

AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, MAY 17, 2010 AT 7:00 PM
EUCLID MUNICIPAL CENTER COUNCIL CHAMBER

PERMISSIBLE PRELIMINARIES:

FIRST GAVEL

INVOCATION*:

PLEDGE OF ALLEGIANCE

EUCLID CITY COUNCIL MEETING BUSINESS:

SECOND GAVEL

ROLL CALL OF MEMBERS

COMMUNICATIONS: Liquor Permit

COUNCIL MINUTES: May 3, 2010

ADMINISTRATION REPORTS & COMMUNICATIONS:

REPORTS & COMMITTEE MINUTES: Monthly Finance Report through April, 2010
City Growth Committee Min.: April 14, 2010
Board of Control Min. – 4/26/10; 5/3/10

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

1. An ordinance accepting Bluestone Boulevard as a public street pursuant to Chapter 1313 of the Codified Ordinances of the City of Euclid. (Sponsored by Mayor Cervenik and Entire Council) Ord. (109-10)
2. An ordinance enacting Section 529.08 of the General Offenses Code of the Codified Ordinances of the City of Euclid to require that property owners remove graffiti from their property within 72 hours of receiving notice from the City, or the City will remove the graffiti and assess the cost to the property owner. (Sponsored by Councilpersons Scarniench, Gilliham, O'Neill, Van Ho) Ord. (108-10)
3. A resolution declaring the amount of taxes that may be raised by a levy of the maximum rate authorized by law without a vote of the electors to be insufficient and declaring the necessity of a renewal levy in excess of such rate for the construction, maintenance, and reconstruction of sewers and providing for the submission of the question of the renewal of the current levy at the election to be held November 2, 2010. (Sponsored by Mayor Cervenik) Ord. (107-10)
4. An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids for the labor and materials necessary for Cracksealing and Pavement Rejuvenation for the year 2010, in an amount not to exceed Eighty Thousand Dollars (\$80,000.00). (Sponsored by Councilperson Wojtila by request of Service Director) Ord. (103-10)
5. An emergency ordinance authorizing the Director of Finance of the City of Euclid to extend the City-wide copier/printer system contract with Lake Business Products, 38322 Apollo Parkway, Willoughby, Ohio 44094, through December 31, 2010, and to enter into a contract, after receiving proposals, for another 3-year contract, with 2 one-year options to renew to be effective January 1, 2011. (Sponsored by President Holzheimer Gail by request of Finance Director) Ord. (105-10)
6. An ordinance enacting Section 109.023 of the Administration Code of the Codified Ordinances of the City of Euclid to provide criteria to be used when the City is determining the lowest and best bidder for a contract. (Sponsored by Mayor Cervenik) Ord. (106-10)

7. An emergency ordinance amending Ordinance No. 54-2010 which provides for the issuance and sale of notes of the City of Euclid, Ohio, in anticipation of the issuance of Bonds, in a principal amount now estimated not to exceed \$9,380,000 for various purposes, ratifying the sale of the notes. (Sponsored by Mayor Cervenik and All Members of Council by request of the Director of Finance) Ord. (104-10)

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCILMEN’S COMMENTS

ADJOURNMENT

*Any invocation that may be offered before the start of the official business of the Council shall be the voluntary offering of a private citizen, to and for the benefit of the Administration and Council. The views or beliefs expressed by the invocation speaker have not been reviewed or approved by any City official. The City of Euclid does not endorse the religious beliefs or views of this or any other speaker.

Ordinance No.

By – Mayor Cervenik and All Members of Council

An ordinance accepting Bluestone Boulevard as a public street pursuant to Chapter 1313 of the Codified Ordinances of the City of Euclid.

Whereas, at the March 9, 2010 meeting of the Planning and Zoning Commission the dedication of Bluestone Boulevard, a public right-of-way in the Bluestone Business Park, was reviewed and approved and the action was confirmed by this Council in Ordinance 26-2010; and

Whereas, at the same meeting, the Planning and Zoning Commission reviewed and approved the platting of the land in Bluestone Business Park, including the acceptance of the new street improvements subject to confirmation by Euclid City Council; and

Whereas, the construction of the roadway, hereinafter known as Bluestone Boulevard, has been completed in the Bluestone Business Park; and

Whereas, the project developer, Fogg Building Methods, has posted a two year maintenance bond and a performance bond related to storm sewer repair and maintenance; and

Whereas, the Director of Public Service, with the advice and consent of the City Engineer, has determined that the street lighting for the public roadway will be completed within a reasonable time allowing for the opening of the street as prescribed by Euclid Codified Ordinance 1313.01.

Whereas, final acceptance as a public street is also a necessary step in the process of certifying the Bluestone Business Park under the State of Ohio Job Ready Sites Program, which will qualify the site to be widely marketed to potential businesses by the Ohio Department of Development.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council hereby accepts the public right-of-way hereinafter known as Bluestone Boulevard subject to opening as a public street as provided in Euclid Codified Ordinance 1313.01.

Section 2: That the two year maintenance bond furnished on behalf of Fogg Building Methods in the amount of \$359,146 is hereby accepted as provided by Euclid Codified Ordinance 1311.14 and 1313.03.

Section 3: That the performance bond for the storm sewer repair furnished on behalf of Fogg Building Methods in the amount of \$25,000 is hereby accepted as provided by Euclid Codified Ordinance 1313.01 and 1313.03.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council
Passed:

President of Council
Approved:

Effective:

Mayor

Ordinance No.

By – Councilpersons Scarniench, Gilliham, O'Neill and Van Ho

An ordinance enacting Section 529.08 of the General Offenses Code of the Codified Ordinances of the City of Euclid to require that property owners remove graffiti from their property within 72 hours of receiving notice from the City, or the City will remove the graffiti and assess the cost to the property owner.

WHEREAS, the defacement of property by graffiti is a blighting factor within the City of Euclid which depreciates the value of the property that the graffiti is on as well as the surrounding properties; and

WHEREAS, graffiti is a public nuisance within the City of Euclid as it has a negative effect upon the entire community; and

WHEREAS, the City had determined it is in the best interests of the health, safety and general welfare of the citizens for there to be a method through which graffiti can be removed from property in a timely manner; and

WHEREAS, through the enactment of this ordinance, this Council and Administration are helping to ensure that graffiti will no longer be a problem within the City of Euclid.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 529.08 shall hereby be enacted to the General Provisions of the Codified Ordinances for the City of Euclid to read as follows:

Section 529.08 Graffiti Abatement.

(a) It shall be the responsibility of all property owners to expediently remove graffiti from their premises or commercial property or to completely and uniformly cover the graffiti with a uniform finish. All premises, including sidewalks, walls, buildings, fences, signs, rocks, trees, bridges, gates, or other structures or surfaces, fixtures and other improvements, whether permanent or temporary, shall be kept free from graffiti when the graffiti is visible from the street or other public or private property within the City.

(b) The Housing Manager, Housing Inspectors or Zoning Inspectors are authorized to issue notices and citations to the owner, operator or occupant of any property maintained in violation of this section, or to any other responsible party. Said notices shall be accompanied by instructions and a list of products and methods recommended for the effective removal and abatement of graffiti.

(c) The official shall post a notice in a conspicuous location on the property. The notice shall state the time when the notice was issued and shall indicate that the violation must be corrected within 72 hours after posting.

(d) No person shall fail to comply with such notice. Whenever a property owner fails to comply with the notice within 72 hours, the City shall authorize a private contractor to remove the graffiti. The property owner may be billed a dollar amount in accordance with a fee schedule and protocols established by the Director of Law pursuant to the lowest and best bid awarded by Resolution for Nuisance Abatement. The payment shall be deposited with the Housing Department within 30 days of the date of the bill. Any bill that is not paid within 30 days shall be placed on the property taxes of the property owner as a tax lien for collection by the Finance Director.

(e) Notwithstanding the method of collection set forth above, the Director of Law may take any action necessary to collect the cost of graffiti removal from the owner of the property, the operator or occupant of the property, or from any other responsible party.

Section 2: That Section 529.08 "Graffiti Abatement" of the General Offenses Code of the Codified Ordinances is hereby enacted.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective

Mayor

Resolution No.

By – Mayor Cervenik

A resolution declaring the amount of taxes that may be raised by a levy of the maximum rate authorized by law without a vote of the electors to be insufficient and declaring the necessity of a renewal levy in excess of such rate for the construction, maintenance, and reconstruction of sewers and providing for the submission of the question of the renewal of the current levy at the election to be held November 2, 2010.

WHEREAS, the current levy is due to expire in 2010 and the City needs to renew the levy to maintain funding for its sewer system; and

WHEREAS, Chapter 5705 of the Ohio Revised Code authorizes the Council to put a renewal levy on the ballot for the aforementioned purpose to be considered by the electorate; and

WHEREAS, pursuant to Article II, Section 10 of the Charter of the City of Euclid, the Council may declare "at any time subsequent to May 15th and prior to September 15th by resolution that the amount of taxes which may be raised will be insufficient to provide an adequate amount" for the construction, maintenance, and reconstruction of sewers; and

WHEREAS, pursuant to an amendment to Article II, Section 10, passed by a vote of the electors on May 7, 1990, Council may authorize a sewer renewal levy for up to five year periods; and

WHEREAS, this Council does hereby make such declaration prior to the 15th day of September 2010, in compliance with Article II, Section 10 of the Charter of the City of Euclid.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That the amount of taxes that may be raised within the ten mil limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City and that it is necessary for the purpose of providing additional funds for the construction, maintenance, and reconstruction of sewers to levy a tax on the taxable property in said City for the period of five years at the rate in excess of such limitation.

Section 2: That it is necessary to levy taxes for five years at the rate of two mils on each dollar, which amounts to twenty cents for each One Hundred Dollars of the current tax valuation of the taxable property within the City of Euclid in excess of the ten mil limitation, for the construction, maintenance, and reconstruction of sewers, commencing with the 2010 tax duplicate.

Section 3: That the proposal for the renewal of the current levy shall be submitted to the electors of the City of Euclid at the election to be held November 2, 2010.

Section 4: That the Clerk of this Council be, and she is hereby directed to certify a copy of this resolution to the Board of Elections of Cuyahoga County, Ohio, in order that said Board of Elections may make the necessary arrangements for the submission of such question to the electors of said City at the election to be held November 2, 2010.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted 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 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Councilperson Wojtila (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids for the labor and materials necessary for Cracksealing and Pavement Rejuvenation for the year 2010, in an amount not to exceed Eighty Thousand Dollars (\$80,000.00)

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Public Service be, and he is hereby authorized, empowered and directed to advertise for bids and enter into a contract for the labor and materials necessary for Cracksealing and Pavement Rejuvenation for the year 2010 in an amount not to exceed Eighty Thousand Dollars (\$80,000.00) to be in accordance with specifications on file in the office of the Director of Public Service. Said contract shall be entered into after advertising for not less than two consecutive weeks in a newspaper of general circulation in the City of Euclid and awarded by the Board of Control to the lowest and best bidder. The specifications on file in the office of the Director of Public Service are hereby approved. The contract shall be in form approved by the Director of Law and shall be in conformance with such specifications. It shall be executed by the Director of Public Service. The Board of Control is hereby authorized to waive any minor or technical irregularities that may occur during the bid process.

Section 2: Funds to pay for this expenditure are to be derived from the 2010 General Permanent Improvement fund.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Council President Holzheimer Gail (by request)

An emergency ordinance authorizing the Director of Finance of the City of Euclid to extend the City-wide copier/printer system contract with Lake Business Products, 38322 Apollo Parkway, Willoughby, Ohio 44094, through December 31, 2010, and to enter into a contract, after receiving proposals, for another 3-year contract, with 2 one-year options to renew to be effective January 1, 2011.

WHEREAS, the current contract with Lake Business Products will expire in June, 2010; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Finance be, and he is hereby authorized, empowered and directed to extend the City-wide copier/printer system contract with Lake Business Products, 38322 Apollo Parkway, Willoughby, Ohio 44094, through December 31, 2010, and to enter into a contract, after receiving proposals, for another 3-year contract, with 2 one-year options to renew to be effective January 1, 2011.

Section 2: Said contract shall be awarded by the Board of Control to the lowest and best proposal. The contract shall be in form approved by the Director of Law and it shall be executed by the Director of Finance. The Board of Control is hereby authorized to waive any minor or technical irregularities that may occur during the proposal process.

Section 3: Funds to pay for this expenditure are to be derived from various departments depending on the usage.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Cervenik

An ordinance enacting Section 109.023 of the Administration Code of the Codified Ordinances of the City of Euclid to provide criteria to be used when the City is determining the lowest and best bidder for a contract.

WHEREAS, the Board of Control adopted criteria to determine lowest and best bids on July 11, 1988; and

WHEREAS, it would be beneficial to the City of Euclid to update and publish a clear and cost-effective policy to be followed when determining who will be the recipient of City contracts; and

WHEREAS, the publication of such a policy will be helpful so that the City is able to encourage competition among contractors and vendors; and

WHEREAS, the City of Euclid has determined that it would benefit the local economy to give local vendors and contractors a slight preference over non-Euclid sources when all other matters are equal.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 109.023 shall hereby be enacted to the General Provisions of the Codified Ordinances for the City of Euclid to read as follows:

SECTION 109.023 CRITERIA TO DETERMINE LOWEST AND BEST BIDDER

(a) The Board of Control and, in particular, the Director authorized to advertise for bids for necessary goods and/or services will consider all bids in light of the following criteria when recommending and awarding the "Lowest and Best" bid as required by Section 109.02 of the Euclid Codified Ordinances:

1. Past Performance by the bidder on City contracts for same or similar work;
 - a. Quality of work, materials, services, and facilities;
 - b. Cooperation with City and public;
 - c. Ability to meet schedule and budget;
 - d. The amount of any change orders or cost overruns and the reason for the change order or cost overrun.
 - e. Number and type of problems/complaints and whether any claims have been made against the performance bonds secured by the bidder for past projects.
2. Past performance with other governmental agencies on same or similar work;
 - a. Quality of work, materials, services, and facilities;
 - b. Cooperation with City and public;
 - c. Ability to meet schedule and budget;
 - d. The amount of any change orders or cost overruns and the reason for the change order or cost overrun.
 - e. Number and type of problems/complaints and whether any claims have been made against the performance bonds secured by the bidder for past projects.
3. Information regarding the Bidder's Workforce;
 - a. Experience and continuity of the bidders work force as well as the skill of the bidder's management;
 - b. Number of permanent and temporary employees who will be assigned to the contract;
 - c. The number of local employees that will be working on the contract;
 - d. Disclosure of any suspension or revocation of any professional license of any director, officer, owner, or managerial employee, to the extent that any work to be performed is within the field of such licensed profession.
4. Identification and description of any projects within the previous five years that the bidder was determined by a public entity not be a responsible bidder, the reasons given by the public entity, together with an explanation thereof;

5. Disclosure of any litigation (including copies of pleadings) in which the bidder has been named a defendant or third party defendant in an action involving a claim for personal injury or wrongful death arising from performance of work related to any project in which it has been engaged within the previous five years;
6. Adequate demonstration of financial responsibility, which may include a certified financial statement prepared by a certified public accountant, to assure that the apparent lowest bidder possesses adequate resources and availability of credit and the means to obtain the insurance and bonds that will be required for the project;
7. Conviction of bidder and/or principal in bidding firm known to the City for crimes of moral turpitude (ex: perjury, fraud, bribery) during the three years previous to the date of the bids;
8. The number of years the bidder has been actively engaged as a contractor in the construction industry;
9. Capacity of bidding firm to complete the work per specifications; ex: a brand new firm without experience or reputation may submit the lowest dollar bid but may lack the experience or fiscal ability to complete the contract; City is entitled to minimize risks to the public of incomplete contract or incompetent bidder;
10. Bidding firm's record for compliance with state, federal and local laws and regulations including equal opportunity, prevailing wage, unemployment, Fair Labor Standards Act, Worker's Compensation law, those established by OSHA, etc.;
11. Any other relevant and material facts and circumstances.

(b) A preference not exceeding two percent (2%) may be given to firms which have a substantial presence (i.e. total taxes paid to City and School not less than \$5,000/year) in the City of Euclid provided the bidder satisfies all other requirements contain herein;

(c) When a contract is for goods, services, or construction, is for \$25,000 or more, and is paid in whole or in part with state funds, the contract shall not be awarded to a person or firm against whom a finding for recovery has been issued by the auditor of the state. Prior to awarding the contract the Board of Control must perform a certified search of the Findings for Recovery Database in order to obtain proof that the person or firm does not appear in the database and has no unresolved finding for recovery issued against them. If a finding for recovery has been issued against that person or firm they may not receive the contract. If no such finding for recovery is discovered then the contract may be awarded to the individual or firm. A copy of the results of the certified search shall be kept on record along with all other documents pertaining to the contract. This procedure must also be followed for contracts between the City and an individual or firm when the aggregate cost for the goods, services, or construction provided under all contracts entered into by the City and that individual or firm within the preceding fiscal year exceeded \$50,000 and the contract is paid in whole or in part with state funds.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By –Mayor Cervenik and All Members of Council (by request)

AN ORDINANCE AMENDING ORDINANCE NO. 54-2010 WHICH PROVIDES FOR THE ISSUANCE AND SALE OF NOTES OF THE CITY OF EUCLID, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, IN A PRINCIPAL AMOUNT NOW ESTIMATED NOT TO EXCEED \$9,380,000 FOR VARIOUS PURPOSES, RATIFYING THE SALE OF THE NOTES AND DECLARING AN EMERGENCY.

WHEREAS, ON April 5, 2010, the Council of the City of Euclid, Ohio (the “City”) passed Ordinance No. 54-2010 which provides for the issuance of notes (the “Notes”) in anticipation of the issuance of bonds in an aggregate principal amount not to exceed \$9,380,000 for various purposes (the “2009 Issue”); and

WHEREAS, it is necessary and in the best interests of the City to amend Ordinance No. 54-2010 by amending Section 3 in order to revise the authorized maturity date of the Notes;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Euclid, Cuyahoga County, Ohio that:

SECTION 1. It is hereby declared necessary and in the best interests of the City to amend Ordinance NO. 54-2010, passed on April 5, 2010, by deleting Section 3 of such Ordinance in its entirety, and substituting therefore the following:

SECTION 2. It is determined that notes (hereinafter referred to as the “Notes”) in a principal amount not to exceed \$9,380,000 shall be issued in anticipation of the issuance of the bonds for the respective Projects. The Notes shall be sold at private sale and shall bear interest at the rate fixed by the Director of Finance in his certificate awarding the Notes, provided that such rate shall not exceed five per centum (5%) per annum. Interest on the Notes shall be payable at maturity, with provision, if requested by the purchaser, that, in the event of default, the Notes shall bear interest, at a rate not exceeding the maximum interest rate of ten per centum (10%) per annum, until the principal sum is paid or provided for. The Notes shall be dated their date of issuance and shall mature on a date that is between six months and one year, inclusive, from the date of issuance of the Notes, as determined by the Director of Finance. The Notes shall not be subject to redemption by the City at any time prior to maturity, unless the original purchaser of the Notes requests that the Notes provide for such redemption, in which case provision shall be made for calling the Notes for redemption upon ten (10) days written notice to the Paying Agent for the Notes (as defined below). In addition, the Notes shall be issued in the numbers and denominations requested by the original purchaser, provided that the Notes shall be issued only in denominations of \$100,000 or integral multiples of \$1,000 in excess thereof. The Notes shall be payable as to both principal and interest at a bank or trust company designated by the Director of Finance (herein individually or collectively, the “Paying Agent”), without deduction for exchange, collection or service charge; and may be payable in Federal Reserve funds of the United States of America if requested by the purchaser of the Notes.

SECTION 3. The original Section 3 of Ordinance No. 54-2010 is hereby repealed.

SECTION 4. Except as amended in this ordinance, Ordinance No. 54-2010 shall remain in full force and effect.

SECTION 5. The sale of the Notes as provided in the Fiscal's Officer's Certificate of Award dated April 28, 2010 and in the Note Purchase Agreement between the City and Stifel, Nicolaus & Co., Inc. dated April 28, 2010, is hereby ratified and confirmed.

SECTION 6. The Clerk of Council is hereby directed to forward or cause to be forwarded a certified copy of this Ordinance to the County Auditor of Cuyahoga County and to secure a receipt therefor.

SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City's Charter and Codified Ordinances and applicable provisions of Section 121.22 of the Ohio Revised Code.

SECTION 8. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the citizens of the City of Euclid and for the further reason that the immediate issuance and sale of the Notes is necessary to provide funds to retire the 2009 Issue which is about to mature and thereby protect the credit of the City, and provided it receives the two-thirds (2/3) vote of all members elected to Council, this Ordinance shall take effect and be in force immediately upon its passage by the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed: _____, 2010

Approved:

Mayor