfield to transfer to the Richland County Land Reutilization Corporation ten properties located within the City, specifically identified in section 1 of this Ordinance, which no longer serve a public purpose and are unneeded and no longer required for public park purposes	Meier van	amended to correct parcel #'s
20-187	20-188	Vote	Tax Levies to County Auditor for Mansfield Township	Harlingen van	
20-188	20-189	Vote	Tax Levies to County Auditor for Mansfield City	Harlingen	
20-189	20-190	Vote	Authorizing the Public Works Director to advertise for bids and to enter into contracts for certain yearly needs of the City	Lawrence	
20-190	Caucus Only	Caucus Only	Authorizing the Public Works Director to enter into a contract to complete engineering services and provide construction administration services in connection with improvements to the City's Water Treatment plant,	Lawrence	
20-191	20-191	Vote	Approving the expenditure of \$845,193.07 of funds newly received under the CARES Act in the manner prescribed by and consistent with the requirements of the CARES Act	Van Harlingen	*Waiting on Attachment

NEXT MEETING Tuesday October 6th, 2020 7:00 PM Council to follow

BY: MR. VAN HARLINGEN

Authorizing the issuance of bonds in the amount of not to exceed \$35,000,000 for the purpose of constructing, renovating and improving the water system, including facilities, water mains and other structures and appurtenances related thereto; furnishing and equipping the same; improving the sites thereof; and acquiring land and interests in land necessary in connection therewith and authorizing and approving related matters; and declaring an emergency

WHEREAS, the City of Mansfield, Ohio (the "City") has received a notice of violation from the Ohio Environmental Protection Agency; and

WHEREAS, in view of such notice of violation, this Council of the City (the "Council") has determined that it is advisable and in the best interest of the City to issue the Bonds (as defined hereinbelow); and

WHEREAS, the Director of Finance (the "Fiscal Officer") has certified to this Council that the estimated life of the improvements described in the title of this Ordinance which are to be financed with the proceeds of Bonds herein described exceeds five years, the maximum maturity of the Bonds being 40 years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$35,000,000 of the Bonds for the purpose described in the title of this Ordinance under authority of the general laws of the State of Ohio, including Ohio Revised Code Chapter 133.

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

SECTION 1. It is hereby declared necessary to issue bonds of the City in the principal sum of not to exceed \$35,000,000, or such lesser amount as shall be determined by the Fiscal Officer and certified to this Council, which bonds shall be designated "City of Mansfield, Ohio Water Improvement Bonds, Series 2020" (the "Bonds"), or as otherwise designated by the Fiscal Officer, for the purpose described in the title of this Ordinance. The Bonds may be issued in one or more series.

SECTION 2. The Bonds shall be issued as fully registered bonds in book entry form only, in such denominations as shall be determined by the Fiscal Officer, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the Fiscal Officer; and shall have such final terms as shall be determined by the Fiscal Officer and set forth in the Certificate of Fiscal Officer provided for in Section 3 herein.

SECTION 3. The Fiscal Officer is hereby authorized and directed to execute on behalf of the City a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, shall be as determined by the Fiscal Officer. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Dates"), the purchase price for the Bonds (which shall be not less than 97% of the aggregate principal amount thereof), the maturity schedule for the Bonds (provided that the maximum maturity date of the Bonds shall not be later than 40 years), the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 5.00% per annum), the

optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Ordinance as the Fiscal Officer shall deem appropriate.

SECTION 4. The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor (the “Current Interest Bonds”) or with interest compounded on each Interest Payment Date but payable only at maturity (the “Capital Appreciation Bonds”) in such proportions as shall be set forth in the Certificate of Fiscal Officer. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months unless otherwise determined by the Fiscal Officer. Unless otherwise determined by the Fiscal Officer, the Current Interest Bonds shall be in the denominations of \$5,000 or any integral multiple thereof, and the Capital Appreciation Bonds shall be in the denominations on the date of their issuance and delivery equal to the principal amount which, when interest is accrued and compounded thereon, beginning on the date of delivery to the Original Purchaser (as defined hereinbelow), and each Interest Payment Date thereafter, will equal \$5,000 or any integral multiple thereof at maturity.

SECTION 5. The Current Interest Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Current Interest Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Current Interest Bonds of the same maturity will take place, the Current Interest Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Current Interest Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select a Current Interest Bond or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Current Interest Bond so selected shall be in the amount of \$5,000 or any integral multiple thereof unless otherwise determined by the Fiscal Officer.

The notice of the call for redemption of Current Interest Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Current Interest Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of the Current Interest Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice or any defect therein shall not affect the validity of the proceedings for the redemption of any Current Interest Bond.

SECTION 6. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. The Bonds shall be executed by the Mayor of the City (the “Mayor”) and by the Fiscal Officer in their official capacities, provided that either or both of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as 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 and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Fiscal Officer on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

SECTION 7. The principal of and interest 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. The principal of

the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

SECTION 8. The Fiscal Officer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent (collectively, the "Bond Registrar") for the Bonds or to execute on behalf of the Council a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Fiscal Officer and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Fiscal Officer in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Fiscal Officer may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions hereof, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest 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 herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the City shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the City and the 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 it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

SECTION 9. For purposes of this Ordinance, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to the Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Bond of each maturity, (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) 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. Bond service charges on Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner

of principal and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the City. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the Mayor, the Fiscal Officer, or any other officer of this Council, is authorized to execute, acknowledge and deliver, in the name of and on behalf of the City, a letter agreement among the City, the Bond Registrar and a Depository, to be delivered in connection with the issuance of the Bonds to such Depository for use in a book entry system.

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

SECTION 10. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

SECTION 11. The Debt Service Levy shall be and is hereby 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same fall due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Bonds in accordance with law.

SECTION 12. The City hereby pledges, pursuant to Ohio Revised Code Section 133.25(B)(1), to appropriate annually from lawfully available water utility and service revenues, and to continue to levy and collect water utility and service revenues adequate to produce, amounts necessary to meet the debt charges of the Bonds in each year until full payment is made.

SECTION 13. The Bonds shall be sold at private sale to such purchaser or purchasers (collectively, the "Original Purchaser") as the Fiscal Officer shall designate in the Certificate of Fiscal Officer, at the purchase price set forth in the Certificate of Fiscal Officer. The Fiscal Officer and the Mayor of the City, or either of

them individually, are authorized to execute on behalf of the City a bond purchase agreement or term sheet with the Original Purchaser setting forth the conditions under which the Bonds are to be sold and delivered, which agreement or term sheet shall be in such form, not inconsistent with the terms of this Ordinance, as the Fiscal Officer shall determine.

SECTION 14. The Fiscal Officer is hereby authorized and directed to deliver the Bonds, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose.

Any accrued interest received from the sale of the Bonds shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Bonds in the manner provided by law. Any premium received from the sale of the Bonds may be used to pay the financing costs of the Bonds within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund, in the manner provided by law.

SECTION 15. The Council hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Council further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Fiscal Officer, the Mayor, or any other officer of this Council is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Council with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Fiscal Officer, which action shall be in writing and signed by the Fiscal Officer, the Mayor, or any other officer of this Council on behalf of the Council; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Council, 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 an appropriate certificate on behalf of the Council, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Council pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Council regarding compliance by the Council with Sections 141 through 150 of the Code and the Regulations.

The Fiscal Officer shall keep and maintain adequate records pertaining to the use and investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Bonds that relates to the use of such proceeds, which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Fiscal Officer is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates.

SECTION 16. The Fiscal Officer is authorized to make appropriate arrangements, if such officer deems it in the best interest of the City, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Council for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Fiscal Officer.

SECTION 17. The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized if the Fiscal Officer determines that it is necessary or advisable to prepare and distribute an Official Statement in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer, the Mayor and any other officer of this Council are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as they deem necessary or appropriate to protect the interests of the City. The Fiscal Officer, the Mayor and any other officer of this Council are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of an Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

SECTION 18. The obtaining or updating of a rating or ratings on the Bonds and the City is hereby authorized if the Fiscal Officer determines that it is necessary or advisable in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer and this Council are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

SECTION 19. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Fiscal Officer and a no-litigation certificate of the Mayor and the Fiscal Officer, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Mayor, the Fiscal Officer and any other officer of this Council or the City is hereby authorized and directed to take such action (including, but not limited to, hiring bond counsel and such other professionals or consultants as may be needed to facilitate the issuance of the Bonds), and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

SECTION 20. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

CERTIFICATE OF MAXIMUM MATURITY

To: The City Council of the
 City of Mansfield, Ohio

The undersigned Director of Finance of the City of Mansfield, Ohio (the "City"), as the fiscal officer of the City, hereby certifies as follows with respect to the Water Improvement Bonds, Series 2020 of the City, in the aggregate principal amount of not to exceed \$35,000,000 (the "Bonds"):

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

constructing, renovating and improving the water system, including facilities, water mains and other structures and appurtenances related thereto; furnishing and equipping the same; improving the sites thereof; and acquiring land and interests in land necessary in connection therewith

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 40 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 20 years.

Dated: September 15, 2020

Director of Finance
City of Mansfield, Ohio

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of an ordinance duly adopted by the Council of the City of Mansfield, Ohio on September 15, 2020 and that a true copy thereof was certified to the County Auditor of Richland County, Ohio.

Clerk of Council
City of Mansfield, Ohio

**RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS**

I, Patrick W. Dropsey, the duly elected, qualified, and acting County Auditor in and for Richland County, Ohio hereby certify that a certified copy of an ordinance duly adopted by the City Council of the City of Mansfield, Ohio on September 15, 2020 providing for the issuance of general obligation bonds designated "City of Mansfield, Ohio Water Improvement Bonds, Series 2020," or as otherwise designated by the Director of Finance of said City, in the amount of not to exceed \$35,000,000 was filed in this office on _____, 2020.

WITNESS my hand and official seal at Mansfield, Ohio this _____, 2020.

[SEAL]

County Auditor
Richland County, Ohio

BY: MR. LAWRENCE

Amending Sections 937.11 and 937.12 of the Mansfield Codified Ordinance of 1997, as amended, to revise sewer user rates by measurement, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That Sections 937.11 and 937.12 of Chapter 937 (Sewer User Charges) of the Mansfield Codified Ordinance of 1997, as amended, be, and the same is hereby amended to provide as follows:

937.11 RATES.

Pursuant to the provisions of this chapter, the following sewer charge rates shall be placed in effect, effective:

(a) ~~Inside City (Nonindustrial and Industrial Users):~~

	Effec.	Effec.	Effec.	Effec.	Effec.
	1/1/2005	1/1/2016	1/1/2017	1/1/2018	1/1/2019

(1) ~~Base unit rate per 100 cubic feet:~~

Treatment Plant	1.99	2.49	2.94	3.47	3.82
Collection System	1.09	1.29	1.52	1.79	1.97
Subtotal per 100 cubic feet	3.08	3.78	4.46	5.26	5.79

(2) ~~Administrative charge per customer billing:~~

Administrative charge	2.39	2.82	3.33	3.93	4.32
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(3) ~~Minimum monthly sewer bill for usage not exceeding 200 cubic feet:~~

Base Unit Rate	6.16	7.56	8.92	10.52	11.58
Administrative	2.39	2.82	3.33	3.93	4.32
Total	8.55	10.38	12.25	14.45	15.90

(a) Inside City (Nonindustrial and Industrial Users):

	<u>Effective</u>	<u>Effective</u>	<u>Effective</u>	<u>Effective</u>	<u>Effective</u>	<u>Effective</u>
	<u>1/1/2021</u>	<u>1/1/2022</u>	<u>1/1/2023</u>	<u>1/1/2024</u>	<u>1/1/2025</u>	<u>1/1/2026</u>

(1) Base unit rate per gallon:

<u>Treatment Plant</u>	<u>\$0.005418</u>	<u>\$0.005581</u>	<u>\$0.005748</u>	<u>\$0.005920</u>	<u>\$0.006098</u>	<u>\$0.006281</u>
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Collection System	\$0.002794	\$0.002878	\$0.002964	\$0.003053	\$0.003145	\$0.003239
Subtotal	\$0.008212	\$0.008459	\$0.008712	\$0.008973	\$0.009243	\$0.009520

(2) Base unit rate per 100 Cubic Feet

Treatment Plant	\$4.05	\$4.17	\$4.30	\$4.43	\$4.56	\$4.70
Collection System	\$2.09	\$2.15	\$2.21	\$2.28	\$2.35	\$2.42
Subtotal	\$6.14	\$6.32	\$6.51	\$6.71	\$6.91	\$7.12

[Note: When a customer's water meter has been replaced with a meter that reads in gallons, the above rate schedule listed in subsection (a)(2) shall not be applicable and the gallons usage chart listed in subsection (a)(1) shall be the sole method of calculating and billing for water usage. When all the City's water customer's meter have been replaced with a meter that reads in gallons, the above chart listed in subsection (a)(2) shall become null and void.]

(3) Administrative charge per customer billing:

Administrative charge	\$4.58	\$4.72	\$4.86	\$5.01	\$5.16	\$5.31
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(4) Extra strength surcharges:

BOD	0.086/lb. BOD 0.172/lb. BOD
Suspended Solids	0.050/lb. SS 0.100/lb. SS
Ammonia	0.263/lb. NH3 0.526/lb. NH3
Septage	30,000/truck load (1,500 gallons)

~~(b) Outside City, excluding Ontario (Nonindustrial and Industrial Users):~~

	Effec.—	Effec.—	Effec.—	Effec.—	Effec.—
	1/1/2005	1/1/2016	1/1/2017	1/1/2018	1/1/2019

(1) Base unit rate per 100 cubic feet:

Treatment Plant	1.99	2.49	2.94	3.47	3.82
Collection System	0.51	0.60	0.71	0.84	0.92
Subtotal per 100 cubic feet	2.50	3.09	3.65	4.31	4.74

(2) Debt service charge per 100 cubic feet:

Debt service charge	0.63	0.63	0.63	0.63	0.63
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(b) Outside City, excluding Ontario (Nonindustrial and Industrial Users):

	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025	1/1/2026

(1) Base unit rate per 100 cubic feet:

Treatment Plant	\$4.05	\$4.17	\$4.30	\$4.43	\$4.56	\$4.70
Collection System	\$0.98	\$1.01	\$1.04	\$1.07	\$1.10	\$1.13
Subtotal	\$5.03	\$5.18	\$5.34	\$5.50	\$5.66	\$5.83

(2) Debt service charge per 100 cubic feet:

Debt service charge	\$0.63	\$0.63	\$0.63	\$0.63	\$0.63	\$0.63
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(3) Administrative charge per customer billing:

Administrative Charge	2.39	2.82	3.33	3.93	4.32
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(4) Minimum monthly sewer bill for usage not exceeding 200 cubic feet:

Base Unit Rate	5.00	6.18	7.30	8.62	9.48
Administrative	2.39	2.82	3.33	3.93	4.32
Debt service Surchage	1.26	1.26	1.26	1.26	1.26
Total	8.65	10.26	11.89	13.81	15.06

(5) Extra strength surcharges:

BOD	0.086/lb. BOD
Suspended solids	0.050/lb. SS
Ammonia	0.263/lb NH3
Septage	30,000/truck load (1,500 gallons)

(5) Leachate per gallon *

	Effective 1/1/21	Effective 1/1/22	Effective 1/1/23	Effective 1/1/24	Effective 1/1/25	Effective 1/1/26
Leachate	\$.051500	\$.053045	\$.054636	\$.056275	\$.057963	\$.059702

* charge applies to any customer inside or outside the city limits

(c) Ontario (Nonindustrial and Industrial Users):

	Effec. 1/1/2005	Effec. 1/1/2016	Effec. 1/1/2017	Effec. 1/1/2018	Effec. 1/1/2019
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(1) Base unit rate per 100 cubic feet:

Treatment Plant	1.99	1.99	2.94	3.47	3.82
Collection System	0.51	0.51	0.71	0.84	0.92
Subtotal per 100 cubic feet	2.50	2.50	3.65	4.31	4.74

(c) **Ontario (Nonindustrial and Industrial Users):**

	Effective 1/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024	Effective 1/1/2025	Effective 1/1/2026
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(1) **Base unit rate per 100 cubic feet:**

Treatment Plant	\$4.05	\$4.17	\$4.30	\$4.43	\$4.56	\$4.70
Collection System	\$0.98	\$1.01	\$1.04	\$1.07	\$1.10	\$1.13
Subtotal	\$5.03	\$5.18	\$5.34	\$5.50	\$5.66	\$5.83

(2) ~~Administrative charge per customer billing:~~

Administrative charge	2.39	2.39	3.33	3.93	4.32
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(3) ~~Minimum monthly sewer bill for usage not exceeding 200 cubic feet:~~

Base Unit Rate	5.00	5.00	7.30	8.62	9.48
Administrative	2.39	2.39	3.33	3.93	4.32
Total	7.39	7.39	10.63	12.55	13.80

(4) ~~Extra strength surcharges:~~

BOD	0.086/lb. BOD
Suspended Solids	0.050/lb. SS
Ammonia	0.263/lb. NH ₃
Septage	30,000/truck load (1,500 gallons)

(d) Each year after ~~2019~~ **2026**, on the first of the year, the total rates, **including the administrative charge in subsection (a)(3)**, excluding the debt service charges in subsection (b)(2), for each nonindustrial and industrial user inside and outside of the City, including Ontario, shall increase by 3% **from the previous year, rounded to the nearest cent if usage charges are in CCF units, rounded to the nearest cent for flat rates in subsection (a)(3) and rounded to the nearest ten thousandth of a cent if usage charges are in Gallon units.**

The sewer charges shall be reviewed at least biennially and shall be revised periodically, as required, to reflect actual sewage works costs. Such increased costs shall be distributed proportionately pursuant to the user charge system. The Public Works Director, or a delegate, shall be responsible for reviewing, retaining of documentation and making recommendations to Council for revising the rates set forth in this chapter. The provisions of this chapter shall take force and be in effect for sewer bills rendered on and after January 1, ~~2016~~ **2021**.

937.12 **USERS WITHOUT METERED WATER.**

There is hereby established a sewer rate schedule for sewage accounts which do not have metered water supply, as follows:

(a) Nonindustrial user computed on the basis of ~~1,000 cubic feet~~ **8,000 gallons** of water usage per month per single family dwelling.

(b) ~~Industrial (water not to be used in the manufacturing or supplying of material) computed~~

~~on the basis of 200 cubic feet 1,500 gallons of water usage per month per employee, with a minimum bill computed on the basis of 1,000 cubic feet 8,000 gallons of water usage per month.~~

SECTION 2. That the provisions of this Ordinance shall take force and be in effect for sewer bills in accordance with dates specified in Section 1.

SECTION 3. That existing Section 937.11 of Chapter (Sewer User Charges) of the Mansfield Codified Ordinance of 1997, as amended, be, and the same is hereby repealed.

SECTION 4. That existing Section 937.12 of Chapter (Sewer User Charges) of the Mansfield Codified Ordinance of 1997, as amended, be, and the same is hereby repealed.

SECTION 5. To effectively and properly administer sewer user charges, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 4 August 2020
1st Reading 18 August 2020
2nd Reading 1 September 2020
PASSED 15 September 2020

SIGNED /s/ Cliff Mears
President of Council

ATTEST /s/ Amy L. Yockey
Clerk of Council

APPROVED /s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

*Publication Required

BY: MR. LAWRENCE

Amending Section 941.08 (Water Charges) of the Mansfield Codified Ordinance of 1997, as amended, to revise water user rates by measurement and to increase rates, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That Section 941.08 of Chapter 941 (Water Charges) of the Mansfield Codified Ordinance of 1997, as amended, be, and the same is hereby amended to provide as follows:

941.08 WATER CHARGES

(a) Water Rates Within the City. Notwithstanding any other provisions of these regulations, ~~the following provisions of this section shall take effect and be in force for water bills rendered on and after July 1, 2002, January 1, 2003 and January 1, 2004, according to the schedule contained herein:~~ **the following water rates shall be placed in effect, as forth below:**

(Rate volumes in cubic feet per monthly billing period)

Net Rate Per 100 Cubic Feet

	<u>Effective Dates</u>		
	<u>July 1, 2002</u>	<u>Jan. 1, 2003</u>	<u>Jan. 1, 2004</u>
First 200 cu. Ft. (minimum)	\$2.23	\$2.46	\$2.70
Next 4,800 cu. Ft.	2.35	2.59	2.85
Next 95,000	2.57	2.83	3.11
Next 900,000	2.26	2.48	2.73
Balance	2.12	2.34	2.57

	<u>Effective</u>	<u>Effective</u>	<u>Effective</u>	<u>Effective</u>	<u>Effective</u>	<u>Effective</u>
	<u>1/1/2021</u>	<u>1/1/2022</u>	<u>1/1/2023</u>	<u>1/1/2024</u>	<u>1/1/2025</u>	<u>1/1/2026</u>
First 400 cubic feet	\$2.78	\$2.86	\$2.95	\$3.04	\$3.13	\$3.22
Next 4,600 cubic feet	\$3.14	\$3.61	\$4.15	\$4.57	\$4.71	\$4.85
Next 95,000 cubic feet	\$3.42	\$3.93	\$4.52	\$4.97	\$5.12	\$5.27
Balance	\$3.00	\$3.45	\$3.97	\$4.37	\$4.50	\$4.64

[Note: When a customer's water meter has been replaced with a meter that reads in gallons, the above rate schedule shall not be applicable and the gallons usage chart shall be the sole method of calculating and billing for water usage. When all the City's water customer's meter have been replaced with a meter that reads in gallons, the above chart shall become null and void.]

(Rate volumes in gallons per monthly billing period)
Net Rate Per One (1) Gallon

	Effective	Effective	Effective	Effective	Effective	Effective
	1/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025	1/1/2026
<i>First 3,000 gallons</i>	<i>\$0.003717</i>	<i>\$0.003829</i>	<i>\$0.003944</i>	<i>\$0.004062</i>	<i>\$0.004184</i>	<i>\$0.004310</i>
<i>Next 34,500 gallons</i>	<i>\$0.004191</i>	<i>\$0.004820</i>	<i>\$0.005543</i>	<i>\$0.006097</i>	<i>\$0.006280</i>	<i>\$0.006468</i>
Next 711,000 gallons	\$0.004573	\$0.005259	\$0.006048	\$0.006653	\$0.006853	\$0.007059
Balance	\$0.004014	\$0.004616	\$0.005308	\$0.005839	\$0.006014	\$0.006194

Each year after 2026, on the first of the year, the total rates shall increase by 3% from the previous year, rounded to the nearest cent if usage charges are in CCF units and rounded to the nearest ten thousandth of a cent if usage charges are in Gallon units.

The water rates shall be reviewed at least biennially and shall be revised periodically, as required, to reflect actual water works costs. The Public Works Director, or a delegate, shall be responsible for reviewing, retaining of documentation and making recommendations to Council for revising the rates set forth in this chapter.

(b) Minimum Water Service Charges Per Month.

<u>Meter Size (Inches)</u>	<u>Net Rate</u>
<u>Less than 1</u>	<u>Use Volume Minimum</u>
1	\$3.00
1-1/4	6.00
1-1/2	6.00
2	12.00
2-1/2	12.00
3	25.00
4	50.00
6	100.00
8	150.00
10	200.00

	Effective	Effective	Effective	Effective	Effective	Effective
Meter Size (inches)	1/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025	1/1/2026
1 or less	\$3.30	\$3.80	\$4.37	\$4.81	\$4.95	\$5.10
1-1/4	\$6.60	\$7.59	\$8.73	\$9.60	\$9.89	\$10.19
1-1/2	\$6.60	\$7.59	\$8.73	\$9.60	\$9.89	\$10.19
2	\$13.20	\$15.18	\$17.46	\$19.21	\$19.79	\$20.38
2-1/2	\$13.20	\$15.18	\$17.46	\$19.21	\$19.79	\$20.38
3	\$27.50	\$31.63	\$36.37	\$40.01	\$41.21	\$42.45
4	\$55.00	\$63.25	\$72.74	\$80.01	\$82.41	\$84.88
6	\$110.00	\$126.50	\$145.48	\$160.03	\$164.83	\$169.77
8	\$165.00	\$189.75	\$218.21	\$240.03	\$247.23	\$254.65

10	\$220.00	\$253.00	\$290.95	\$320.05	\$329.65	\$339.54
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Each year after 2026, on the first of the year, the minimum water service charge shall increase by 3% from the previous year, rounded to the nearest cent.

(c) Tap Charges.

<u>Diameter of Tap (inches)</u>	<u>Cost Per Tap</u>
3/4	\$310.00
1	\$430.00
1-1/2	\$750.00
2	\$1,870.00
4	\$4,620.00
6	\$7,480.00
8	\$11,000.00
10	\$14,850.00
12	\$18,480.00
Construction Water	\$150.00
Additional shut-off	\$170.00
(new construction only)	

An additional charge of one hundred thirty five dollars (\$135.00) shall be made for each tap made outside the City limits. Existing properties cannot split service unless the customer purchases a second water tap.

For new construction of a single building or structure serving two or more customers, the owner of any lot or parcel of land may obtain taps or additional shut-offs in accordance with the following schedule:

<u>Number of Customers</u>	<u>Type of Service Permitted</u>
1	1 water tap
2	1 water tap and 1 additional shut-off or 2 water taps
3	2 water taps and 1 additional shut-off or 3 water taps
4	2 water taps and 2 additional shut-offs or 4 water taps
5	3 water taps and 2 additional shut-offs or 6 water taps
6	3 water taps and 3 additional shut-offs or 6 water taps
7 or more	Services subject to approval of Public Works Director.

A shut-off, which must be located and accessible to City employees in the public right of way, includes the cost of the meter, shut-off valve or curb stop and extension of copper or iron service within the public right of way.

The tap charges as listed include the cost of the meter, the removal and replacement of pavement, shut-off valve or curb stop, and the extension of copper or iron service line to a location behind the sidewalk. The service between the shut-off and water meter on the customer's line shall also be copper or iron. All water taps shall be installed within one year from the date of payment of water tap charges. Charges which have been held beyond one year shall be refunded to the applicant. The water tap then may be made only upon payment of current charges.

The tap charges as listed include the cost of the meter, the removal and replacement of pavement, the removal and replacement of sidewalk, the cost of the shut-off valve, and the installation of a water service line from the watermain to the shut-off valve. When feasible, the shut-off valve will be installed within the public right of way near the property line, otherwise the shut-off valve will be installed in the most appropriate location. In all respects, the shut-off valve shall be accessible to City employees.

(d) Tap Charges for Fire Line Application.

<u>Diameter of Tap (inches)</u>	<u>Cost Per Tap</u>
4	\$4,070.00
6	\$6,820.00
8	\$10,010.00
10	\$13,200.00
12	\$16,280.00

~~These tap fees have been reduced by the City's cost for a Detector Type Check Valve with a 5/8 inch by pass meter. The additional charge of one hundred thirty five dollars (\$135.00) for an outside the City tap will be added to these costs, if applicable. The customer will be required to have a double check valves installed on the fire line at the customer's expense. These double check valves must be purchased from a list of Ohio Environmental Protection Agency approve Double Check Valve Assemblies.~~

The tap charges as listed include the removal and replacement of pavement, the removal and replacement of sidewalk, the cost of the shut-off valve, and the installation of a fire service line from the watermain to the shut-off valve. When feasible, the shut-off valve will be installed within the public right of way near the property line, otherwise the shut-off valve will be installed in the most appropriate location. In all respects, the shut-off valve shall be accessible to City employees.

~~(e) Upon the written request of the owner of any lot or parcel of land, the tap charge established by subsection (c) for a three fourths inch or one inch tap only, may be prorated over such owner's next twelve consecutive monthly billings. Tap charges so paid shall be increase by a ten percent (10%) late payment penalty.~~

~~(f) (e) The standard charge for turning on or shutting off of a water service shall be twenty-five dollars (\$25.00) for either action.~~

~~(g) (f) Customers will be supplied with one meter for each tap charge pursuant to subsection (c), that they are assessed. Customers who need additional meters on a single tap for sewer deduct purposes, will be charged one-hundred ten dollars (\$110.00) per additional meter. Customers who need additional meters on a single tap for sewer deduct and water only accounts will be charged sixty five dollars (\$65.00). The standard charge for testing of water meters and/or registering devices shall be according to the following schedule:~~

<u>Meter Size (Inches)</u>	<u>Net Rate</u>
5/8	\$15.00
1	25.00
1 1/2	25.00
2	50.00

3	150.00
4	175.00
6	200.00
8	225.00

~~(h)~~ The charge for the installation of a remote reading meter and register shall be thirty dollars (\$30.00) if installation is by the City. A charge of two dollars (\$2.00) a month for a period of fifteen months shall be added to each water bill for service without a remote reading meter after December 1, 1980. All new water services shall install a remote reading meter and register at the owner's expense after the passage of this chapter.

~~(i)~~ (g) A flat rate of one hundred fifty dollars (\$150.00) shall be charged for the water used during **structure construction through the issuance of a building permit.** ~~the construction of a single or two-family dwelling from the issuance of a building permit through the installation of the remote meter.~~ This charge shall be payable at the time a tapping permit is issued. ~~It shall be the responsibility of the consumer or owner to protect the meter from freezing.~~ **Depending on the scope of structure construction, the Public Works Director may require a meter to be installed and the use of construction water shall be charged pursuant to the water rates listed in subsection (a). If a meter is required, the flat rate listed in this section shall be waived. It is the responsibility of the consumer to provide and install an approved meter and to protect the meter from freezing.**

~~(j)~~ (h) For persons desiring cisterns, swimming pools, storage tanks or tank trucks filled from a fire hydrant or other unmetered connection, a charge shall be levied of five dollars (\$5.00) per one thousand gallons, but in no case less than the minimum of twenty-five dollars (\$25.00). Should it be necessary to disconnect and reconnect meter service for filling a pool, there will be an additional charge of forty dollars (\$40.00).

~~(k)~~ All consumers located outside of the City limits shall have applied to the regular charges for water consumption a one hundred percent (100%) additional charge for the total cubic feet of metered usage.

(i) All consumers located outside of the City's corporation limits shall have applied a one hundred percent (100%) surcharge to any and all rates listed in subsection (a).

~~(l)~~ (j) Notwithstanding subsection ~~(k)~~ (i) hereof, the ~~Director of Public Service~~ **Public Works Director** may enter into contracts, or renew or extend existing contracts, establishing rates other than set forth in subsection (a), as may be specifically authorized by Council.

~~(m)~~ (k) All work performed by the Division of Water at the request of a customer or any other person shall be charged at the Division's actual cost unless specific charges are listed elsewhere in this chapter.

~~(n)~~ (l) When a meter is removed for repairs **and/or the meter is not functioning as intended and/or miscalculating usage** and no other meter is installed, the service shall be calculated and charged at the average daily usage which occurred for up to the previous twelve months.

BY: MR. VAN HARLINGEN

Amending Section 109.06 of the Mansfield Codified Ordinances of 1997, as amended to update Construction Authorizing Use of Construction Manager at Risk Delivery for Construction of Public Improvements, and declaring an emergency.

WHEREAS, the City of Mansfield, Ohio (the “City”) regularly engages in the construction of significant public improvements; and

WHEREAS, the Council of the City of Mansfield, Ohio (the “Council”) has determined that it is in the best interest of the City to construct its public improvements with the greatest efficiency, highest quality, and lowest cost; and

WHEREAS, the Council has determined that the construction of certain public improvements may be accomplished with the greatest efficiency, highest quality, and lowest cost by using the Construction Manager at Risk delivery method, under which the Construction Manager at Risk participates in the design process and then either subcontracts all or part of the work, or self performs all or part of the work; and

WHEREAS, the power to construct public improvements using the Construction Manager at Risk delivery method, is authorized under the City Charter of this City and the general laws of the State of Ohio.

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

SECTION 1. Section 109.06 of the Codified Ordinances of the City of Mansfield is hereby created as follows:

109.06 CONSTRUCTION MANAGER AT RISK DELIVERY OF PUBLIC IMPROVEMENTS

- (a) As used in this Section “Public Improvement” shall mean any construction, reconstruction, enlargement, alteration, repair, remodeling, rehabilitation, or renovation of a building, road, bridge, treatment works, water line, sewer, utility, stormwater or flood control infrastructure, and associated appurtenances for all such items, or any other item or works generally considered to be a capital improvement.
- (b) The Mayor of the City may elect to accomplish the construction of any Public Improvement by using a Construction Manager at Risk delivery method that conforms to the following:
 - 1) The Construction Manager at Risk will be selected after evaluating responses to a Request for Proposals advertised by the City that requires each respondent to identify its qualifications to serve as the Construction Manager at Risk for the particular

Public Improvement, as well as identify a) its fee expressed as a percentage of its cost to construct the Public Improvement; b) its fee for preconstruction services as defined in the Request for Proposals; and c) its monthly fee for field overhead (aka “General Conditions Costs”) during construction, as defined in the Request for Proposals.

- 2) The Construction Manager at Risk, who by its proposal, is deemed to provide the best value to the City will be selected to serve as the Construction Manager at Risk for the particular Public Improvement; however, notwithstanding the foregoing, the City may choose not to contract with any of the respondents. “Best value” does not require that the proposal be for the lowest cost, taking into account all other relevant factors.
- 3) The Construction Manager at Risk will perform preconstruction services such as but not limited to constructability review, scheduling, and cost estimating.
- 4) At or near the completion of preconstruction services, the Construction Manager at Risk will be required to present a Guaranteed Maximum Price (“GMP”) proposal for construction of the Public Improvement, which may or may not be accepted by the City. If the GMP proposal is not accepted by the City, the City may choose to negotiate changes to the GMP, or revise the design of the Public Improvement, or select a different method for delivering construction of the Public Improvement, with or without further involvement of the Construction Manager at Risk;
- 5) The GMP will consist of the sum of the following elements: a) the estimated cost to construct the Public Improvement; b) the Construction Manager at Risk’s fee multiplied by the estimated cost to construct the Public Improvement; c) the Construction Manager at Risk’s General Conditions Costs applied to the complete specified duration of construction; and d) a contingency percentage multiplied by the estimated cost to construct the Public Improvement.
- 6) The Construction Manager at Risk will be responsible for all costs above the GMP subject to any adjustment to the GMP that the Construction Manager at Risk may be entitled to under its contract with the City.
- 7) All contracts held by the Construction Manager at Risk or the City for the furnishing of labor, material, and equipment must be competitively bid, except for specialty equipment or systems deemed by the City to be critical to the success of the Public Improvement and which are available from only one source.
- 8) The Construction Manager at Risk may self-perform work, but must bid for the work at the same time as all other bidders.
- 9) The Construction Manager at Risk must provide a payment and performance bond in the full amount of the GMP, in the form prescribed by the City.

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of an ordinance duly adopted by the Council of the City of Mansfield, Ohio on _____, 2020.

Clerk of Council
City of Mansfield, Ohio

BILL #20-181

ORDINANCE # _____

BY: MR. VAN HARLINGEN

Authorizing the Public Works Director to enter into a professional services contract with Debt Recovery Solutions, to be the third-party debt collection agent for the City of Mansfield to collect delinquent water and sewer accounts, and declaring an emergency.

WHEREAS, the Mansfield Codified Ordinances authorize third parties to collect delinquent debts on behalf of the City and charge additional reasonable administrative costs associated with the collection of delinquent utility payments, and

WHEREAS, the City is desirous of entering a contractual relationship for debt collection with the DRS.

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

SECTION 1. That the Public Works Director be, and he is hereby, authorized to enter into a professional services contract with Debt Recovery Solutions, to be the third-party debt collection agent for the City of Mansfield to collect delinquent water and sewer accounts, according to law and according to specifications on file in the Public Works Director’s Office.

SECTION 2. That by reason of the necessity to enter into this contract to enable the services to begin immediately, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>1 September 2020</u>
1 st Reading	<u>1 September 2020</u>
2 nd Reading	<u>15 September 2020</u>
PASSED	<u>15 September 2020</u>

SIGNED /s/ Cliff Mears
President of Council

ATTEST /s/ Amy L. Yockey
Clerk of Council

APPROVE /s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL # 20-185 Amended

RESOLUTION _____

BY: MRS. MEIER

Expressing approval and support for the adoption of the “Parks Master Plan” a plan created by EMH&T Engineering, Surveyors, Planners & Scientists encompassing all city-owned park land.

WHEREAS, in 2018 the City retained the services of EMH&T Engineering, Surveyors, Planners & Scientists to conduct a survey and create a Parks Master Plan that encompassed all city-owned park land.

WHEREAS, over the last two years EMH&T Engineering, Surveyors, Planners & Scientists conducted aforesaid survey by gathering numerous analysis points, public input, and ascertaining specialized information to create a Parks Master Plan that maximizes the efficiency of, and optimizes the usefulness of, all Parks Department assets including all city-owned park land.

WHEREAS, on April 7, 2020, EMH&T Engineering, Surveyors, Planners & Scientists submitted to the City a final Master Plan that the City Administration wishes City Council would adopt and pledge support for.

**BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That this Council, on behalf of the government and the citizens of the Mansfield Community, is privileged to approve and pledge support for the “Parks Master Plan” a plan created by EMH&T Engineering, Surveyors, Planners & Scientists encompassing all city-owned park land.

SECTION 2. That this Resolution shall take effect immediately upon passage.

Caucus	<u>1</u>	<u>September 2020</u>
1 st Reading	<u>15</u>	<u>September 2020</u>
2 nd Reading	<u>6</u>	<u>October 2020</u>
PASSED	<u>20</u>	<u>October 2020</u>

SIGNED /s/ Cliff Mears
President of Council

ATTEST /s/ Amy L. Yockey
Clerk of Council

APPROVED /s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BY: MRS. MEIER

Authorizing the City of Mansfield to transfer to the Richland County Land Reutilization Corporation ten properties located within the City, specifically identified in section 1 of this Ordinance, which no longer serve a public purpose and are unneeded and no longer required for public park purposes.

WHEREAS, the properties authorized for transfer herein are available to the City for transfer to the Richland County Land Reutilization Corporation, having been acquired by the City through the City's Parks and Recreation Department, and no longer have a valid public purpose, are unneeded and no longer required for park purposes, and Ohio Revised Code 1724.10(B)(3) authorizes the City to convey said parcels without the advertising or receipt of bids.

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

SECTION 1. That the City be, and is hereby, authorized to transfer the Ten (10) properties known as: Straub (address unknown), Parcel Number: 056-92-143-02-027, Betzstone (99 Betzstone Drive), Parcel Number: 027-07-500-27-000, Dewey/ Vine (300 Vine Street), Parcel Number: 027-05-098-14-000, Harvard Park (Address Unknown), Parcel Number: 027-02-500-19-000, Sherman Estates (390 Sherman Place), Parcel Number: 027-03-500-07-000, Linden Circle Park (address unknown-) Parcel Number: 027-02-097-03-017, Linden Pool (Donald Court), Parcel Numbers: 027-02-075-01-000, 027-02-075-02-000, 027-02-075-03-000, 027-02-075-04-000, 027-02-075-05-000, 027-02-075-06-000, 027-02-075-07-000, 027-02-075-08-000, 027-02-075-09-000, 027-02-075-10-000, 027-02-075-11-000, 027-02-075-12-000, 027-02-075-013-000, Newman (Newman Street) Parcel Number: 027-05-500-53-000, Julia Underhill Park (Dillon Road) Parcel Number: 027-04-500-41-000, Hamilton Park (Fern Avenue/ Stocking Avenue) Parcel Numbers: 027-04-500-45-000, 207-04-500-60-000, 027-04-500-37-000, and to take all other actions and sign any documents necessary to complete said transfer of the properties to the Richland County Land Reutilization Corporation.

SECTION 2. That should any property or properties herein be found to be unable to be transferred for any reason whatsoever this Ordinance will stand for the remaining properties as valid for all purposes.

SECTION 3. That for the purposes of identification all necessary deeds and title searches are attached for the properties being transferred are attached.

SECTION 4. That this measure shall take effect and be in force after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>1 September 2020</u>		
1 st Reading	<u>15 September 2020</u>		
2 nd Reading	<u>6 October 2020</u>		
PASSED	<u>20 October 2020</u>	SIGNED	<u>/s/ Cliff Mears</u> President of Council

ATTEST	<u>/s/ Amy L. Yockey</u> Clerk of Council	APPROVED	<u>/s/ Timothy L. Theaker</u> Mayor
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APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BY: MR. VANHARLINGEN

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

(BOARD OF TOWNSHIP TRUSTEES)
Revised Code, Secs. 5705.34-5705.35

The Board of Trustees of Mansfield Township, Richland

County, Ohio, met in _____ session on _____, 2020
(Regular Or Special)

at the office of _____ with the following members present:

Mr./Mrs. _____

Mr./Mrs. _____

Mr./Mrs. _____

Mr./Mrs. _____ moved the adoption of the following Resolution:

WHEREAS, This Board of Trustees in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, _____; and
Year

WHEREAS, The Budget Commission of Richland County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Board of Trustees of Mansfield Township
Richland County, Ohio, that the amounts and rates, as determined by the

Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

Mansfield Township

**SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	\$61,500.00		0.13	
TOTAL	\$61,500.00	\$0.00	0.13	0.00

**SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
<p>GENERAL FUND:</p> <p>Current Expense Levy authorized by voters on for not to exceed years.</p> <p>SPECIAL LEVY FUNDS:</p>		

and be it further

RESOLVED, That the Township Fiscal Officer of this Board be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr./Mrs. _____ seconded the Resolution and the roll being

called upon its adoption the vote resulted as follows:

Mr./Mrs. _____

Mr./Mrs. _____

Mr./Mrs. _____

Adopted the _____ day of _____, 2020

Township Fiscal Officer of the Board of Township Trustees of

Mansfield Township

Richland County, Ohio

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Richland County, ss.

I, _____ Fiscal Officer of the Board of Township Trustees of
Mansfield Township _____, in said County, and in whose custody the Files
and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original _____

now on file with said Board, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 2020

Township Fiscal Officer of the Board of Township Trustees of
Mansfield Township of Richland County, Ohio

A copy of this resolution must be certified to the County Auditor within the time prescribed by O.R.C. Sec. 5705.34, or at such a later date as may be approved by the Board of Tax Appeals

No. _____

(BOARD OF TOWNSHIP TRUSTEES)

Mansfield Township

Richland County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY AUDITOR

(BOARD OF TOWNSHIP TRUSTEES)

Adopted _____, 2020

Township Fiscal Officer.

Filed _____, 20__

County Auditor

By _____
Deputy.

BY: MR. VANHARLINGEN

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

(CITY COUNCIL)

Revised Code, Secs. 5705.34-5705.35

The Council of the City of Mansfield, Richland

County, Ohio, met in session on , 2020 (Regular Or Special)

at the office of with the following members present:

- List of members present: Mr./Mrs. (multiple entries)

Mr./Mrs. moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, and Year

WHEREAS, The Budget Commission of Richland County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Mansfield Richland County, Ohio, that the amounts and rates, as determined by the

Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	\$1,339,700.00		2.87	
Police Pension	\$140,000.00		0.30	
Fire Pension	\$140,000.00		0.30	
TOTAL	\$1,619,700.00	\$0.00	3.47	0.00

**SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
<p>GENERAL FUND:</p> <p>Current Expense Levy authorized by voters on for not to exceed years.</p> <p>SPECIAL LEVY FUNDS:</p> <p>Levy authorized by voters on for not to exceed years. TY</p> <p>Levy authorized by voters on for not to exceed years. TY</p> <p>Levy authorized by voters on for not to exceed years. TY</p> <p>Levy authorized by voters on for not to exceed years. TY</p> <p>Levy authorized by voters on for not to exceed years. TY</p>		

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr./Mrs. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr./Mrs. _____*
- Mr./Mrs. _____*
- Mr./Mrs. _____*
- Mr./Mrs. _____*
- Mr./Mrs. _____*
- Mr./Mrs. _____*
- Mr./Mrs. _____*
- Mr./Mrs. _____*

Adopted the _____ day of _____, 2020

Attest:

Clerk of Council

President of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Richland County, ss.

I, _____, Clerk of the Council of
City of Mansfield, in said County, and in whose custody the Files
and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original _____

now on file with said Board, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 2020

Clerk of Council

City of Mansfield of Richland County, Ohio

A copy of this resolution must be certified to the County Auditor within the time prescribed by O.R.C. Sec. 6706.34, or at such a later date as may be approved by the Board of Tax Appeals

No. _____

(CITY COUNCIL)

City of Mansfield
Richland County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY AUDITOR

(CITY COUNCIL)

Adopted _____, 2020

Clerk of Council

Filed _____, 20 ____

County Auditor

By _____
Deputy.

BY: MR. LAWRENCE

Authorizing the Public Works Director to enter into a contract to complete engineering services and provide construction administration services in connection with improvements to the City’s Water Treatment plant, and declaring an emergency.

WHEREAS, the City of Mansfield, Ohio (the “City”) has been directed by the Ohio Environmental Protection Agency to make improvements to the City’s water treatment plant (“the Project”), and

WHEREAS, the Council of the City of Mansfield, Ohio (the “Council”) has previously authorized the Safety-Service Director, after completing a public qualifications-based selection process, to enter into a contract with K.E. McCartney & Associates, Inc. of 52 North Diamond Drive in Mansfield (“KEM”) to perform planning and engineering services in connection with the Project via Ordinance 17-092, and

WHEREAS, KEM has completed key milestones for the Project, including planning and preliminary engineering services under its initial contract, and

WHEREAS, the Council continues to deem that KEM is most qualified to continue with the engineering for the Project and wishes to contract with KEM to complete the engineering necessary to construct the Project as well as provide for construction administration services, including inspection of the work.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO, THAT:

SECTION 1. The Public Works Director is hereby authorized to enter into a contract with K.E. McCartney & Associates, Inc. to to complete the engineering for construction of the improvements to the City’s water treatment plant to bring the plant into compliance with Ohio Environmental Protection Agency requirements as well as provide for construction administration services, including inspection of the work.

SECTION 2. That in order to authorize performance of such engineering services relating to the improvement of the Water Treatment Plant without delay in accordance with Ohio Environmental Protection Agency requirements, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>15 September 2020</u>		
1 st Reading	<u>6 October 2020</u>		
2 nd Reading	<u>6 October 2020</u>		
PASSED	<u>6 October 2020</u>	SIGNED	<u>/s/ Phillip E. Scott</u> President of Council

ATTEST	<u>/s/ Amy L. Yockey</u> Clerk of Council	APPROVED	<u>/s/ Timothy L. Theaker</u> Mayor
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APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of an ordinance duly adopted by the Council of the City of Mansfield, Ohio on _____, 2020.

Clerk of Council
City of Mansfield, Ohio

