

DATE:	<u>July 18, 2022</u>	1 ST READING:	<u>July 18, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 117-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

RESOLUTION NO. 1572-2022

A RESOLUTION TO AUTHORIZE THE EXECUTION OF THEN AND NOW CERTIFICATES BY THE FISCAL OFFICER AND THE PAYMENT OF AMOUNTS DUE FOR VARIOUS PURCHASE ORDERS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code Section 5705.41(D)(1), the City may not enter into any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the City’s Fiscal Officer that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, Ohio Revised Code Section 5705.41(D)(1) further provides that in such circumstances when no certificate is furnished as required and the expenditure is for \$3,000.00 or more, the City’s Council, as the City’s taxing authority, may authorize the drawing of a warrant in payment of amounts due upon such contract or order upon certification by the City’s Fiscal Officer that there was at the time of the execution of such certificate a sufficient sum appropriated for such purpose in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, the City’s Fiscal Officer certifies that the expenditure was and is properly appropriated and otherwise lawful; sufficient funds were and are available or in the process of collection to the credit of the proper fund, and the funds were and are free from any previous encumbrance; and

WHEREAS, the City is issuing Then and Now Certificates in connection with payments due and owing as shown in Exhibit A attached; and

WHEREAS, City Council deems it to be in the best interest of the health, safety and welfare of the City to approve the execution by the City Fiscal Officer of Then and Now Certificates, and to authorize the payment of amounts due under the contracts or orders requiring the expenditure of \$3,000.00 or more.

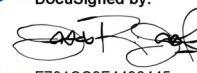
NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. City Council, pursuant to Ohio Revised Code Section 5705.41(D)(1), hereby approves the execution of the Then and Now Certificates by the Fiscal Officer and authorized payment due and owing as shown in Exhibit A attached and incorporated herein.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure, the emergency being in order to provide the Auditor’s office with the necessary financial resources. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 18, 2022

DocuSigned by:

F781CC3F4496445...

PRESIDENT OF COUNCIL

ATTEST:

DocuSigned by:
Mek Ciofani
16BE2487B8D6409...

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:
Kevin Corcoran
C7BB208AA4FD452...

MAYOR

EXHIBIT A

City of North Ridgeville
Then and Now Certification Summary

	<u>Certification Date</u>	<u>Invoice Date</u>	<u>Amount</u>	<u>Purpose</u>
Kokosing Materials	6/20/2022	6/15/2022	65,611.90	Asphalt purchase

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
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REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 106-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

RESOLUTION NO. 1573-2022

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 878.01, 878.03 AND 878.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, IN ORDER TO PROVIDE FOR THE LEVY OF AN ADDITIONAL TWO TENTHS PERCENT (0.2%) INCOME TAX BEGINNING JANUARY 1, 2023, TO PROVIDE FUNDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING, OPERATING, MAINTAINING AND OTHERWISE IMPROVING PERMANENT IMPROVEMENTS AND THEIR SITES, INCLUDING RECREATIONAL FACILITIES AS PART OF A COOPERATIVE PROJECT WITH THE NORTH RIDGEVILLE CITY SCHOOL DISTRICT, AND PAYING DEBT CHARGES ON SECURITIES AND OTHER OBLIGATIONS OF THE CITY RELATED THERETO, AND DECLARING AN EMERGENCY.

Be It Resolved by the Council of the City of North Ridgeville, Lorain County, Ohio, that:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville, Ohio, at an election to be held at the usual places of voting in the City on Tuesday, November 8, 2022, between the hours of 6:30 a.m. and 7:30 p.m. of that day, of the question of approving the passage of an ordinance to amend Sections 878.01, 878.03 and 878.04 of the Codified Ordinances of the City of North Ridgeville, Ohio, as established by Ordinance No. 2698-92, passed December 21, 1992, and amended by Ordinance No. 4093-2005, passed January 3, 2005, Ordinance No. 5502-2018, passed January 16, 2018, and Ordinance No. 5535-2018, passed April 2, 2018, in order to provide for the levy of an additional two-tenths percent (0.2%) income tax to provide funds for the purpose of paying costs of acquiring, constructing, operating, maintaining and otherwise improving permanent improvements and their sites, including recreational facilities as part of a cooperative project with the North Ridgeville City School District, and paying debt charges on securities and other obligations of the city related thereto, which ordinance is set forth in full in Section 2 hereof.

SECTION 2. The proposed ordinance to be submitted to the electors of the City for their approval hereunder shall be as follows:

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REFERRED BY:	<u></u>	3 RD READING:	<u></u>
TEMPORARY NO:	<u>T 105-2022</u>	ADOPTED:	<u></u>
		EMERGENCY:	<u></u>

ORDINANCE NO. Temporary No. T 105-2022

AN ORDINANCE AMENDING SECTIONS 878.01, 878.03 AND 878.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PROVIDE FOR THE LEVY OF AN ADDITIONAL TWO-TENTHS PERCENT (0.2%) INCOME TAX BEGINNING JANUARY 1, 2023, TO PROVIDE FUNDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING, OPERATING, MAINTAINING AND OTHERWISE IMPROVING PERMANENT IMPROVEMENTS AND THEIR SITES, INCLUDING RECREATIONAL FACILITIES AS PART OF A COOPERATIVE PROJECT WITH THE NORTH RIDGEVILLE CITY SCHOOL DISTRICT, AND PAYING DEBT CHARGES ON SECURITIES AND OTHER OBLIGATIONS OF THE CITY RELATED THERETO.

Be It Ordained by the Council of the City of North Ridgeville, County of Lorain, State of Ohio, that:

SECTION 1. Section 878.01 of the Codified Ordinances of the City of North Ridgeville, Ohio, as established by Ordinance No. 5502-2018, passed January 16, 2018, as amended by Ordinance No. 5535-2018, passed April 2, 2018, is hereby further amended to read as follows:

“878.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements, and paying debt charges on securities and other obligations of the City related thereto, the City of North Ridgeville hereby levies an annual municipal income tax on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

(B) (1) The annual tax is levied at a rate of one and two-tenths percent (1.2%). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the City of North Ridgeville. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 878.03 and other sections as they may apply.

(2) Allocation of Funds. The funds collected under the provisions of this chapter shall be applied for the following purposes:

(a) First, such part thereof as shall be necessary to defray all costs of collecting the taxes levied by this Ordinance and the cost of administering and enforcing the provisions thereof as authorized by Section 878 of the City of North Ridgeville Codified Ordinances.

(b) Second, the amount produced by the one percent (1.0%) municipal income tax levied prior to January 1, 2023 and continuing in effect thereafter shall, after providing for the allocation of funds set forth in paragraph (a) of this Section, be deposited as directed by City Council in the following order:

(i) Not more than eighty-five percent (85%) of such one percent shall be receipted to the General Fund and used to defray operating expenses of the City.

(ii) At least fifteen percent (15%) of such one percent shall be receipted to the Capital Projects Fund and used for capital improvements for the City and the Income Tax Debt Service Fund to be used to pay principle and interest on debt pledging income tax revenue, which proceeds were used for capital improvements. Capital Improvements shall include, but not be limited to, development and constructing of storm sewers and street improvements, public buildings, parks and playgrounds and for equipment necessary for the Police, Fire, Street, Traffic and Safety Departments.

The allocation of income tax for capital improvements shall first be made to the Income Tax Debt Service Fund with the remaining amount to the Capital Projects Fund. The amount allocated for debt shall be determined as part of the annual budget.

(c) Third, the amount produced by the two-tenths percent (0.2%) municipal income tax approved by the electors on November 8, 2022 and taking effect as of January 1, 2023 shall, after providing for the allocation of funds set forth in paragraph (a) of this Section, be receipted to a separate fund and applied in full for the purpose of paying costs of acquiring, constructing, operating, maintaining and otherwise improving permanent improvements and their sites, including recreational facilities as part of a cooperative project with the North Ridgeville City School District, and paying debt charges on securities and other obligations of the City related thereto.

(C) The tax on income and the withholding tax established by this Chapter 878 are authorized by Article XIII, Section 3 of the Ohio Constitution and Article XII of the North Ridgeville City Charter. The tax is levied in accordance with, and is intended to be consistent with, the provisions and limitations of Ohio Revised Code 718 (O.R.C. §718).”

SECTION 2. Section 878.03 of the Codified Ordinances of the City of North Ridgeville, Ohio, as established by Ordinance No. 5502-2018, passed January 16, 2018, and amended by Ordinance No. 5537-2018, passed April 16, 2018, is hereby further amended to read as follows:

“878.03 IMPOSITION OF TAX.

The income tax levied by the City of North Ridgeville at a rate of one and two-tenths percent (1.2 %) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the City.

Individuals.

(A) For residents of the City, the income tax levied herein shall be on all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident. This is further detailed in the definition of income (Section 878.02 (C)(16)).

(B) For nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(C) For residents and nonresidents, income can be reduced to "Municipal Taxable Income" as defined in Section 878.02 (C)(21). Exemptions which may apply are specified in Section 878.02 (C)(12).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D) (1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c) (i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the City with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the City each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of City income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the City, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to the City for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

Domicile.

(E) (1) (a) An individual is presumed to be domiciled in the City of North Ridgeville for all or part of a taxable year if the individual was domiciled in the City on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the City for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the City for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the City for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

(a) The individual's domicile in other taxable years;

(b) The location at which the individual is registered to vote;

(c) The address on the individual's driver's license;

(d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;

(e) The location and value of abodes owned or leased by the individual;

(f) Declarations, written or oral, made by the individual regarding the individual's residency;

(g) The primary location at which the individual is employed.

(h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;

(i) The number of contact periods the individual has with the City. For the purposes of this division, an individual has one "contact period" with the City if the individual is away overnight from the individual's abode located outside of the City and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the City.

(3) All additional applicable factors are provided in the Rules and Regulations.

Businesses.

(F) This division applies to any taxpayer engaged in a business or profession in the City of North Ridgeville, unless the taxpayer is an individual who resides in the City or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745 of the ORC.

(1) Except as otherwise provided in division (F)(2) of this section, net profit from a business or profession conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 878.04 (C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2) (a) If the apportionment factors described in division (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in the City, the taxpayer may request, or the Tax Administrator of the City may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(i) Separate accounting;

(ii) The exclusion of one or more of the factors;

(iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 878.12 (A).

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 878.12 (A).

(d) Nothing in division (F)(2) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(i) The employer;

(ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted,

provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F) (3)(a) or (b) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation only if, regardless of where title passes, the property meets either of the following criteria:

(i) The property is shipped to or delivered within the City from a stock of goods located within the City.

(ii) The property is delivered within the City from a location outside the City, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion.

(b) Gross receipts from the sale of services shall be situated to the City to the extent that such services are performed in the City.

(c) To the extent included in income, gross receipts from the sale of real property located in the City shall be situated to the City.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the City shall be situated to the City.

(e) Gross receipts from rents and royalties from tangible personal property shall be situated to the City based upon the extent to which the tangible personal property is used in the City.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual or by a disregarded entity owned by the individual shall be subject to the City's tax only if the property generating the net profit is located in the City or if the individual taxpayer that receives the net profit is a resident of the City. The City shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(6) (a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City, if

applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the City shall report the individual's net profit from all real estate activity on the individual's annual tax return for the City. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the City's income tax ordinance.

(7) When calculating the ratios described in division (F)(1) of this section for the purposes of that division or division (F)(2) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(8) Left intentionally blank.

(9) Intentionally left blank.”

SECTION 3. Section 878.04 of the Codified Ordinances of the City of North Ridgeville, Ohio, as established by Ordinance No. 5502-2018, passed January 16, 2018, and amended by Ordinance No. 5537-2018, passed April 16, 2018, is hereby further amended to read as follows:

“878.04 COLLECTION AT SOURCE.

Withholding provisions.

(A) Each employer, agent of an employer, or other payer located or doing business in the City of North Ridgeville shall withhold an income tax from the qualifying wages earned and/or received by each employee in the City. Except for qualifying wages for which withholding is not required under Section 878.03 or division (B)(4) or (6) of this section, the tax shall be withheld at the rate, specified in Section 878.01(B)(1) of this chapter, of one and two-tenths percent (1.2%). An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B) (1) Except as provided in division (B)(2) of this section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the City the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the City in the preceding calendar year exceeded \$2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the City in any month of the preceding calendar quarter exceeded \$200.

Payments under division (B)(1)(a) of this section shall be made to the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the last day of the month following the last day of each calendar quarter.

(c) Intentionally left blank.

(2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the City. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by the Tax Administrator and the City as the return required of a non-resident employee whose sole income subject to the tax under this chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the City income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(5) (a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this chapter or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the City the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the City income tax or income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the City until such time as the withheld amount is remitted to the Tax Administrator.

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the City during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be personally liable for a failure to file a report or pay the tax due as required by this section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold City income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this chapter, to be tax required to be withheld and remitted for the purposes of this section.

Occasional Entrant - Withholding.

(C) (1) As used in this division:

(a) "Employer" includes a person that is a related member to or of an employer.

(b) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(c) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2) (a) Subject to divisions (C)(3), (5), (6), and (7) of this section, an employer is not required to withhold City income tax on qualifying wages paid to an employee for the performance of personal services in the City if the employee performed such services in the City on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the City.

(ii) The employee performed services at one or more presumed worksite locations in the City. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in the City at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services are such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the City and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 878.04.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this section, an employee shall be considered to have spent a day performing services in the City only if the employee spent more time performing services for or on behalf of the employer in the City than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(4) (a) Except as provided in division (C)(4)(b) of this section, if, during a calendar year, the number of days an employee spends performing personal services in the City exceeds the 20-day threshold, the employer shall withhold and remit tax to the City for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the City.

(b) An employer required to begin withholding tax for the City under division (C)(4)(a) of this section may elect to withhold tax for the City for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the City.

(5) If an employer's fixed location is the City and the employer qualifies as a small employer as defined in Section 878.02, the employer shall withhold municipal income tax on all of the employee's qualifying wages for a taxable year and remit that tax only to the City, regardless of the number of days which the employee worked outside the corporate boundaries of the City.

To determine whether an employer qualifies as a small employer for a taxable year, a the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this section shall not apply to the extent that a Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 878.04.”

SECTION 4. Effective January 1, 2023, Sections 878.01, 878.03 and 878.04 of the Codified Ordinances of the City of North Ridgeville, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this ordinance, including the repeal of Sections 878.01, 878.03 and 878.04 of the Codified Ordinances of the City of North Ridgeville, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one percent municipal

income tax assessed by Chapter 878 of the Codified Ordinances of the City of North Ridgeville, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2023.

SECTION 5. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. This ordinance shall be in full force and effect from and immediately after the earliest time permitted by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

SECTION 3. It is the desire of this Council that the ballot language presented to the electors of the City of North Ridgeville shall be in substantially the following form:

A majority affirmative vote is necessary for passage.

Shall the ordinance (Ordinance No. Temporary NO. T 105-2022) providing for an increase in the municipal levy on income from one percent (1%) to one and two-tenths percent (1.2%) with the increase of the two-tenths percent (0.2%) to be used to provide funds for the purpose of paying costs of acquiring, constructing, operating, maintaining and otherwise improving permanent improvements and their sites, including recreational facilities as part of a cooperative project with the North Ridgeville City School District, and paying debt charges on securities and other obligations of the city related thereto, be passed?

:	:	:
:	:	:
:	FOR THE INCOME TAX	:
:	:	:
:	:	:
:	AGAINST THE INCOME TAX	:
:	:	:

The Mayor and the Director of Law, with the advice of the City’s legal counsel, are each authorized to further or differently summarize the language of the proposed amendment for purposes of

creating an appropriate ballot if requested or required by the Lorain County Board of Elections, the Ohio Secretary of State or others.

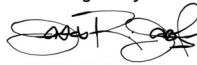
SECTION 4. The Clerk of Council be and is hereby directed to file a certified copy of this resolution with the Board of Elections before the close of business on August 10, 2022.

SECTION 5. If the electors should fail to approve the passage of Ordinance No. Temporary No. T 105-2022 at the election on November 8, 2022, such failure shall not in any way affect any rights or obligations of the City, any taxpayer, or any other person, official, or entity, with respect to Chapter 878 of the City’s Codified Ordinances.

SECTION 6. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken, and all deliberations of this Council and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this resolution must be effective at once in order to place this question on the ballot at an election on November 8, 2022; wherefore, this resolution shall be in full force and effect immediately upon its adoption by the required number of votes and approval by the Mayor, or otherwise at the earliest time permitted by law.

PASSED: July 18, 2022

DocuSigned by:

F781CC3F4496445

PRESIDENT OF COUNCIL

ATTEST:

DocuSigned by:
Mek Ciofani
469E2487B8D6400...

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:
Kevin Concoran
C7BB208AA4FD452...

MAYOR

DATE:	<u>July 18, 2022</u>	1 ST READING:	<u>July 18, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 116-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

ORDINANCE NO. 5967-2022

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, WITH THE LOWEST AND BEST BIDDER FOR THE BARRES ROAD REALIGNMENT PROJECT AND OTHER APPURTENANCES, NOT TO EXCEED \$250,000.00, AND DECLARING AN EMERGENCY.

WHEREAS, the Barres Road Realignment Project is necessary to realign Barres Road with Ravenna Drive at the entrance to North Ridge Pointe Subdivision off of Stoney Ridge Road, to meet proper standards of engineering for the health, safety, and economy for vehicles and pedestrian traffic; and

WHEREAS, the City has appropriations available for the estimated project costs of \$250,000.00 for the Barres Road Realignment Project; and

WHEREAS, plans and bidding documents will be available in the City of North Ridgeville Engineering Department for the Barres Road Realignment Project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized to advertise for bids and enter into a contract according to law and in a manner prescribed by law with the lowest and best bidder, for the Barres Road Realignment Project and other appurtenances, in an amount not to exceed \$250,000.00.

SECTION 2. The cost of the Barres Road Realignment Project shall be charged to and paid from the appropriate City funds.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

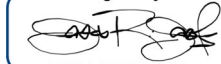
SECTION 4. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to start the appropriated project and purchase materials as soon as

Ordinance No. 5967-2022

Page 2.


possible. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 18, 2022

DocuSigned by:

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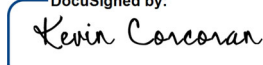
PRESIDENT OF COUNCIL

ATTEST: _____

DocuSigned by:

16BE2487B8D6409

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:

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MAYOR

2022 Full Depth Concrete Pavement Replacement Project Streets to be Repaired:

- 1) Albert Street (from Poplar Street to Mildred Street)
- 2) Dorchester Avenue (cul-de-sac only)
- 3) Lee Avenue (from Drake Street to Poplar Street)
- 4) Millwood Circle
- 5) Nicoll Drive (from 6711 Nicoll Drive to 6795 Nicoll Drive - approximately)
- 6) Intersection of Washington Boulevard and Monroe Lane

DATE:	<u>July 18, 2022</u>	1 ST READING:	<u>July 18, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 118-2022 Amended</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

Amended on the floor 7-18-2022

ORDINANCE NO. 5968-2022

AN ORDINANCE ADOPTING AND APPROVING THE TAX BUDGET OF THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE YEAR BEGINNING JANUARY 1, 2023 AND SUBMITTING SAME TO THE LORAIN COUNTY AUDITOR, AND DECLARING AN EMERGENCY.

WHEREAS, the City Auditor has compiled a tax budget for the City of North Ridgeville, Ohio for the year beginning January 1, 2023, attached hereto as **Exhibit "A"**.

WHEREAS, said budget has been made conveniently available for public inspection for at least ten (10) days and being on file in the office of the Auditor.

WHEREAS, City Council held a public hearing on said budget of which public notice was given by publication.

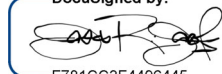
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO:

SECTION 1. The tax budget of the City of North Ridgeville, Ohio for the year beginning January 1, 2023, compiled by the Auditor and submitted to Council; copies of which have been and are on file in the office of the Auditor, is hereby accepted and approved as the tax budget of the City of North Ridgeville, Ohio for the year beginning January 1, 2023.


SECTION 2. The Auditor is hereby authorized and directed to send a copy of said budget and Ordinance to the Auditor of Lorain County, Ohio.

SECTION 3. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to send the tax budget to the Lorain County Auditor by July 20, 2022. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 18, 2022

DocuSigned by:

 F781CC3F4496445...

 PRESIDENT OF COUNCIL

DocuSigned by:

 16BE2487B8D6409...

 ATTEST: _____
 CLERK OF COUNCIL

Ordinance No. 5968-2022

2

APPROVED: 7/19/2022

DocuSigned by:
Kevin Concoran
C7BB208AA4FD452...

MAYOR

EXHIBIT A

CITIES TAX YEAR 2023 ANNUAL BUDGET OF ESTIMATED REVENUES and EXPENDITURES

Date: July 13, 2022

Per Ohio Revised Code Section 5705.28.1 The Budget Commission of Lorain County, Ohio requests the following information to be completed and returned to the Lorain County Auditors Office, by July 20th in order to perform its duties.

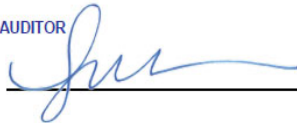
NORTH RIDGEVILLE CITY

FUND	ESTIMATED UNENCUMBERED BALANCE January 1, 2023	ESTIMATED REAL ESTATE TAXES	ESTIMATED LOCAL GOVERNMENT ALLOCATION 2023	OTHER SOURCES	TOTAL	ESTIMATED EXPENDITURES	OVER/UNDER REVENUE
General Fund	\$ 5,728,610.00	\$ 2,000,000.00	\$ 683,000.00	\$ 16,156,000.00	\$ 24,567,610.00	\$ 17,697,000.00	\$ 6,870,610.00
TIF Fund					\$ -		\$ -
Special Revenue Funds Public Library	\$ 11,595,401.00	\$ 7,595,000.00 \$ 1,533,000.00		\$ 9,199,213.00	\$ 29,922,614.00	\$ 19,472,800.00	\$ 10,449,814.00
Debt Service Funds	\$ 2,860,018.00	\$ 1,512,000.00		\$ 4,611,600.00	\$ 8,983,618.00	\$ 5,914,808.00	\$ 3,068,810.00
Capital Project Funds	\$ 23,892,500.00			\$ 3,213,900.00	\$ 27,106,400.00	\$ 8,592,446.00	\$ 18,513,954.00
Special Assessment Funds					\$ -		\$ -
Enterprise Funds	\$ 17,638,250.00			\$ 26,481,500.00	\$ 44,119,750.00	\$ 32,813,400.00	\$ 11,306,350.00
Internal Service Funds	\$ 1,506,900.00			\$ 5,524,200.00	\$ 7,031,100.00	\$ 4,936,000.00	\$ 2,095,100.00
Custodial Fund	\$ 2,282,100.00			\$ 1,629,000.00	\$ 3,911,100.00	\$ 2,114,200.00	\$ 1,796,900.00
TOTAL	\$ 65,503,779.00	\$ 12,640,000.00	\$ 683,000.00	\$ 66,815,413.00	\$ 145,642,192.00	\$ 91,540,654.00	\$ 54,101,538.00

*****SUBJECT TO FURTHER REVIEW BY BUDGET COMMISSION**

NORTH RIDGEVILLE CITY - AUDITOR

SIGNATURE AND TITLE:



DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u>Charter Review Committee</u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 107-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

ORDINANCE NO. 5969-2022

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND ARTICLE IV, *THE AUDITOR*, OF THE CITY CHARTER, EFFECTIVELY MERGING BOTH THE AUDITING DEPARTMENT AND THE TREASURER’S DEPARTMENT OF THE CITY OF NORTH RIDGEVILLE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Article IV, *The Auditor*, of the North Ridgeville City Charter currently reads as follows:

SECTION 4.1 ELECTION.

The Auditor shall be elected by a majority of all of the members of Council. The Auditor may also serve as the Clerk of Council, but not as any other officer or employee of the Municipality. Commencing January 1, 1968, the Auditor shall serve for a term of one (1) year. Commencing January 1, 1969, the Auditor shall serve a term of two (2) years and each term thereafter shall be for a term of two (2) years. Council may remove the auditor by an affirmative vote of a majority of all of the members of Council at any time during said term.
(Amended 11-8-66)

SECTION 4.2 DUTIES.

The Auditor shall be the chief fiscal officer of the Municipality and of the several departments and officers thereof. He or she shall:

- (a) Keep an accurate account of all taxes and assessments, of all assets and liabilities of the Municipality, of all receipts and disbursements of the Municipality, and of all appropriations made by the Council;
- (b) Examine and approve, if in proper form, and if an appropriation has been duly made therefor, payrolls, bills, and other claims, and prepare and sign the same;
- (c) Be the purchasing agent until such time as a purchasing department shall be established by the Council;
- (d) Be responsible for the inspection of all supplies and determine their quantity, quality, and conformation to specifications in which instance the Auditor may rely upon the certificate of the chief or head of the department for which the supplies were purchased;

- (e) Be responsible for the preparation and submission of appropriation measures and assist the Mayor and the Council in the preparation of estimates, budgets, and other financial matters;
- (f) Submit to Council monthly at such time designated by the Council a statement in such detail as may be required by Council, showing:
 - (I) All receipts had during the preceding month;
 - (ii) All disbursements made during the preceding month;
 - (iii) A cumulative statement for each appropriation which shall show the amount appropriated, the amount expended or charged against or encumbering the appropriation, and the balance remaining;
- (g) Attend all meetings of the Council either in person or through a duly designated representative;
- (h) Perform any other duty required by this Charter, or by ordinance or resolution of the Council.

When the Auditor is absent temporarily from the Municipality or unable for any cause to perform his or her duties, the Deputy Auditor shall act as Auditor with the same rights, powers, and duties of the Auditor. (Amended 11-7-78; 11-2-04)

SECTION 4.3 CERTIFICATION.

No contract, agreement, or other obligation involving the expenditure of money shall be entered into by any officer of the Municipality, nor shall any ordinance, resolution, or order for the expenditure of money be passed by Council, unless the Auditor first certifies to the proper officer or to Council, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the Treasury, to the credit of the fund for which it is to be drawn, or in the process of collection, and not appropriated for any other purpose, which certificates shall be filed and immediately be recorded. The sum so certified shall not thereafter be considered unappropriated until the Municipality is discharged from the contract, agreement, or obligation.

SECTION 4.4 FUNDS SUBJECT TO CERTIFICATION.

All moneys actually in the Treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the Treasury before the maturity of any contract, agreement or obligation, from taxes or assessments or from sales or services, productions or from any Municipal undertakings, fees, charges, accounts and bills receivable, or other credits in the process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the Treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and the moneys to be derived from lawfully authorized bonds sold and in the process of delivery shall, for the

purpose of such certificate, be deemed in the Treasury and subject to such certification.

SECTION 4.5 FAILURE TO COMPLY WITH CERTIFICATION REQUIREMENTS.

All contracts, agreements, or other obligations and all ordinances, resolutions, and orders entered into or passed without compliance with the provisions of Sections 4.3 and 4.4 of this Charter shall be void, and no person whomsoever shall have any claim or demand against the Municipality thereunder, nor shall the Council or any officer of the Municipality, except as authorized under the statutes and general laws of the State of Ohio, waive or qualify the limits fixed by such ordinance, resolution or order or fasten upon the Municipality any liability whatever in excess of such limits, or release any party from an exact compliance with the provisions of this Charter under such ordinance, resolution or order.

(Amended 11-5-13)

SECTION 4.6 PURCHASING.

All purchases made by the Auditor shall be upon the requisition submitted or approved by the Mayor or the Council and shall be made in the manner and subject to the limitations as provided in this Charter.

WHEREAS, in recognition that every financial transaction within the City affects both the Auditing Department and the Treasurer's Department, and in an effort to streamline administrative services, create efficiencies, mitigate overlapping responsibilities, and bring cohesiveness to the finance team, the Charter Review Committee proposes to amend the Charter so as to amend Article IV creating a Finance Department, and repeal Article VI, subject to the approval of a majority of City Council.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville at the general election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, between the hours as provided by law, of the following proposal to amend Article IV, *The Auditor*, as follows, and Repeal of Article VI, *The Treasurer*, of the Charter of the City of North Ridgeville, Ohio, as follows:

ARTICLE IV **DEPARTMENT OF FINANCE**

The former offices of City Auditor and City Treasurer are abolished and Article IV, *The Auditor*, is replaced in whole and Article VI, *The Treasurer*, is repealed as of the effective date of this Article, and the Department of Finance is hereby created. Wherever either the term "Auditor" or "Treasurer" is found in this

Charter, or in any ordinance, resolution, policy, or procedure of the City enacted prior to the effective date of this Article, such term shall be deemed to read and mean "Director of Finance."

SECTION 4.1 GENERAL DUTIES.

The Department of Finance shall be headed by the Director of Finance who shall be the chief fiscal officer of the Municipality and its departments and offices. The Director of Finance shall keep an accurate account of all taxes and assessments, of all the assets and liabilities of the Municipality, of all receipts and disbursements of the Municipality, and of all appropriations made by the Council. The Director of Finance shall examine and approve, if in proper form, and if an appropriation has been duly made therefor, payrolls, bills, and other claims, and prepare and sign all warrants.

SECTION 4.2 APPROPRIATIONS AND REPORTS.

The Director of Finance shall:

- a) Keep an accurate account of all taxes and assessments, of all assets and liabilities of the Municipality, of all receipts and disbursements of the Municipality, and of all appropriations made by the Council;
- b) Examine and approve, if in proper form, and if an appropriation has been duly made therefor, payrolls, bills, and other claims, and prepare and sign the same;
- c) Be the purchasing agent until such time as a purchasing department shall be established by the Council;
- d) Be responsible for the inspection of all supplies and determine their quantity, quality, and conformation to specifications in which instance the Director of Finance may rely upon the certificate of the chief or head of the department for which the supplies were purchased;
- e) Be responsible for the preparation and submission of appropriation measures and assist the Mayor and the Council in the preparation of estimates, budgets, and other financial matters;
- f) Submit to Council monthly at such time designated by the Council a statement in such detail as may be required by Council showing: All receipts and all disbursements from the preceding month; a cumulative statement for each appropriation which shall show the amount appropriated, the amount expended or charged against or encumbering the appropriation and the balance remaining;
- g) Attend all meetings of the Council either in person or through a duly designated representative;
- h) Perform any other duty required by this Charter, or by ordinance or resolution of the Council.

When the Director of Finance is absent from the Municipality, unable for any cause to perform his or her duties, or the position is vacant, a designee shall act as the Director of Finance with the same rights, powers, and duties of the Director of Finance.

SECTION 4.3 COLLECTIONS.

The Director of Finance shall be the collector and the custodian of all monies of the Municipality, including taxes and assessments, license fees, fines, court costs, and waivers. The Director of Finance shall receive and preserve such monies in such manner and in such places as the Council shall direct. The Director of Finance shall also receive and disburse all other public monies coming into the Director of Finance's hands, pursuant to such requests as may be prescribed by the authorities having lawful control over such funds.

SECTION 4.4 CERTIFICATION.

No contract, agreement, or other obligation involving the expenditure of money shall be entered into by any officer of the Municipality, nor shall any ordinance, resolution, or order for the expenditure of money be passed by Council, unless the Director of Finance first certifies to Council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury, to the credit of the fund for which it is to be drawn, or in the process of collection, and not appropriated for any other purpose, which certificates shall be filed and immediately recorded. The certified sums shall not thereafter be considered unappropriated until the Municipality is discharged from the contract, agreement, or obligation.

SECTION 4.5 FUNDS SUBJECT TO CERTIFICATION.

All monies actually in the treasury to the credit of the fund from which they are to be drawn, and all monies applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes or assessments or from sales or services, productions or from any City undertakings, fees, charges, accounts and bills receivable, or other credits in the process of collection; and all monies applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and the monies to be derived from lawfully authorized bonds sold and in the process of delivery shall, for the purpose of such certificate, be deemed in the treasury and subject to such certification.

SECTION 4.6 FAILURE TO COMPLY WITH CERTIFICATION REQUIREMENTS.

All contracts, agreements, or other obligations and all ordinances, resolutions, and orders entered into or passed contrary to the provisions of sections 4.4 and 4.5 of this section of this Charter shall be void, and no person whomsoever shall have any claim or demand against the Municipality thereunder, nor shall the Council nor any officer of the Municipality waive or qualify the limits fixed by such ordinance, resolution or order or fasten upon the Municipality any liability whatever in excess of such limits, or release any party from an exact compliance with this Charter under such ordinance, resolution or order.

ARTICLE VI
THE TREASURER

Article VI, *The Treasurer*, is hereby repealed

SECTION 2. The ballot submitting the question of the adoption of the aforesaid amendment to Article IV and repeal of Article VI shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO
A majority affirmative vote is necessary for passage.**

Shall a new Department of Finance be created by amending Article IV, *The Auditor*, and repealing Article VI, *The Treasurer*, of the City of North Ridgeville Charter?

SECTION 3. The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 8, 2022, general election, shall become effective immediately upon its adoption.

SECTION 4. The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Lorain County.

SECTION 5. The Board of Elections of Lorain County shall cause an appropriate notice to be duly given of the general election to be held on November 8, 2022, on the foregoing amendments to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 6. The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Ridgeville, with the first publication to be made at least fifteen days prior to the general election to be held on November 8, 2022, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.


SECTION 7. There is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to file a certified copy of this Charter Amendment change with the Board of Elections before the close of business on August 10, 2022, and place this question on

the ballot at an election on November 8, 2022. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 18, 2022

DocuSigned by:


F781CC3F4496445...

PRESIDENT OF COUNCIL

ATTEST:

DocuSigned by:
Mck Ciofani

16BE2487B8D6409...

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:
Kevin Concoran

C7BB208AA4FD452...

MAYOR

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u>Charter Review Committee</u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>108-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

ORDINANCE NO. 5970-2022

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND ARTICLE IX, SECTION 9.7, *MANDATORY REFERRAL OF REZONING TO ELECTORS*, OF THE CITY OF NORTH RIDGEVILLE CHARTER ELIMINATING AN OBSOLETE FORMULA AND MAINTAINING A MANDATORY SUBMISSION TO THE ELECTORATE OF ANY REZONING OF PARCELS IN A MULTIPLE FAMILY RESIDENCE DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the current version of Article IX, Section 9.7, *Mandatory Referral of Rezoning to Electors*, currently reads:

No parcel or parcels of land shall be rezoned for multiple family dwellings until the total of multiple family dwelling units equal fifteen percent (15%) of all the dwelling units in the Municipality on land presently zoned for such use. In the event it is proposed to rezone one or more parcels of land to any use which would permit the erection thereon of one or more multiple family dwellings, the ordinance whereby such use is proposed shall be submitted to the Planning Commission and then to the Council for approval. In the event that the rezoning receives the approval of the Council, it shall be submitted to the electorate at the next Municipal election. Such rezoning proposal shall not become effective unless approved by a majority vote of the electors of the City and of each ward in which the property so changed is located. (Adopted 11-06-73)

WHEREAS, mixed use development projects involving a combination of residential and non-residential uses can provide services and options to the community that would increase the standard of living, increase the tax base for the City of North Ridgeville, and attract and promote the greater diversity of businesses and housing options; and

WHEREAS, in recognition that the mathematical formula set forth in the current version is subject to different interpretations and is obsolete, the Charter Review Committee proposes to amend the Charter so as to amend Article IX and eliminate said mathematical formula while still maintaining a mandatory referral to the electorate of any attempt to rezone one or more parcels of land to any Multiple Family Residence District, subject to the approval of a majority of City Council.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville at the general election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, between the hours as provided by law, of the following proposal to amend Article IX, Section 9.7, *Mandatory Referral of Rezoning to Electors*, of the Charter of the City of North Ridgeville, Ohio, to read:

In the event it is proposed to rezone one or more parcels of land to any Multiple Family Residence District, the ordinance whereby such use is proposed shall be submitted to the Planning Commission and then to the Council for approval. In the event that the rezoning receives the approval of the Council, it shall be submitted to the electorate at the next Municipal election. Such rezoning proposal shall not become effective unless approved by a majority vote of the electors of the City.

SECTION 2. The ballot submitting the question of the adoption of the aforesaid amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO
A majority affirmative vote is necessary for passage.**

Shall Section 9.7 of Article IX of the Charter of the City of North Ridgeville be amended by deleting an unworkable mathematical formula, and mandating referral to the electorate of any rezoning to any Multiple Family Residence District?

SECTION 3. The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 8, 2022, general election, shall become effective immediately upon its adoption.

SECTION 4. The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Lorain County.

SECTION 5. The Board of Elections of Lorain County shall cause an appropriate notice to be duly given of the general election to be held on November 8, 2022, on the foregoing amendments to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

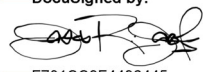
SECTION 6. The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Ridgeville, with the first publication to be made at least fifteen days prior to the general election to be held on November 8, 2022, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

SECTION 7. There is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to file a certified copy of this Charter Amendment change with the Board of Elections before the close of business on August 10, 2022, and place this question on the ballot at an election on November 8, 2022. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 18, 2022

DocuSigned by:

F781CC3F4496445...

PRESIDENT OF COUNCIL

ATTEST:

DocuSigned by:

16BE2487B8D6409...

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:

C7BB208AA4FD452...

MAYOR

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u>Charter Review Committee</u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 109-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

ORDINANCE NO. 5971-2022

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO ADD A NEW SECTION 3.18 SALE OR LEASE OF MUNICIPAL REAL ESTATE, TO ARTICLE III THE COUNCIL, OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ALLOW COUNCIL TO ESTABLISH ORDINANCES GOVERNING THE SALE, LEASE OR DISPOSAL OF MUNICIPALLY-OWNED REAL ESTATE AND IMPROVEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, currently, the North Ridgeville City Charter has no provisions governing the sale, lease, or disposal of municipal real estate; and

WHEREAS, in the absence of said provisions, the City of North Ridgeville must follow the Ohio Revised Code requirements for the sale, lease, or disposal of municipal real estate; and

WHEREAS, developing local procedures for the sale, lease, or disposal of municipal real estate would allow the City of North Ridgeville greater control over future development of its land; and

WHEREAS, creating such local procedures for the sale, lease, or disposal of municipal real estate is recognized as an appropriate exercise of self-government; and

WHEREAS, this proposal was reviewed and recommended by the Charter Review Committee.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville at the General Election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, between the hours as provided by law, of the following proposal to create a new Section 3.18 *Sale or Lease of Municipal Real Estate* of Article III *The Council* of the Charter of the City of North Ridgeville, Ohio.

Section 3.18: Sale or Lease of Municipal Real Estate.

Council may make provisions by ordinance for the sale, lease, or disposal

of municipally-owned real estate and its improvements.

SECTION 2. The foregoing proposed Charter amendment, upon receiving at least a majority of the votes cast thereon at the November 8, 2022, General Election, shall become effective immediately upon its adoption.

SECTION 3. The ballot submitting the question of the adoption of the aforesaid amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO
A majority affirmative vote is necessary for passage.**

Shall Article III of the Charter of the City of North Ridgeville be amended by adding a new Section 3.18 allowing City Council to make provisions by ordinance for the sale, lease, or disposal of municipal real estate and improvements?

SECTION 4. The Clerk of Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Lorain County.

SECTION 5. The Board of Elections of Lorain County shall cause an appropriate notice to be duly given of the General Election to be held on November 8, 2022, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 6. The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Ridgeville, with the first publication to be made at least fifteen days prior to the General Election to be held on November 8, 2022, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

SECTION 7. There is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

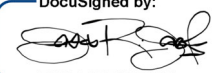
SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to file a certified copy of this Charter Amendment change with the Board of Elections before the close of business on August 10, 2022, and place this question on the ballot at an election on November 8, 2022. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 5971-2022

Page 3.

PASSED: July 18, 2022

DocuSigned by:

F781CC3F4496445...

PRESIDENT OF COUNCIL

ATTEST:

DocuSigned by:
Nick Ciofani
16BE2487B8D6409...

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:
Kevin Corcoran
C7BB208AA4FD452...

MAYOR

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u>Charter Review Committee</u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T110-2022</u>	ADOPTED:	<u>Dispensed</u>
		EMERGENCY:	<u>July 18, 2022</u>

ORDINANCE NO. 5972-2022

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND ARTICLE III, SECTION 3.8, *CLERK OF COUNCIL*, OF THE CITY OF NORTH RIDGEVILLE CHARTER PROHIBITING THE CLERK OF COUNCIL FROM SERVING AS AUDITOR AND PROVIDING FOR A CHAIN OF COMMAND FOR THAT OFFICE, AND DECLARING AN EMERGENCY.

WHEREAS, the current version of Article III, Section 3.8 *Clerk of Council* currently reads:

(a) Election. The Clerk of the Council shall be elected by the Council and shall serve at the pleasure of Council. The Clerk of the Council may also serve as the Auditor but not as any other officer or employee of the Municipality. Council may employ such other employees, including special legal counsel, as it deems necessary for the proper discharge of the duties of Council.

b) Duties. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council and perform such other duties as Council may request or require.

c) Absence. When the Clerk of Council is absent temporarily from the Municipality or unable for any cause to perform his or her duties, the Assistant Clerk of Council shall act as Clerk of Council with the same rights, powers and duties of the Clerk of Council. (Adopted 11-02-04)

WHEREAS, the Charter Review Committee proposes this Section be amended to strike the ability of the Clerk of Council to serve as the Auditor and the prohibition of the Clerk of Council to serve as any other officer or employee of the Municipality; and

WHEREAS, the Charter Review Committee proposes this Section also be amended to create the chain of command within the Clerk of Council's Office if the Clerk is absent or unable to perform his/her duties.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville at the general election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, between the hours as provided by law, of the following proposal to amend Article III, Section 3.8, *Clerk of Council*, of the Charter of the City of North Ridgeville, Ohio, to read:

a) Election. The Clerk of the Council shall be elected by the Council and shall serve at the pleasure of Council. Council may employ such other employees, including special legal counsel, as it deems necessary for the proper discharge of the duties of Council.

b) Duties. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council and perform such other duties as Council may request or require.

c) Absence. When the Clerk of Council is absent from the Municipality or unable for any cause to perform his or her duties or the position is vacant, the Assistant Clerk of Council shall act as Clerk of Council with the same rights, powers and duties of the Clerk of Council. If the Assistant Clerk of Council is absent or unable for any cause to perform the Clerk's duties, the Deputy Clerk of Council shall act as Clerk of Council with the same rights, powers and duties of the Clerk of Council. If the Deputy Clerk is absent or unable for any cause to perform the Clerk's duties, then Council shall temporarily appoint any other person to act as Clerk of Council with the same rights, powers and duties of the Clerk of Council.

SECTION 2. The ballot submitting the question of the adoption of the aforesaid amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO
A majority affirmative vote is necessary for passage.**

Shall Section 3.8 of Article III of the Charter of the City of North Ridgeville be amended by prohibiting the Clerk of Council from acting as Auditor and creating a chain of command in the Clerk's absence?

SECTION 3. The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 8, 2022, general election, shall become effective immediately upon its adoption.

SECTION 4. The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Lorain County.

SECTION 5. The Board of Elections of Lorain County shall cause an appropriate notice to be duly given of the general election to be held on November 8, 2022, on the foregoing amendments to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

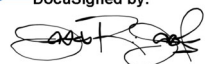
SECTION 6. The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Ridgeville, with the first publication to be made at least fifteen days prior to the general election to be held on November 8, 2022, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

SECTION 7. There is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to file a certified copy of this Charter Amendment change with the Board of Elections before the close of business on August 10, 2022, and place this question on the ballot at an election on November 8, 2022. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 18, 2022

DocuSigned by:

F781CC3F4496445...

PRESIDENT OF COUNCIL

ATTEST:

DocuSigned by:

16BE2487B8D6409...

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:

C7BB208AA4FD452...

MAYOR

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u>Charter Review Committee</u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 111-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

ORDINANCE NO. 5973-2022

**AN ORDINANCE AUTHORIZING AND DIRECTING THE
SUBMISSION TO THE ELECTORS OF A PROPOSAL TO
AMEND ARTICLE X, SECTION 10.3, *CLASSIFICATION OF
SERVICE*, TO COMPLY WITH STATE LAW, AND
DECLARING AN EMERGENCY.**

WHEREAS, the current version of Article X, Section 10.3, *Classification of Service*, currently reads:

The civil service of the Municipality is hereby divided into the unclassified and the classified service.

- a) The unclassified service shall include:
All officers elected by the people.
All directors of departments.
The members of all boards or commissions appointed by the Mayor.
All officers and employees appointed by the Council.
Unskilled labor.
- b) The classified service shall include the Police and Fire Chiefs and all other positions not specifically included in the unclassified service.

WHEREAS, the Charter Review Committee proposes this Section be amended to clarify which employees are in the classified and unclassified civil service and to comply with State law.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville at the general election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, between the hours as provided by law, of the following proposal to amend Article X, Section 10.3, *Classification of Service*, of the Charter of the City of North Ridgeville, Ohio, to read:

- (a) The unclassified service shall include:
All officers elected by the people.
All directors of departments.
The members of all boards or commissions appointed by the Mayor.

All officers and employees appointed by the Council.
Those positions set forth as “unclassified” in the general laws of Ohio.
Unskilled labor.

- (b) The classified service shall include the Police and Fire Chiefs and all other positions requiring competitive testing not specifically included in the unclassified service.

SECTION 2. The ballot submitting the question of the adoption of the aforesaid amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO
A majority affirmative vote is necessary for passage.**

Shall Section 10.3 of Article X of the Charter of the City of North Ridgeville be amended to clarify which employees are classified and unclassified and to comply with State law?

SECTION 3. The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 8, 2022, general election, shall become effective immediately upon its adoption.

SECTION 4. The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Lorain County.

SECTION 5. The Board of Elections of Lorain County shall cause an appropriate notice to be duly given of the general election to be held on November 8, 2022, on the foregoing amendments to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

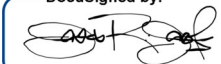
SECTION 6. The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Ridgeville, with the first publication to be made at least fifteen days prior to the general election to be held on November 8, 2022, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

SECTION 7. There is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

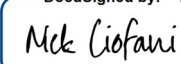
SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to file a certified copy of this Charter Amendment change with the Board of Elections before the close of business on August 10, 2022, and place this question on the ballot at an election on November 8, 2022. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 18, 2022

DocuSigned by:

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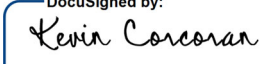
PRESIDENT OF COUNCIL

ATTEST:

DocuSigned by:

16BE2487B8D6409...

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:

C7BB208AA4FD452...

MAYOR

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u>Charter Review Committee</u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 112-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

ORDINANCE NO. 5974-2022

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND ARTICLE III, SECTION 3.5(C), *PRESIDENT OF COUNCIL*, TO ALLOW APPOINTED MEMBERS OF COUNCIL TO BE ELECTED PRESIDENT OF COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, the current version of Article III, Section 3.5(c) reads:

c) Vacancy in Office. In case of vacancy in the office of President of Council, a new president shall be elected by Council from among those members of Council who have been elected from the Municipality at large. In the event no member of Council who has been elected from the Municipality at large accepts the office of Council President, a new President may be elected by Council from among any member of Council who has been elected. Should a Council President enter office in mid or partial term it shall be construed as a full term, unless six (6) months or less left when elected to President of Council. (Amended 11-6-90; Amended 11-6-01)

WHEREAS, the Charter Review Committee proposes this Section be amended to provide that appointed members of Council could be elected as President of Council as opposed to only those elected.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville at the general election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, between the hours as provided by law, of the following proposal to amend Article III, Section 3.5(c), *President of Council*, of the Charter of the City of North Ridgeville, Ohio, to read:

c) Vacancy in Office. In case of vacancy in the office of President of Council, a new president shall be elected by Council from among those members of Council who represent the Municipality at large. In the event no member of Council who represents the Municipality at large accepts the office of Council President, a new President may be elected by Council from among any member of Council. Should a Council President enter office in mid or partial term it shall be

construed as a full term, unless six (6) months or less left when elected to President of Council. (Amended 11-6-90; Amended 11-6-01)

SECTION 2. The ballot submitting the question of the adoption of the aforesaid amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO
A majority affirmative vote is necessary for passage.**

Shall Section 3.5 of Article III of the Charter of the City of North
Ridgeville be amended to allow appointed members of Council be elected
as Council President?

SECTION 3. The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 8, 2022, general election, shall become effective immediately upon its adoption.

SECTION 4. The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Lorain County.

SECTION 5. The Board of Elections of Lorain County shall cause an appropriate notice to be duly given of the general election to be held on November 8, 2022, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 6. The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Ridgeville, with the first publication to be made at least fifteen days prior to the general election to be held on November 8, 2022, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

SECTION 7. There is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

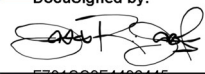
SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to file a certified copy of this Charter Amendment change with the Board of Elections before the close of business on August 10, 2022, and place this question on the ballot at an election on November 8, 2022. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 5974-2022

Page 3.

PASSED: July 18, 2022

DocuSigned by:

F781CC3F4490445

PRESIDENT OF COUNCIL

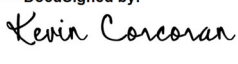
ATTEST:

DocuSigned by:

46BE2487B8D6409

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:

C7BB208AA4FD452

MAYOR

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u>Charter Review Committee</u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 113-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

ORDINANCE NO. 5975-2022

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND ARTICLE III, SECTION 3.16, *PUBLICATION*, TO MAINTAIN ELECTRONIC MEDIA AS A FORM OF PUBLICATION AND ELIMINATE THE USE OF THE LOBBY BULLETIN BOARD, AND DECLARING AN EMERGENCY.

WHEREAS, the current version of Article III, Section 3.16 *Publication* currently reads:

All other ordinances, resolutions, statements, orders, proclamations, notices and reports required by law, this Charter, or ordinance, to be published, shall be published by promptly posting a copy thereof for a period of not less than ten (10) days on a bulletin board in the lobby of City Hall and through electronic media for that same period in a manner readily available and accessible to the public without requiring membership, access code or fee. Council may by ordinance provide for additional methods of publication as it, in its discretion, in any particular instance, or generally, may deem desirable. (Amended 11-5-13)

WHEREAS, the Charter Review Committee proposes this Section be amended to maintain electronic media as a form of publication and eliminate the need to provide publication on the lobby bulletin board.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville at the general election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, between the hours as provided by law, of the following proposal to amend Article III, Section 3.16, *Publication*, of the Charter of the City of North Ridgeville, Ohio, to read:

All other ordinances, resolutions, statements, orders, proclamations, notices and reports required by law, this Charter, or ordinance, to be published, shall be published by promptly posting a copy thereof for a period of not less than ten (10) days through electronic media in a manner readily available and accessible to the public without requiring membership, access code or fee.

Council may by ordinance provide for additional methods of publication as it, in its discretion, in any particular instance, or generally, may deem desirable.

SECTION 2. The ballot submitting the question of the adoption of the aforesaid amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO
A majority affirmative vote is necessary for passage.**

Shall Section 3.16 of Article III of the Charter of the City of North Ridgeville be amended to maintain electronic media as a form of publication and eliminate the mandated use of the lobby bulletin board?

SECTION 3. The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 8, 2022, general election, shall become effective immediately upon its adoption.

SECTION 4. The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Lorain County.

SECTION 5. The Board of Elections of Lorain County shall cause an appropriate notice to be duly given of the general election to be held on November 8, 2022, on the foregoing amendments to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 6. The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Ridgeville, with the first publication to be made at least fifteen days prior to the general election to be held on November 8, 2022, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

SECTION 7. There is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

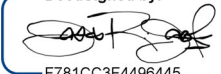
SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to file a certified copy of this Charter Amendment change with the Board of Elections before the close of business on August 10, 2022, and place this question on the ballot at an election on November 8, 2022. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 5975-2022

Page 3.

PASSED: July 18, 2022

DocuSigned by:

F781CC3F4496445

PRESIDENT OF COUNCIL

ATTEST:

DocuSigned by:
Nick Ciofani
16BE2487B8D6409...

CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:
Kevin Concoran
C7BB208AA4FD452...

MAYOR

DATE:	<u>July 5, 2022</u>	1 ST READING:	<u>July 5, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>July 18, 2022</u>
REFERRED BY:	<u>Charter Review Committee</u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 114-2022</u>	ADOPTED:	<u>July 18, 2022</u>
		EMERGENCY:	<u>July 18, 2022</u>

ORDINANCE NO. 5976-2022

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND ARTICLE IX, SECTION 9.1, *ENACTMENT OF ZONING AND BUILDING ORDINANCES*, TO MAINTAIN ELECTRONIC MEDIA AS A FORM OF PUBLICATION AND ELIMINATE THE USE OF THE LOBBY BULLETIN BOARD AND, DECLARING AN EMERGENCY.

WHEREAS, the current version of Article IX, Section 9.1 *Enactment of Zoning and Building Ordinances* currently reads:

The Council may provide by ordinance for the passage and amendment of any building or zoning ordinance, the maps and regulations thereof, and the publication of notice and public hearing thereof, provided only that the minimum notice of the time and place of any public hearing shall be posted at least ten (10) days in advance thereof on the bulletin boards described in Section 3.16 of this Charter and in such other places as designated by Council, and shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the Municipality. In the event it is proposed to amend, enlarge, or change any area, zone or district classification, defined in any enacted ordinance, then, in addition to the notice hereinbefore provided, notice of the time and place of such public hearing shall be given by first class mail, postage prepared, to the record title holders of the property lying within, or within five hundred (500) feet of, the perimeter of such area, zone or district proposed to be changed. Record title holders shall mean the title holder of such property as disclosed by the records of the Auditor of Lorain County, thirty (30) days immediately prior to the date of such public hearing. If the mailing address of such record title holder is not on file with the Auditor of Lorain County, then the posted and published notice of such hearing shall be deemed adequate notice. Nothing herein provided shall be construed as limiting the power of the Council from providing additional notice.

WHEREAS, the Charter Review Committee proposes this Section be amended to maintain the use of electronic media as a form of publication and eliminate the need to provide publication on the lobby bulletin board.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville at the general election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, between the hours as provided by law, of the following proposal to amend Article IX, Section 9.1, *Enactment of Zoning and Building Ordinances*, of the Charter of the City of North Ridgeville, Ohio, to read:

The Council may provide by ordinance for the passage and amendment of any building or zoning ordinance, the maps and regulations thereof, and the publication of notice and public hearing thereof, provided only that the minimum notice of the time and place of any public hearing shall be posted at least ten (10) days in advance thereof described in Section 3.16 of this Charter and in such other places as designated by Council, and shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the Municipality. In the event it is proposed to amend, enlarge, or change any area, zone or district classification, defined in any enacted ordinance, then, in addition to the notice hereinbefore provided, notice of the time and place of such public hearing shall be given by first class mail, postage prepaid, to the record title holders of the property lying within, or within five hundred (500) feet of the perimeter of such area, zone or district proposed to be changed. Record title holders shall mean the title holder of such property as disclosed by the records of the Auditor of Lorain County, thirty (30) days immediately prior to the date of such public hearing. If the mailing address of such record title holder is not on file with the Auditor of Lorain County, then the posted and published notice of such hearing shall be deemed adequate notice. Nothing herein provided shall be construed as limiting the power of the Council from providing additional notice.

SECTION 2. The ballot submitting the question of the adoption of the aforesaid amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO
A majority affirmative vote is necessary for passage.**

Shall Section 9.1 of Article IX of the Charter of the City of North Ridgeville be amended to maintain electronic media as a form of publication and eliminate the mandated use of the lobby bulletin board?

SECTION 3. The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 8, 2022, general election, shall become effective immediately upon its adoption.

SECTION 4. The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Lorain County.

SECTION 5. The Board of Elections of Lorain County shall cause an appropriate notice to be duly given of the general election to be held on November 8, 2022, on the foregoing amendments to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

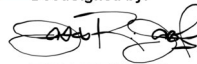
SECTION 6. The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Ridgeville, with the first publication to be made at least fifteen days prior to the general election to be held on November 8, 2022, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

SECTION 7. There is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to file a certified copy of this Charter Amendment change with the Board of Elections before the close of business on August 10, 2022, and place this question on the ballot at an election on November 8, 2022. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 18, 2022

DocuSigned by:

F781CC3F4496445...

PRESIDENT OF COUNCIL

ATTEST: Nick Ciofani
16BE2487B8D6409...
CLERK OF COUNCIL

APPROVED: 7/19/2022

DocuSigned by:

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MAYOR