

August 3, 2023

FINANCE COMMITTEE

August 7, 2023

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers

5:45pm

AGENDA

1. Consider **Resolution No. 23-70 Exp** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
2. Consider **Resolution No. 23-71** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
3. Consider **Resolution No. 23-72** A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF OF THE CLERK OF COUNCIL PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.
4. Consider **Ordinance No. 23-33** TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$720,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF BURIAL OF OVERHEAD ELECTRIC, CABLE AND TELEPHONE LINES, INCLUDING EASEMENT ACQUISITION AND ALLEY REPAIRS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.
5. Consider **Ordinance No. 23-34** TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$910,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING A NEW 4TH AND MAIN ROUNDABOUT, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.
6. Consider **Ordinance No.23-35** TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,650,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF ROAD, BRIDGE AND BIKE PATH IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

7. Consider **Ordinance No.23-36** TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$850,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF ICE RINK ROOF REPLACEMENT, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.
8. Consider **Ordinance No.23-37** TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$2,540,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF TAMARACK 40TH STREET UPGRADE STORMWATER IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.
9. Consider **Ordinance No.23-38** TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$3,110,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF WATER SYSTEM IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO AND DECLARING AN EMERGENCY.
10. Consider **Ordinance No. 23-39** AN ORDINANCE CONSOLIDATING SIX BOND ANTICIAPATION NOTE ISSUES OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY
11. Consider **Ordinance No. 23-40** AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO CERTAIN APPOINTED POSITIONS OF THE CITY OF NEWARK, OHIO REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY
12. Consider **Ordinance No. 23-41** AN ORDINANCE SETTING COMPENSATION WITH RESPECT TO CERTAIN ELECTED OFFICIALS OF THE CITY OF NEWARK, OHIO AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY
13. Consider **Ordinance No. 23-42** AN ORDINANCE AUTHORIZING THE COMPENSATION OF THE THREE CIVIL SERVICE COMMISSIONERS AND SECRETARY OF THE CIVIL SERVICE COMMISSION OF THE CITY OF NEWARK, OHIO.
14. Consider **Ordinance No.23-43** AN ORDINANCE AUTHORIZING THE PAYMENT OF A RATIFICATION BONUS TO FULL-TIME HOURLY NON-BARGAINING PERSONNEL, MANAGEMENT AND SUPERVISORY EMPLOYEES, AND CHIEFS AND DEPUTY CHIEFS OF THE CITY, AND DECLARING AN EMERGENCY.

15. Consider **Ordinance No. 23-44** AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO CHIEFS AND DEPUTY CHIEFS OF THE CITY OF NEWARK, OHIO; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY
16. Consider **Ordinance No. 23-45** AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO MANAGEMENT AND SUPERVISORY PERSONNEL OF THE CITY OF NEWARK, OHIO; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY.
17. Consider **Ordinance No. 23-46** AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO HOURLY NON-BARGAINING EMPLOYEES OF THE CITY OF NEWARK, OHIO; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY.
18. Consider **Ordinance No. 23-47** AN ORDINANCE ABOLISHING THE ADMINISTRATIVE TECHNICAL EXEMPT UNIT AND ABSORBING THREE POSITIONS CURRENTLY UNDER SAID UNIT INTO THE POLICIES AND PROVISIONS OF THE HOURLY NON-BARGAINING UNIT AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY.
19. Consider **Ordinance No. 23-48** AN ORDINANCE SETTING COMPENSATION WITH RESPECT TO CERTAIN ELECTED OFFICIALS OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY
20. Other items at the discretion of the chair

Resolution No.23-70 Exp

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$405,754.88 (Approval of contract, salaries include wages and bonus, pension is on wages (not bonus) holiday and overtime)

100.202.5111	Salaries	326,107.54
100.202.5117	Holiday	2,015.42
100.202.5118	Overtime	21,336.66
100.202.5121	Pension	41,102.31
100.202.5126	Medicare	5,133.14
100.202.5127	Workers Comp	5,509.81
100.202.5147	Sick Leave Conversion	4,550.00

Section 2. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$6,664.00 (To pay invoice for outside Counsel)

100.102.5238	Services General	6,664.00
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2023.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

Finance Committee Request Form

Appropriate ** From Unappropriated Balance of Specific Fund					100- General Fund	Fund Source
Fund	Dept	Object	Account Description	Amount		
100	202	5111	Salaries	326,107.54		
100	202	5117	Holiday	2,015.42		
100	202	5118	Overtime	21,336.66		
100	202	5121	Pension	41,102.31		
100	202	5126	Medicare	5,133.14		
100	202	5127	Workers Comp	5,509.81		
100	202	5147	Sick Leave Conversion	4,550.00		
				Total \$	405,754.87	AP

Reason for Appropriations

Approval of Contract

Salaries includes Wages and Bonus

Pension is on wages (not bonus), holiday and overtime.

1. Verify with the Auditor's office to make sure there is a sufficient amount in the unappropriated balance of the fund.
2. Please enter Fund Source from which dollars will be appropriated -Number and Name.

Disappropriate

Fund	Dept	Object	Account Description	Amount
Total \$				-

Reasons for Disappropriations

1. Disappropriations will need to be made if funds need moved from a Personnel account into an operating account.
2. This can only be done if there are sufficient funds to cover remaining expenses in those accounts for the remainder of the year.

Expedite - Waive Second Reading

Yes No

Reason

Requester	Date	
Director	Date	Approve <input type="checkbox"/> Disapprove <input type="checkbox"/>
Mayor	Date 7-24-23	Approve <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/>
Auditor	Date 7-24-23	Approve <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/>

Finance Committee Action	Date	Approve <input type="checkbox"/> Disapprove <input type="checkbox"/>
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Finance Committee Request Form

Appropriate **From Unappropriated Balance of Specific Fund

100 General Fund Source

Fund	Dept	Object	Account Description	Amount
100	102	5238	Services General	6,664.00
Total				\$6,664.00

Reason for Appropriations
To Pay Invoice for outside Counsel

1. Verify with the Auditor's office to make sure there is a sufficient amount in the unappropriated balance of the fund.

2. Please enter Fund Source from which dollars will be appropriated - Number and Name.

Disappropriate

Fund	Dept	Object	Account Description	Amount
Total				\$0.00

Reason for Disappropriations

1. Disappropriations will need to be made if funds need removed from a salary account and moved into an operating account.

2. This can only be done if there are sufficient funds to cover remaining expenses in that account for the year.

RECEIVED
 FINANCE DEPT
 AUDITOR
 2023 JUL 28 AM 9:00

Expedite - Waive Second Reading Yes No

Reason

Requester <i>Jamie Paul</i>	Date <i>7-27-23</i>		
Director <i>[Signature]</i>	Date <i>7-27-23</i>	Approve <input checked="" type="checkbox"/>	Disapprove <input type="checkbox"/>
Mayor <i>[Signature]</i>	Date <i>7.27.23</i>	Approve <input type="checkbox"/>	Disapprove <input type="checkbox"/>
Auditor <i>[Signature]</i>	Date <i>8-1-23</i>	Approve <input checked="" type="checkbox"/>	Disapprove <input type="checkbox"/>

Finance Committee Action Date _____ Approve Disapprove

Resolution No.23-71

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 623 Water Projects Fund, in the amount of \$184,254.50 (East side transmission water main construction project original \$3,250,000 funding through Ohio Builds Development of Developmental grant (total cost \$3,434,254.50)

623.706.5521603	Water Lines East Side Transmission Line	184,254.50
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2023.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

Finance Committee Request Form

Appropriate **From Unappropriated Balance of Specific Fund			623	Fund Source	
Fund	Dept	Object	Account Description	Amount	
623	706	5521603	Water Lines East Side Transmission Lin	184,254.50	
Total				\$184,254.50	

Reason for Appropriations
 East Side Transmission Water Main construction project. Original \$3,250,000 funding through Ohio Builds Department of Development grant (total cost \$3,434,254.50)

1. Verify with the Auditor's office to make sure there is a sufficient amount in the unappropriated balance of the fund.
2. Please enter Fund Source from which dollars will be appropriated - Number and Name.

Disappropriate					
Fund	Dept	Object	Account Description	Amount	
Total				\$0.00	

Reason for Disappropriations

1. Disappropriations will need to be made if funds need removed from a salary account and moved into an operating account.
2. This can only be done if there are sufficient funds to cover remaining expenses in that account for the year.

Expedite - Waive Second Reading	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Reason

Requester		Date	7/31/2023	
Director		Date	7/31/2023	Approve <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/>
Mayor		Date	7.31.2023	Approve <input type="checkbox"/> Disapprove <input type="checkbox"/>
Auditor		Date	8-1-23	Approve <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/>

Finance Committee Action	Date		Approve <input type="checkbox"/>	Disapprove <input type="checkbox"/>
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BY _____

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF OF THE CLERK OF COUNCIL PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.

WHEREAS, the Council President for the City of Newark did make the necessary inquiries that these billed amounts as indicated are legitimate and proper and did approve payment in the amounts shown; and

WHEREAS, at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the pur-pose of such contract or order was in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances as indicated by the attached Auditor's certification.

NOW, THEREFORE, BE IT RESOLVED BY COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO THAT:

SECTION 1: That the Auditor for the City of Newark be, and he herewith is, authorized and directed to pay bills as follows:

1. To, Baker, Dublikar, dated July 25, 2023, in the amount of \$6,664.00, for legal council State ex rel. Marcia J Phelps, Clerk of Courts..

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

Passed this _____ day of _____, _____.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED _____
DIRECTOR OF LAW

Prepared by the Auditor's Office

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-33

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$720,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF BURIAL OF OVERHEAD ELECTRIC, CABLE AND TELEPHONE LINES, INCLUDING EASEMENT ACQUISITION AND ALLEY REPAIRS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of the City of Newark has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is twenty (20) years, and of the notes to be issued in anticipation thereof as twenty (20) years; and

WHEREAS, notes heretofore issued in anticipation of such bonds in the amount of \$305,000 are about to mature and should be renewed in a principal amount not to exceed \$720,000;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City" or the "Municipality"), Licking County, Ohio:

SECTION 1. That it is necessary to issue bonds in the principal amount of not to exceed \$720,000 for the purpose of paying a portion of the cost of burial of overhead electric, cable and telephone lines, including easement acquisition and alley repairs, and all necessary appurtenances thereto. Said bonds shall be dated approximately September 1, 2024, shall bear interest at the rate now estimated at six per centum (6.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty (20) years after their issuance.

SECTION 2. That it is hereby determined that renewal notes (hereinafter called the "Notes") in the principal amount of not to exceed \$720,000 shall be issued in anticipation of the issuance of said bonds to pay for outstanding notes maturing and to provide additional project funds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at a rate of interest not to exceed six per centum (6.00%) per annum, without further action of this Council, to be evidenced by the execution and delivery of the Notes as herein provided, payable at maturity, and until the principal sum is paid, and shall mature not more than one year from date of issuance, and shall be of the denominations of \$100,000 and integral multiples of \$1,000 in excess thereof; and shall be sold only to sophisticated investors.

SECTION 4. That for purposes of this ordinance, the following terms shall have the following meanings:

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

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in notes or principal and interest, and to effect transfers of notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such notes: (i) there shall be a single note of each maturity; (ii) those notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of notes in book entry form shall have no right to receive notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any note in the custody of a Depository providing for making all payments to that owner of principal and interest on that note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the notes to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the notes under a book entry system.

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

SECTION 5. That the Notes shall be executed by the Mayor and City Auditor, provided that one of such signatures may be a facsimile signature, and may bear the seal of the Municipality. The Notes shall be designated "Downtown Overhead Utility Burial Project Bond Anticipation Notes (Second Renewal)" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance and the City Charter.

SECTION 6. That the Notes shall be sold by the City Auditor to Northland Securities, Inc., Powell, Ohio, such sale to be made at not less than par and accrued interest. The City Auditor is authorized to execute a certificate awarding the notes with terms conforming to the terms of this Ordinance. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest received by the City shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Notes in the manner provided by law.

SECTION 7. That the Notes shall be the full general obligations of the Municipality, and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issuance of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the Municipality within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

SECTION 9. The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that if bonds or renewal notes are authorized and issued, or available funds appropriated and applied to the payment of the Notes (the anticipated repayment revenues), to that extent, said tax need not be levied.

SECTION 10. That the City Auditor is authorized to apply for municipal bond credit rating(s) for the Notes and to accept said rating(s) on behalf of the Municipality.

SECTION 11. That this Council, for and on behalf of the City of Newark, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The City Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the Municipality, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 regulations thereunder.

The Notes are hereby designated or deemed designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3)(B) of the Code. The City does not anticipate the issuance of more than \$10,000,000 of obligations with such designation, and not otherwise so deemed designated, this calendar year.

SECTION 12. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 13. 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 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 Section 121.22 of the Ohio Revised Code.

SECTION 14. That this Ordinance is hereby declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City to promptly proceed with renewing outstanding notes issued for project construction and providing additional project funds, therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: September ____, 2023

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: September ____, 2023

Date approved by Mayor: September ____, 2023

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

31454103

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance No. _____.

Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County Auditor, County of Licking, Ohio, on September _____, 2023.

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a copy of the foregoing ordinance.

County Auditor

Dated: September _____, 2023

31454303

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at _____ p.m., on the _____ day of September, 2023, at _____, Newark, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$720,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF BURIAL OF OVERHEAD ELECTRIC, CABLE AND TELEPHONE LINES, INCLUDING EASEMENT ACQUISITION AND ALLEY REPAIRS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

_____ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on three different days.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

_____ then moved that Ordinance No. _____ be passed as read.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The ordinance was declared passed September ____, 2023.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the _____ day of September, 2023, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$720,000 Downtown Overhead Utility Burial Project Bond Anticipation Notes (Second Renewal):

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the City Auditor of the City of Newark, Ohio, hereby certifies that the life of the proposed Downtown Overhead Utility Burial Project Improvements is at least five (5) years and that estimated life of the improvements financed with the proceeds of the sale of not to exceed \$720,000 of notes, for the purpose of paying a portion of the City's cost for burial of overhead electric, cable and telephone lines, including easement acquisition and alley repairs, is at least twenty (20) years and that the maximum maturity of bonds issued for said purpose, in accordance with Section 133.20 of the Ohio Revised Code, is twenty (20) years and the maximum maturity of notes issued in anticipation thereof is twenty (20) years.

IN WITNESS THEREOF, I have hereunto set my hand this 7th day of August, 2023.

City Auditor

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-34

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$910,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING A NEW 4TH AND MAIN ROUNDABOUT, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of the City of Newark has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is twenty (20) years, and of the notes to be issued in anticipation thereof as twenty (20) years; and

WHEREAS, notes heretofore issued in anticipation of such bonds in the amount of \$860,000 are about to mature and should be renewed in a principal amount not to exceed \$910,000;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City" or the "Municipality"), Licking County, Ohio:

SECTION 1. That it is necessary to issue bonds in the principal amount of not to exceed \$910,000 for the purpose of paying a portion of the cost of constructing a new 4th and Main roundabout, and all necessary appurtenances thereto. Said bonds shall be dated approximately September 1, 2024, shall bear interest at the rate now estimated at six per centum (6.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty (20) years after their issuance.

SECTION 2. That it is hereby determined that renewal notes (hereinafter called the "Notes") in the principal amount of not to exceed \$910,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at a rate of interest not to exceed six per centum (6.00%) per annum, without further action of this Council, to be evidenced by the execution and delivery of the Notes as herein provided, payable at maturity, and until the principal sum is paid, and shall mature not more than one year from date of issuance, and shall be of the denominations of \$100,000 and integral multiples of \$1,000 in excess thereof; and shall be sold only to sophisticated investors.

SECTION 4. That for purposes of this ordinance, the following terms shall have the following meanings:

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

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in notes or principal and interest, and to effect transfers of notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such notes: (i) there shall be a single note of each maturity; (ii) those notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of notes in book entry form shall have no right to receive notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any note in the custody of a Depository providing for making all payments to that owner of principal and interest on that note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the notes to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the notes under a book entry system.

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

SECTION 5. That the Notes shall be executed by the Mayor and City Auditor, provided that one of such signatures may be a facsimile signature, and may bear the seal of the Municipality. The Notes shall be designated "4th and Main Roundabout Project Bond Anticipation Notes (Second Renewal)" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance and the City Charter.

SECTION 6. That the Notes shall be sold by the City Auditor to Northland Securities, Inc., Powell, Ohio, such sale to be made at not less than par and accrued interest. The City Auditor is authorized to execute a certificate awarding the notes with terms conforming to the terms of this Ordinance. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest received by the City shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Notes in the manner provided by law.

SECTION 7. That the Notes shall be the full general obligations of the Municipality, and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issuance of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the Municipality within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

SECTION 9. The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that if bonds or renewal notes are authorized and issued, or available revenues of the City are appropriated and applied to the payment of the Notes (the anticipated repayment revenues), to that extent, said tax need not be levied.

SECTION 10. That the City Auditor is authorized to apply for municipal bond credit rating(s) for the Notes and to accept said rating(s) on behalf of the Municipality.

SECTION 11. That this Council, for and on behalf of the City of Newark, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The City Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the Municipality, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 regulations thereunder.

The Notes are hereby designated or deemed designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3)(B) of the Code. The City does not anticipate the issuance of more than \$10,000,000 of obligations with such designation, and not otherwise so deemed designated, this calendar year.

SECTION 12. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 13. 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 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 Section 121.22 of the Ohio Revised Code.

SECTION 14. That this Ordinance is hereby declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City to promptly proceed with renewing outstanding notes issued for project construction, therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: September ____, 2023

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: September ____, 2023

Date approved by Mayor: September ____, 2023

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

31454303

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance No. _____.

Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County Auditor, County of Licking, Ohio, on September ____, 2023.

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a copy of the foregoing ordinance.

County Auditor

Dated: September ____, 2023

31454303

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at _____ p.m., on the _____ day of September, 2023, at _____, Newark, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$910,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING A NEW 4TH AND MAIN ROUNDABOUT, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

_____ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on three different days.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

_____ then moved that Ordinance No. _____ be passed as read.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The ordinance was declared passed September _____, 2023.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the _____ day of September, 2023, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$910,000 4th and Main Roundabout Project Bond Anticipation Notes (Second Renewal):

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the City Auditor of the City of Newark, Ohio, hereby certifies that the life of the proposed 4th and Main Roundabout Project is at least five (5) years and that estimated life of the improvements financed with the proceeds of the sale of not to exceed \$910,000 of notes, for the purpose of paying a portion of the City's cost for constructing the 4th and Main roundabout, is at least twenty (20) years and that the maximum maturity of bonds issued for said purpose, in accordance with Section 133.20 of the Ohio Revised Code, is twenty (20) years and the maximum maturity of notes issued in anticipation thereof is twenty (20) years.

IN WITNESS THEREOF, I have hereunto set my hand this 7th day of August, 2023.

City Auditor

CITY OF NEWARK, OHIO
ORDINANCE NO. 23-35

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,650,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF ROAD, BRIDGE AND BIKE PATH IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of the City of Newark has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is ten (10) years, and of the notes to be issued in anticipation thereof as fifteen (15) years; and

WHEREAS, notes heretofore issued in anticipation of such bonds in the amount of \$1,565,000 are about to mature and should be renewed in a principal amount not to exceed \$1,650,000;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City" or the "Municipality"), Licking County, Ohio:

SECTION 1. That it is necessary to issue bonds in the principal amount of not to exceed \$1,650,000 for the purpose of paying a portion of the cost of multiple road, bridge and bike path improvements, including Moull and Jefferson Road Bridges, Granville Road bike path, West Church Street roadway, Granville Road Bridge, Baller Boulevard roadway extension and Horns Hill Road improvements, and all necessary appurtenances thereto. Said bonds shall be dated approximately September 1, 2024, shall bear interest at the rate now estimated at six per centum (6.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding ten (10) years after their issuance.

SECTION 2. That it is hereby determined that renewal notes (hereinafter called the "Notes") in the principal amount of not to exceed \$1,650,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at a rate of interest not to exceed six per centum (6.00%) per annum, without further action of this Council, to be evidenced by the execution and delivery of the Notes as herein provided, payable at maturity, and until the principal sum is paid, and shall mature not more than one year from date of issuance, and shall be of the denominations of \$100,000 and integral multiples of \$1,000 in excess thereof; and shall be sold only to sophisticated investors.

SECTION 4. That for purposes of this ordinance, the following terms shall have the following meanings:

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

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in notes or principal and interest, and to effect transfers of notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such notes: (i) there shall be a single note of each maturity; (ii) those notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of notes in book entry form shall have no right to receive notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any note in the custody of a Depository providing for making all payments to that owner of principal and interest on that note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the notes to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the notes under a book entry system.

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

SECTION 5. That the Notes shall be executed by the Mayor and City Auditor, provided that one of such signatures may be a facsimile signature, and may bear the seal of the Municipality. The Notes shall be designated "Road and Bridge Improvement Bond Anticipation Notes (Second Renewal)" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance and the City Charter.

SECTION 6. That the Notes shall be sold by the City Auditor to Northland Securities, Inc., Powell, Ohio, such sale to be made at not less than par and accrued interest. The City Auditor is authorized to execute a certificate awarding the notes with terms conforming to the terms of this Ordinance. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest received by the City shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Notes in the manner provided by law.

SECTION 7. That the Notes shall be the full general obligations of the Municipality, and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issuance of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the Municipality within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

SECTION 9. The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that if bonds or renewal notes are authorized and issued, or available funds of the City are appropriated and applied to the payment of the Notes (the anticipated repayment revenues), to that extent, said tax need not be levied.

SECTION 10. That the City Auditor is authorized to apply for municipal bond credit rating(s) for the Notes and to accept said rating(s) on behalf of the Municipality.

SECTION 11. That this Council, for and on behalf of the City of Newark, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The City Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the Municipality, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 regulations thereunder.

The Notes are hereby designated or deemed designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3)(B) of the Code. The City does not anticipate the issuance of more than \$10,000,000 of obligations with such designation, and not otherwise so deemed designated, this calendar year.

SECTION 12. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 13. 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 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 Section 121.22 of the Ohio Revised Code.

SECTION 14. That this Ordinance is hereby declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City to promptly proceed with renewing outstanding notes issued for said improvements, therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: September ____, 2023

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: September ____, 2023

Date approved by Mayor: September ____, 2023

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

31454303

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance No. _____.

Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County Auditor, County of Licking, Ohio, on September ____, 2023.

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a copy of the foregoing ordinance.

County Auditor

Dated: September ____, 2023

31454303

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at _____ p.m., on the _____ day of September, 2023, at _____, Newark, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,650,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF ROAD, BRIDGE AND BIKE PATH IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

_____ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on three different days.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

_____ then moved that Ordinance No. _____ be passed as read.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The ordinance was declared passed September _____, 2023.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the _____ day of September, 2023, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$1,650,000 Road and Bridge Improvement Bond Anticipation Notes (Second Renewal):

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the City Auditor of the City of Newark, Ohio, hereby certifies that the life of the proposed Road and Bridge Improvements is at least five (5) years and that estimated life of the improvements financed with the proceeds of the sale of not to exceed \$1,650,000 of notes, for the purpose of paying a portion of the City's cost for the proposed multiple road, bridge and bike path improvements, is at least ten (10) years and that the maximum maturity of bonds issued for said purpose, in accordance with Section 133.20 of the Ohio Revised Code, is ten (10) years and the maximum maturity of notes issued in anticipation thereof is fifteen (15) years.

IN WITNESS THEREOF, I have hereunto set my hand this 7th day of August, 2023.

City Auditor

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-36

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$850,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF ICE RINK ROOF REPLACEMENT, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of the City of Newark has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is thirty (30) years, and of the notes to be issued in anticipation thereof as twenty (20) years; and

WHEREAS, notes heretofore issued in anticipation of such bonds in the amount of \$810,000 are about to mature and should be renewed in a principal amount not to exceed \$850,000;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City" or the "Municipality"), Licking County, Ohio:

SECTION 1. That it is necessary to issue bonds in the principal amount of not to exceed \$850,000 for the purpose of paying a portion of the cost of ice rink roof replacement, and all necessary appurtenances thereto. Said bonds shall be dated approximately September 1, 2024, shall bear interest at the rate now estimated at six per centum (6.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding thirty (30) years after their issuance.

SECTION 2. That it is hereby determined that renewal notes (hereinafter called the "Notes") in the principal amount of not to exceed \$850,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at a rate of interest not to exceed six per centum (6.00%) per annum, without further action of this Council, to be evidenced by the execution and delivery of the Notes as herein provided, payable at maturity, and until the principal sum is paid, and shall mature not more than one year from date of issuance, and shall be of the denominations of \$100,000 and integral multiples of \$1,000 in excess thereof; and shall be sold only to sophisticated investors.

SECTION 4. That for purposes of this ordinance, the following terms shall have the following meanings:

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

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in notes or principal and interest, and to effect transfers of notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such notes: (i) there shall be a single note of each maturity; (ii) those notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of notes in book entry form shall have no right to receive notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any note in the custody of a Depository providing for making all payments to that owner of principal and interest on that note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the notes to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the notes under a book entry system.

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

SECTION 5. That the Notes shall be executed by the Mayor and City Auditor, provided that one of such signatures may be a facsimile signature, and may bear the seal of the Municipality. The Notes shall be designated "Ice Rink Roof Replacement Bond Anticipation Notes (Second Renewal)" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance and the City Charter.

SECTION 6. That the Notes shall be sold by the City Auditor to Northland Securities, Inc., Powell, Ohio, such sale to be made at not less than par and accrued interest. The City Auditor is authorized to execute a certificate awarding the notes with terms conforming to the terms of this Ordinance. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest received by the City shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Notes in the manner provided by law.

SECTION 7. That the Notes shall be the full general obligations of the Municipality, and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issuance of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the Municipality within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

SECTION 9. The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that if bonds or renewal notes are authorized and issued, or available funds of the City are appropriated and applied to the payment of the Notes (the anticipated repayment revenues), to that extent, said tax need not be levied.

SECTION 10. That the City Auditor is authorized to apply for municipal bond credit rating(s) for the Notes and to accept said rating(s) on behalf of the Municipality.

SECTION 11. That this Council, for and on behalf of the City of Newark, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The City Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the Municipality, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 regulations thereunder.

The Notes are hereby designated or deemed designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3)(B) of the Code. The City does not anticipate the issuance of more than \$10,000,000 of obligations with such designation, and not otherwise so deemed designated, this calendar year.

SECTION 12. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 13. 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 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 Section 121.22 of the Ohio Revised Code.

SECTION 14. That this Ordinance is hereby declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City to promptly proceed with renewing outstanding notes issued for project construction, therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: September ____, 2023

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: September ____, 2023

Date approved by Mayor: September ____, 2023

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

31454303

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance
No. _____.

Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County
Auditor, County of Licking, Ohio, on September ____, 2023.

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a copy of the foregoing ordinance.

County Auditor

Dated: September ____, 2023

31454303

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at _____ p.m., on the _____ day of September, 2023, at _____, Newark, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$850,000
OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE
ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A
PORTION OF THE COST OF ICE RINK ROOF REPLACEMENT,
AND ALL NECESSARY APPURTENANCES THERETO, AND
DECLARING AN EMERGENCY.

_____ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on three different days.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

_____ then moved that Ordinance No. _____ be passed as read.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The ordinance was declared passed September _____, 2023.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the _____ day of September, 2023, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$850,000 Ice Rink Roof Replacement Bond Anticipation Notes (Second Renewal):

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the City Auditor of the City of Newark, Ohio, hereby certifies that the life of the proposed Ice Rink Roof Replacement is at least five (5) years and that estimated life of the improvements financed with the proceeds of the sale of not to exceed \$850,000 of notes, for the purpose of paying a portion of the City's cost for the proposed roof replacement, is at least thirty (30) years and that the maximum maturity of bonds issued for said purpose, in accordance with Section 133.20 of the Ohio Revised Code, is thirty (30) years and the maximum maturity of notes issued in anticipation thereof is twenty (20) years.

IN WITNESS THEREOF, I have hereunto set my hand this 7th day of August, 2023.

City Auditor

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-37

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$2,540,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF TAMARACK 40TH STREET UPGRADE STORMWATER IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of the City of Newark has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is twenty (20) years, and of the notes to be issued in anticipation thereof as twenty (20) years; and

WHEREAS, notes heretofore issued in anticipation of such bonds in the amount of \$2,515,000 are about to mature and should be renewed in a principal amount not to exceed \$2,540,000;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City" or the "Municipality"), Licking County, Ohio:

SECTION 1. That it is necessary to issue bonds in the principal amount of not to exceed \$2,540,000 for the purpose of paying the cost of Tamarack 40th Street upgrade stormwater sewer improvements, comprised of property and/or easement acquisition, utility relocation, storm sewer installation, replacement and repair, together with pavement, sidewalk and grading improvements, and all necessary appurtenances thereto. Said bonds shall be dated approximately September 1, 2024, shall bear interest at the rate now estimated at six per centum (6.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty (20) years after their issuance.

SECTION 2. That it is hereby determined that renewal notes (hereinafter called the "Notes") in the principal amount of not to exceed \$2,540,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at a rate of interest not to exceed six per centum (6.00%) per annum, without further action of this Council, to be evidenced by the execution and delivery of the Notes as herein provided, payable at maturity, and until the principal sum is paid, shall mature not more than one year from date of issuance, and shall be of the denominations of \$100,000 and integral multiples of \$1,000 in excess thereof, and shall be sold only to sophisticated investors.

SECTION 4. That for purposes of this ordinance, the following terms shall have the following meanings:

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

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in notes or principal and interest, and to effect transfers of notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such notes: (i) there shall be a single note of each maturity; (ii) those notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of notes in book entry form shall have no right to receive notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any note in the custody of a Depository providing for making all payments to that owner of principal and interest on that note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the notes to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the notes under a book entry system.

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

SECTION 5. That the Notes shall be executed by the Mayor and City Auditor, provided that one of such signatures may be a facsimile signature, and may bear the seal of the Municipality. The Notes shall be designated "Tamarack 40th Street Upgrade Stormwater Improvement Bond Anticipation Notes (Fourth Renewal)" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance and the City Charter.

SECTION 6. That the Notes shall be sold by the City Auditor to Northland Securities, Inc., Powell, Ohio, such sale to be made at not less than par and accrued interest. The City Auditor is authorized to execute a certificate awarding the notes with terms conforming to the terms of this Ordinance. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest received by the City shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Notes in the manner provided by law.

SECTION 7. That the Notes shall be the full general obligations of the Municipality, and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issuance of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the Municipality within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

SECTION 9. The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that if bonds or renewal notes are authorized and issued, or surplus storm water system revenues of the City are appropriated and applied to the payment of the Notes (the anticipated repayment revenues), to that extent, said tax need not be levied.

SECTION 10. That the City Auditor is authorized to apply for municipal bond credit rating(s) for the Notes and to accept said rating(s) on behalf of the Municipality.

SECTION 11. That this Council, for and on behalf of the City of Newark, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The City Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the Municipality, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 regulations thereunder.

The Notes are hereby designated or deemed designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3)(B) of the Code. The City does not anticipate the issuance of more than \$10,000,000 of obligations with such designation, and not otherwise so deemed designated, this calendar year.

SECTION 12. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 13. 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 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 Section 121.22 of the Ohio Revised Code.

SECTION 14. That this Ordinance is hereby declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City to promptly proceed with payment of outstanding notes, therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: September ____, 2023

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: September ____, 2023

Date approved by Mayor: September ____, 2023

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

31454303

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance No. _____.

Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County Auditor, County of Licking, Ohio, on September _____, 2023.

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a copy of the foregoing ordinance.

County Auditor

Dated: September _____, 2023

31454303

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at _____ p.m., on the _____ day of September, 2023, at _____, Newark, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$2,540,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF TAMARACK 40TH STREET UPGRADE STORMWATER IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

_____ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on three different days.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

_____ then moved that Ordinance No. _____ be passed as read.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The ordinance was declared passed September _____, 2023.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the _____ day of September, 2023, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$2,540,000 Tamarack 40th Street Upgrade Stormwater Improvement Bond Anticipation Notes (Fourth Renewal):

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the City Auditor of the City of Newark, Ohio, hereby certifies that the life of the proposed project is at least five (5) years and that estimated life of the improvements financed with the proceeds of the sale of not to exceed \$2,540,000 of notes, for the purpose of paying the cost of Tamarack 40th Street upgrade stormwater sewer improvements, comprised of property and/or easement acquisition, utility relocation, storm sewer installation, replacement and repair, together with pavement, sidewalk and grading improvements, and all necessary appurtenances thereto, is at least twenty (20) years and that the maximum maturity of bonds issued for said purpose, in accordance with Section 133.20 of the Ohio Revised Code, is twenty (20) years and the maximum maturity of notes issued in anticipation thereof is twenty (20) years.

IN WITNESS THEREOF, I have hereunto set my hand this 7th day of August, 2023.

City Auditor

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-38

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$3,110,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF WATER SYSTEM IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of the City of Newark has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is twenty-five (25) years, and of the notes to be issued in anticipation thereof as twenty (20) years; and

WHEREAS, notes heretofore issued in anticipation of such bonds in the amount of \$2,835,000 are about to mature and should be renewed in a principal amount not to exceed \$3,110,000;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City" or the "Municipality"), Licking County, Ohio:

SECTION 1. That it is necessary to issue bonds in the principal amount of not to exceed \$3,110,000 for the purpose of paying the cost of initial water system improvements and providing additional funds for water projects, and all necessary appurtenances thereto. Said bonds shall be dated approximately September 1, 2024, shall bear interest at the rate now estimated at six per centum (6.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty-five (25) years after their issuance.

SECTION 2. That it is hereby determined that renewal notes (hereinafter called the "Notes") in the principal amount of not to exceed \$3,110,000 shall be issued in anticipation of the issuance of said bonds to pay for outstanding notes maturing and to provide additional project funds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at a rate of interest not to exceed six per centum (6.00%) per annum, without further action of this Council, to be evidenced by the execution and delivery of the Notes as herein provided, payable at maturity, and until the principal sum is paid, shall mature not more than one year from date of issuance, and shall be of the denominations of \$100,000 and integral multiples of \$1,000 in excess thereof, and shall be sold only to sophisticated investors.

SECTION 4. That for purposes of this ordinance, the following terms shall have the following meanings:

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

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in notes or principal and interest, and to effect transfers of notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such notes: (i) there shall be a single note of each maturity; (ii) those notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of notes in book entry form shall have no right to receive notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any note in the custody of a Depository providing for making all payments to that owner of principal and interest on that note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the notes to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the notes under a book entry system.

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

SECTION 5. That the Notes shall be executed by the Mayor and City Auditor, provided that one of such signatures may be a facsimile signature, and may bear the seal of the Municipality. The Notes shall be designated "Water System Improvement Bond Anticipation Notes (Fourth Renewal)" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance and the City Charter.

SECTION 6. That the Notes shall be sold by the City Auditor to Northland Securities, Inc., Powell, Ohio, such sale to be made at not less than par and accrued interest. The City Auditor is authorized to execute a certificate awarding the notes with terms conforming to the terms of this Ordinance. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest received by the City shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Notes in the manner provided by law.

SECTION 7. That the Notes shall be the full general obligations of the Municipality, and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issuance of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the Municipality within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

SECTION 9. The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that if bonds or renewal notes are authorized and issued, or surplus water system revenues of the City are appropriated and applied to the payment of the Notes (the anticipated repayment revenues), to that extent, said tax need not be levied.

SECTION 10. That the City Auditor is authorized to apply for municipal bond credit rating(s) for the Notes and to accept said rating(s) on behalf of the Municipality.

SECTION 11. That this Council, for and on behalf of the City of Newark, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The City Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the Municipality, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 regulations thereunder.

The Notes are hereby designated or deemed designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3)(B) of the Code. The City does not anticipate the issuance of more than \$10,000,000 of obligations with such designation, and not otherwise so deemed designated, this calendar year.

SECTION 12. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 13. 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 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 Section 121.22 of the Ohio Revised Code.

SECTION 14. That this Ordinance is hereby declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City to promptly pay outstanding notes and provide additional funds for the water projects, therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: September ____, 2023

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: September ____, 2023

Date approved by Mayor: September ____, 2023

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

31454303

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance No. _____.

Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County Auditor, County of Licking, Ohio, on September _____, 2023.

Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a copy of the foregoing ordinance.

County Auditor

Dated: September _____, 2023

31454303

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at _____ p.m., on the day of September, 2023, at _____, Newark, Ohio, with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$3,110,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF WATER SYSTEM IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

_____ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on three different days.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

_____ then moved that Ordinance No. _____ be passed as read.

_____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The ordinance was declared passed September _____, 2023.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the _____ day of September, 2023, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$3,110,000 Water System Improvement Bond Anticipation Notes (Fourth Renewal):

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the City Auditor of the City of Newark, Ohio, hereby certifies that the life of the proposed project is at least five (5) years and that estimated life of the improvements financed with the proceeds of the sale of not to exceed \$3,110,000 of notes, for the purpose of paying the cost of initial water system improvements and providing additional funds for water projects, and all necessary appurtenances thereto, is at least twenty-five (25) years and that the maximum maturity of bonds issued for said purpose, in accordance with Section 133.20 of the Ohio Revised Code, is twenty-five (25) years and the maximum maturity of notes issued in anticipation thereof is twenty (20) years.

IN WITNESS THEREOF, I have hereunto set my hand this 7th day of August, 2023.

City Auditor

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-39

AN ORDINANCE CONSOLIDATING SIX BOND
ANTICIPATION NOTE ISSUES OF THE CITY OF
NEWARK, OHIO AND DECLARING AN EMERGENCY

WHEREAS, this Council of the City of Newark, Ohio has passed six Ordinances (collectively, the "Note Ordinances"), which authorized six bond anticipation note issues in an aggregate principal amount of not to exceed \$9,780,000 (collectively, the "Note") as follows: (1) not to exceed \$720,000 Downtown Overhead Utility Burial Project Bond Anticipation Notes (Second Renewal); (2) not to exceed \$910,000 4th and Main Roundabout Project Bond Anticipation Notes (Second Renewal); (3) not to exceed \$1,650,000 Road and Bridge Improvement Bond Anticipation Notes (Second Renewal); and (4) not to exceed \$850,000 Ice Rink Roof Replacement Bond Anticipation Notes (Second Renewal); (5) not to exceed \$2,540,000 Tamarack 40th Street Upgrade Stormwater Improvement Bond Anticipation Notes (Fourth Renewal); and (6) not to exceed \$3,110,000 Water System Improvement Bond Anticipation Notes (Fourth Renewal); and

WHEREAS, this Council desires to consolidate the six issues of Notes into a single bond anticipation note issue to achieve certain cost savings;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City"), County of Licking, Ohio, two-thirds of the members elected thereto concurring:

SECTION 1. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code (the "Revised Code"), the six separate issues of Note shall be consolidated into a single issue, which shall be known as "Various Purpose General Obligation Bond Anticipation Notes, Series 2023" (the "2023 Notes").

SECTION 2. That the 2023 Notes shall be issued in said principal sum of not to exceed \$9,780,000 for the above-described purposes under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Revised Code. The provisions of the Note Ordinances are incorporated herein by reference. The 2023 Notes shall be issued in authorized denominations of \$100,000 and integral multiples of \$1,000 in excess thereof. The 2023 Notes shall only be resold to sophisticated investors as certified by the original purchaser thereof.

SECTION 3. That the proceeds of the sale of the 2023 Notes shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code, to the respective purposes and funds in accordance with the amounts of each of the issues of Note authorized by the appropriate Note Ordinance.

SECTION 4. The City covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the 2023 Notes under Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"). The City will not directly or indirectly use or permit the use of any proceeds of the 2023 Notes or any other funds of the City, or take or omit to take any action that would cause the 2023 Notes to be "arbitrage bonds" within the meaning of Sections 103(b)(2) and 148 of the Code. To that end, the City will comply with all requirements of Sections 103(b)(2) and 148 of the Code to the extent applicable to the 2023 Notes. In the event that at any time the City is of the opinion that for purposes of this Section 4 it is necessary to restrict or limit the yield on the investment of any moneys, the City shall take such action as may be necessary. The Council of the City, or any other officer having responsibility with respect to the issuance of the 2023 Notes, is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of said 2023 Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder, and to execute and deliver on behalf of the City an IRS Form 8038-G in connection with the issuance of the 2023 Notes.

The Notes are hereby designated or deemed designated "qualified tax-exempt obligations" for the purpose set forth in Section 265(b)(3)(B) of the Code. The City does not anticipate the issuance of more than \$10,000,000 of obligations with such designation, and not otherwise so deemed designated, this calendar year.

SECTION 5. That the Clerk of Council is hereby directed to forward a copy of this ordinance and the Note Ordinances to the County Auditor.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. That this Ordinance is declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City, in order to timely proceed with renewal of outstanding notes issued for the planned improvements. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED September ____, 2023

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: September ____, 2023

Date approved by Mayor: September ____, 2023

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

31454303

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. _____.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the County Auditor.

Clerk of Council

Dated: September ____, 2023

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing ordinance.

County Auditor
Licking County, Ohio

Dated: September ____, 2023

31454303

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session at _____ p.m. on the _____ day of September, 2023, at _____, Newark, Ohio with the following members present:

There was presented and read to Council Ordinance No. _____, entitled:

AN ORDINANCE CONSOLIDATING SIX BOND ANTICIPATION NOTE ISSUES OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

_____ moved to suspend the rule requiring each ordinance or resolution to be read on different days. _____ seconded the motion and, the roll being called on the question, the vote resulted as follows:

AYES:

NAYS:

_____ then moved that Ordinance No. _____ be adopted. _____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The Ordinance was declared passed September _____, 2023.

CERTIFICATE

The undersigned, Clerk of Council, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the _____ day of September, 2023, to the extent pertinent to consideration and adoption of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, County of Licking, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$9,780,000 Various Purpose General Obligation Bond Anticipation Notes, Series 2023:

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified Obligation.

Clerk of Council

ORDINANCE NO. 23-40

BY: _____

AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO CERTAIN APPOINTED POSITIONS OF THE CITY OF NEWARK, OHIO REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY

WHEREAS, by virtue of Newark City Charter Article 3.07 the Newark City Council has the authority, by ordinance or resolution to determine and fix the salaries and compensation of municipal employees and elected officials; and,

WHEREAS, it has become necessary to set the annual salary schedule for certain appointed of the City of Newark, Ohio in order to provide for appropriate compensation for services performed; and,

WHEREAS, an emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark; and,

WHEREAS, this matter was addressed by the Personnel Committee at a regularly scheduled meeting thereof which recommended consideration of passage by full Council.

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

SECTION ONE: This legislation affects those individuals and positions as listed in Exhibit A and Exhibit B only and shall include any replacements for those individuals listed, including any new hires.

SECTION TWO: With respect to the employees and positions referred to in Section One, the annual salary table attached hereto and marked Exhibit A and Exhibit B shall apply January 1, 2023 through December 31, 2027 and beyond unless modified or repealed by future legislation.

SECTION THREE: The appointed officials referred to in this ordinance shall be entitled to the same group medical, dental, vision, and other insurance coverage as those employees covered under the Hourly Non-Bargaining Personnel Policy Statement adopted by this Council, which coverage shall be available to any appointee or replacement for the current person(s) occupying such position(s).

SECTION FOUR: The appointing authority shall have the authority to set the salary of any newly hired or promoted employees for any position referred to in Exhibit A or Exhibit B up to ten percent (10%) less than the listed salary and shall have the authority to raise that salary up

to the listed salary at any time and shall have the authority to grant an additional increase of two percent (2%) annually with a maximum increase of sixteen percent (16%) above the listed salary to any employee listed in Exhibit A or Exhibit B based upon job performance. This additional increase can only be revoked or reduced due to disciplinary action and can only be reduced to the listed salary as attached.

SECTION FIVE: An emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein so as to meet establish budget process deadlines and to preserve the public health, safety, and welfare of the City of Newark, Ohio and this ordinance shall become effective immediately upon adoption by Council and approval of the Mayor pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED this _____ day _____, 2023.

President of Council

ATTEST: _____
Clerk of Council

Date filed with Mayor: _____

Date approved by Mayor: _____

Mayor

Approved as to form: _____
Tricia M. Moore
Director of Law

2023 - 2025 Wage Scale Appointed Officials

Position	2023	2024	2025	2026	2027
Director of Public Service	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71
Director of Public Safety	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71
Director of Human Resources	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71
Director of Development	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00
Deputy Auditor	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71

2023 - 2025 Wage Scale Appointed Officials

Position	2023	2024	2025	2026	2027	2028
Director of Public Service	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71	
Director of Public Safety	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71	
Director of Human Resources	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71	
Director of Development	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71	
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00	
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00	
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00	
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00	
Asst Law Director	\$69,438.50	\$75,838.50	\$78,872.04	\$82,026.92	\$85,308.00	
Deputy Auditor	\$82,241.06	\$87,997.93	\$91,517.85	\$95,178.57	\$98,985.71	
Mayor	\$90,294.36	\$130,915.36	\$136,151.97	\$141,598.05	\$147,261.97	
Director of Law	\$100,450.14	\$107,481.65	\$111,780.92	\$116,252.15	\$120,902.24	
Auditor	\$84,316.39	\$111,694.90	\$116,162.69	\$120,809.20	\$125,641.57	
Treasurer	\$15,770.71	\$15,770.10	\$16,874.01	\$17,548.97	\$18,250.93	\$18,980.

ORDINANCE NO. 23-41

BY: _____

AN ORDINANCE SETTING COMPENSATION WITH RESPECT TO CERTAIN ELECTED OFFICIALS OF THE CITY OF NEWARK, OHIO AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith AND DECLARING AN EMERGENCY

WHEREAS, by virtue of Newark City Charter Article 3.07 the Newark City Council has the authority, by ordinance or resolution to determine and fix the salaries and compensation of municipal employees and elected officials; and,

WHEREAS, salaries and compensation for elected officials must be set before the commencement of their elected term of office; and,

WHEREAS, an emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark; and,

WHEREAS, this matter was addressed by the Personnel Committee at a regularly scheduled meeting thereof which recommended consideration of passage by full Council.

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

SECTION ONE: Effective January 1, 2024, the elected Mayor, Auditor, and Director of Law shall be entitled to and shall be paid an annual salary and other compensation in accordance with the attached schedule which compensation shall be applicable to any appointee or replacement for the current person(s) occupying such position(s).

SECTION TWO: Effective January 1, 2025, the elected Treasurer shall be entitled to and shall be paid an annual salary and other compensation in accordance with the attached schedule which compensation shall be applicable to any appointee or replacement for the current person(s) occupying such position(s).

SECTION THREE: The elected Mayor, Director of Law, and Auditor shall be entitled to the same group medical insurance coverage as those employees covered under the Hourly Non-Bargaining Unit Employees Policy adopted by this Council, which coverage shall be available to any appointee or replacement for the current person(s) occupying such position(s).

SECTION FOUR: An emergency is hereby declared to exist due to the fact that it is

immediately necessary to establish the policies and terms herein in order to preserved the public health, safety, and welfare of the citizens of the City of Newark, Ohio and this ordinance shall become effective immediately upon adoption by Council and approval of the Mayor pursuant to article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED this _____ day _____, 2023.

President of Council

ATTEST: _____
Clerk of Council

Date filed with Mayor: _____

Date approved by Mayor: _____

Mayor

Approved as to form: _____
Tricia M. Moore
Director of Law

2023 - 2025 Wage Scale Elected Officials

Position	2023	2024	2025	2026	2027	2028
Mayor	\$90,294.36	\$130,915.36	\$136,151.97	\$141,598.05	\$147,261.97	
Director of Law	\$100,450.14	\$107,481.65	\$111,780.92	\$116,252.15	\$120,902.24	
Auditor	\$84,316.39	\$111,694.90	\$116,162.69	\$120,809.20	\$125,641.57	
Treasurer	\$15,770.71	\$15,770.10	\$16,874.01	\$17,548.97	\$18,250.93	\$18,980.96

BY: _____

AN ORDINANCE AUTHORIZING THE COMPENSATION OF THE THREE CIVIL SERVICE COMMISSIONERS AND SECRETARY OF THE CIVIL SERVICE COMMISSION OF THE CITY OF NEWARK, OHIO.

WHEREAS, the City of Newark is a charter city organized and operated under the City Charter and the laws of the State of Ohio; and

WHEREAS, the Civil Service Commission consists of three appointed Commissioners and a secretary who is a licensed attorney-at-law authorized to practice in the State of Ohio; and

WHEREAS, Section 124.40 of the Ohio Revised Code provides in part that “the expenses and salaries of a municipal Civil Service Commission shall be determined by the legislative authority of the city and a sufficient sum of money shall be appropriated each year to carry out this chapter in the city”; and

WHEREAS, the salaries of said appointees have not been altered since 1985; and

WHEREAS, at a meeting of the Personnel Committee of the Newark City Council conducted on August 7, 2023, the Committee determined upon consideration and review that the current compensation of the appointees to the Newark Civil Service Commission is no longer sufficient.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT:

SECTION 1: Effective January 1, 2024, the appointed members of the Civil Service Commission shall be entitled to and shall be paid in accordance with the attached schedule in which compensation shall be applicable to any appointee or replacement for the current person(s) occupying such position(s).

SECTION 2: All other legislation in conflict herewith is hereby repealed.

SECTION 3: As no emergency exists, this Ordinance shall take effect at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2023.

President of Council

ATTEST: _____
Clerk of Council

DATE FILED WITH THE MAYOR: _____

DATE APPROVED BY THE MAYOR: _____

Mayor

FORM APPROVED:

Tricia M. Moore
Director of Law

Pattern Based Compensation Costs

Role	Year	Month	12	Annual
Member/Chair	2024	\$250.00		\$3,000.00
	2025	\$300.00		\$3,600.00
Secretary	2024	\$600.00		\$7,200.00
	2025	\$650.00		\$7,800.00
Member	2024	\$250.00		\$3,000.00
	2025	\$300.00		\$3,600.00
Member	2024	\$250.00		\$3,000.00
	2025	\$300.00		\$3,600.00
		3 year cost		<u>\$34,800.00</u>

BY: _____

AN ORDINANCE AUTHORIZING THE PAYMENT OF A RATIFICATION BONUS TO FULL-TIME HOURLY NON-BARGAINING PERSONNEL, MANAGEMENT AND SUPERVISORY EMPLOYEES, AND CHIEFS AND DEPUTY CHIEFS OF THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, this Council previously provided by ordinance that the Hourly Non-Bargaining Personnel, Management and Supervisory employees, and Chiefs and Deputy Chiefs salary rates and wages shall be annually increased in parity with the increase received by employees of the City's bargaining units; and,

WHEREAS, in lieu of retroactivity, the City's bargaining unit contracts, agreed to a one-time ratification bonus; and,

WHEREAS, in parity and for sake of consistency, Council wishes to authorize the payment of a one-time ratification bonus to all full-time Hourly Non-Bargaining Personnel, Management and Supervisory employees, and Chiefs and Deputy Chiefs of the City employed as of September 1, 2023; and,

WHEREAS, the ratification bonus will be determined for each unit of Hourly Non-Bargaining Personnel, Management and Supervisory, and Chiefs and Deputy Chiefs based on salaries for each individual said unit; and,

WHEREAS, this Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety of the citizens of the City of Newark, Ohio to provide for the prompt resolution of the City financial affairs and it shall be in full force and effect immediately upon its passage by Council and execution by the Mayor; and,

WHEREAS, the Personnel Committee of the Newark City Council met on August 7, 2023, and voted to forward the matter to the full Council for its further consideration;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

Section 1: This Council hereby authorizes the payment of a one-time ratification bonus to all full-time Hourly Non-Bargaining Personnel, Management and Supervisory, and Chiefs and Deputy Chiefs of the City employed as of September 1, 2023 commensurate with the salaries of each individual unit as listed in attached Exhibit A.

Section 2: The Council hereby authorizes the City Auditor to take such actions as shall be necessary to implement payment of the ratification bonus to the City's Hourly Non-Bargaining Personnel, Management and Supervisory, and Chiefs and Deputy Chiefs in accordance with this Ordinance.

Section 3: All formal actions of this Council related to this Ordinance and all deliberations of the 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 section 121.22 of the Ohio Revised Code.

Section 4: An emergency is hereby declared to exist due to the fact that it is immediately necessary to provide for the prompt resolution of the City's financial affairs in order to preserve the public health, safety, and welfare of the citizens of the City of Newark. Therefore, this Ordinance shall become effective immediately with Council approval and execution by the Mayor.

Passed this _____ day of _____ 2023.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Ratification Lump Sums

Non-Bargaining and Ad/Techs - \$2,350

Management and Supervisory - \$3,825

Chiefs - \$17,800

Deputy Chiefs – \$11,800

BY: _____

AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO CHIEFS AND DEPUTY CHIEFS OF THE CITY OF NEWARK, OHIO; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, it has become necessary to set the annual salary schedules for the Chiefs and Deputy Chiefs of the City of Newark in order to provide for appropriate compensation for services performed; and,

WHEREAS, by virtue of Article 4.06 of the City Charter, the legislative authority of a city is required, by ordinance or resolution, to determine and fix the salaries and compensation of municipal employees; and,

WHEREAS, an emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark; and,

WHEREAS, the Personnel Committee of the Newark City Council met on August 7, 2023, and voted to forward the matter to the full Council for its further consideration;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

- Section 1: The legislation affects the Police and Fire Chiefs and Deputy Chiefs.
- Section 2: With respect to employees and positions referred to in Section 1, the annual salary table attached hereto and marked Article 9 Wages, shall apply January 1, 2023 through December 31, 2025.
- Section 3: In addition to the compensation set forth in Article 9, those individuals and positions listed as Police and Fire Chiefs and Deputy Chiefs, shall be entitled to the protection and benefits set forth in the Statement of Policy for Chiefs and Deputy Chiefs dated January 1, 2023 through December 31, 2025. A copy of this document shall be attached to the original ordinance and shall be on file with the Clerk of Council for public inspection.
- Section 4: An emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark. Therefore, this Ordinance shall become effective immediately upon Council approval and execution by the Mayor.

Passed this _____ day of _____ 2023.

PRESIDENT OF COUNCIL

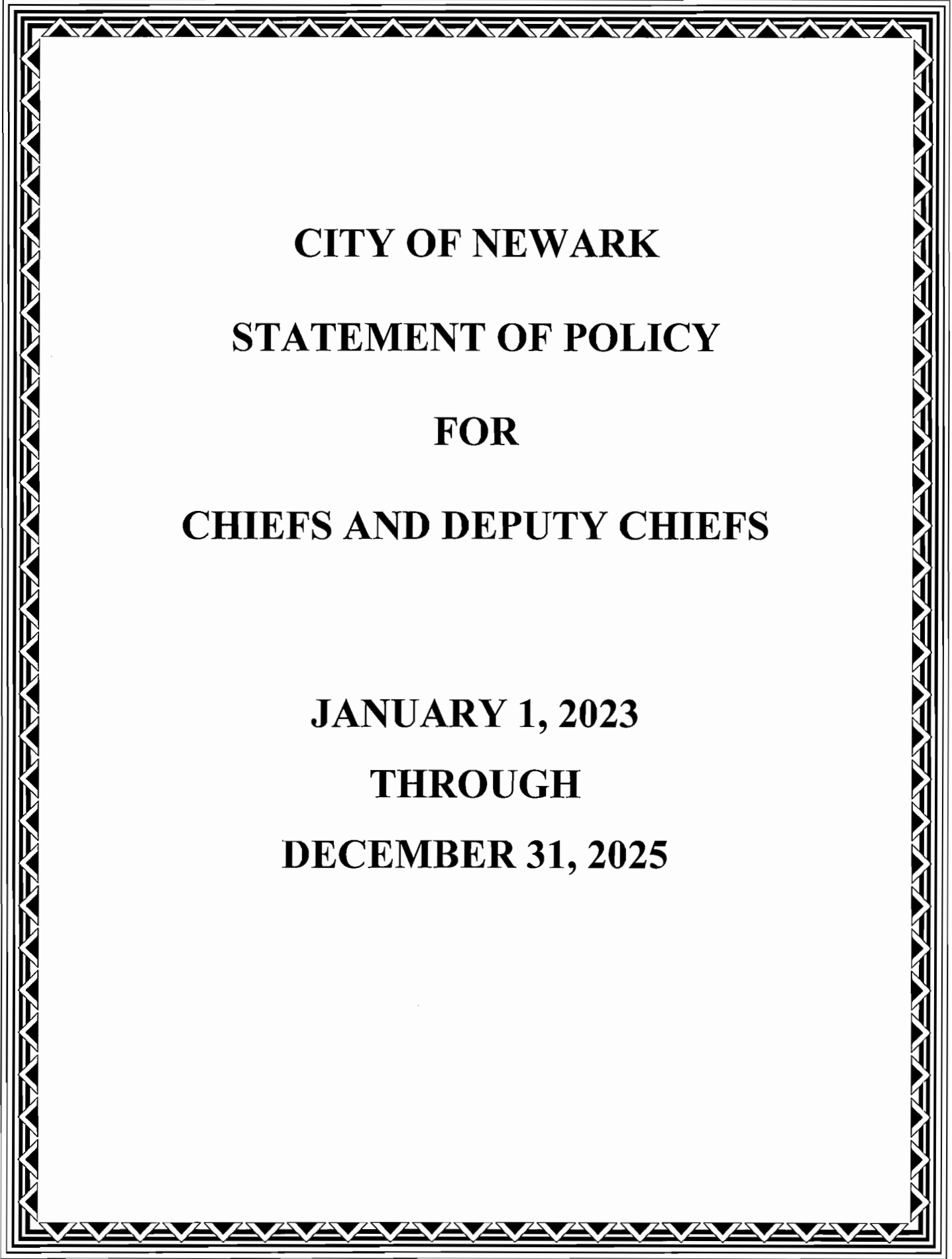
ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW



CITY OF NEWARK
STATEMENT OF POLICY
FOR
CHIEFS AND DEPUTY CHIEFS

JANUARY 1, 2023
THROUGH
DECEMBER 31, 2025

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ARTICLE 1	EQUAL EMPLOYMENT OPPORTUNITY POLICY
------------------	--

Section 1. We conform to all the laws, statutes, and regulations concerning equal employment opportunity and affirmative action. We strongly encourage women, minorities, individuals with disabilities and veterans to apply to all of our job openings. We are an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, sexual orientation, gender identity, or national origin, age, disability status, genetic information and testing, family, and medical leave, protective veteran status, or any other characteristic protected by law. We prohibit retaliation against individuals who bring forth any complaint, orally or in writing, to the employer or the government, or against any individuals who assist or participate in the investigation of any complaint or otherwise oppose discrimination.

Section 2. Specific steps shall be taken by the City to provide full employment opportunities whenever possible and to encourage broad participation of the minority members of our community in the City's employment process.

Section 3. Sexual harassment shall be considered discrimination under this Article. Sexual harassment is defined by state and federal laws, and includes any unwanted sexual attention. Such discrimination shall be governed by applicable local, state, and federal laws. Any form of workplace harassment will not be tolerated and subject to disciplinary action.

Section 4. All reference to employees in the policy designates both sexes, and wherever the male gender is used, it shall be construed to include male and female employees.

ARTICLE 2	PERFORMANCE EVALUATIONS
------------------	--------------------------------

Section 1. **Policy of Performance Evaluations**

The City recognizes the value of evaluation of employees for the following reasons:

- A. Improving the quality of service within City employment;
- B. Improving the competency of employees;
- C. To provide an orderly and uniform employment arrangement between the employees and administrative staff of the City; and
- D. To provide re-employment information to facilitate equitable and objective decisions on employment matters.

Section 2. Evaluation of Employees

In keeping with the City’s recognition of the value of evaluations, it shall be the duty of the Safety Director to properly evaluate, at least annually, the Chiefs and it shall be the duty of the Chiefs to properly evaluate, at least annually, the Deputy Chiefs. Such evaluation shall include a written evaluation form developed by the City. At the conclusion of the Safety Director’s observation and evaluation, a conference maybe held with each Chief to discuss matters arising from said evaluation with the Mayor, Director of Public Safety, and Director of Human Resources. At the conclusion of the Chief’s observation and evaluation, a conference may be held with the Deputy Chief to discuss matters arising from said evaluation with the Chief and Director of Public Safety. A full written record of such evaluations shall be maintained by the City Human Resources Department.

Section 3. Employee’s Signature on Performance Evaluations

Each employee shall be required to sign his evaluation form as evidence that he has been given the opportunity to review his evaluation. The employee shall be given space on the evaluation form for written comments concerning the evaluation. The employee’s signature shall not serve as an indication that the employee agrees with his evaluation.

Section 4. Appeal of Performance Evaluation

Employees disagreeing with their performance evaluation shall have the right to appeal their evaluation to the Mayor or his designee. If the employee disagrees with the Mayor’s or his designee’s decision, the employee may place a statement rebutting the decision in his official personnel file in the Human Resources Department.

ARTICLE 3 TRAVEL ALLOWANCES

Travel allowances shall be reimbursed per City ordinance.

ARTICLE 4 LEGAL HOLIDAYS

Section 1. The Chiefs and Deputy Chiefs shall be paid their regular daily rate for the holidays declared in the following schedule and shall not be required to work on such holidays, unless, in the opinion of the Safety Director, failure to work on any of such holidays would impair the public service.

SCHEDULE OF HOLIDAYS

- | | | |
|-----|------------------------------------|------------------------|
| (1) | January 1 | New Year’s Day |
| (2) | 3 rd Monday in January | Martin Luther King Day |
| (3) | 3 rd Monday in February | President’s Day |
| (4) | Last Monday in May | Memorial Day |
| (5) | June 19 | Juneteenth |

(6)	July 4	Independence Day
(7)	1 ST Monday in September	Labor Day
(8)	November 11	Veteran's Day
(9)	4 th Thursday in November	Thanksgiving Day
(10)	4 th Friday in November	Day after Thanksgiving
(11)	December 24	Christmas Eve
(12)	December 25	Christmas Day
(13)	14 and 15	Three Floating Holidays

Each holiday shall be considered to run from 12:01 a.m. through 11:59 p.m. of the day in question. In addition to the holidays listed herein, City employees shall observe as regular holidays any other day appointed and recommended by the General Assembly of the State of Ohio, the Governor of the State of Ohio, or the President of the United States and approved by or designated by the Mayor.

Section 2. In the event that any of the holidays declared in such schedule falls on a Sunday, the immediately succeeding Monday shall be observed as the holiday. In the event any of such holidays falls on a Saturday, the immediately preceding Friday shall be observed as the holiday.

Section 3. In the event any of such holidays occurs during an employee's authorized vacation period, the holiday shall neither be considered a day of vacation nor subtracted from the employee's accrued vacation account.

Section 4. As provided in Section 1 of this Article, the Chiefs and Deputy Chiefs shall be entitled to three (3) days per calendar year as a floating holiday. The floating holidays shall consist of any three (3) days of the year selected by the individual employee and approved by the Safety Director at least two (2) days prior to the period of absence. Floating holidays must be taken in full day increments.

ARTICLE 5	HOSPITALIZATION AND MEDICAL INSURANCE
------------------	--

Section 1. The employer shall provide group medical insurance coverage for the Chiefs, Deputy Chiefs, and their dependents.

Section 2. Contributions

Employees shall contribute to the monthly premiums for health insurance provided by this Article as follows:

City share of monthly premium	85 %
Employee share of monthly premium	15%
All employees' shares shall be pre-tax contributions.	

The employee's premium contribution (individual, double or family) will be deducted biweekly in twenty-four (24) equal increments.

Section 3. Waive Coverage

An employee who provides satisfactory proof of medical coverage under another employer-sponsored plan or military insurance plan may waive both medical and dental coverage. An employee who waives coverage will receive up to the following maximum:

Waiver of medical insurance:	\$3,000
Waiver of dental insurance:	\$ 150
Waiver of both, medical and dental:	\$3,150

Payments will be made in December of the calendar year coverage is waived. Payments for new hires, termination's, etc., will be prorated.

City employees married to one another or children of City employees that are employed by the City, who waive coverage, but remain on the plan, are not eligible for the waiver stipend.

Section 4. Spousal Coverage

If the spouse of the Chief or Deputy Chief is employed with another employer and is eligible for employer sponsored health coverage, he/she must be enrolled in their own employer sponsored health plan as their primary coverage. The spouse may be enrolled on the City health plan as secondary coverage.

City employees married to one another shall be covered under City double or family coverage. If the spouse cannot obtain coverage through his or her employer until a certain date or open enrollment period, the spouse will be covered under the City's plan until he or she can obtain coverage through his or her employer. The spouse must provide documentation to the City that he or she is eligible for coverage. The employee shall notify the Human Resources Department as soon as possible and complete the required documentation when there is a change with his or hers spouse's health care coverage. Failure to make such notification and complete the required paperwork could result in the loss of coverage for the spouse and will result in all monies owed to the City for the difference in premium to be deducted from the Employees paycheck until the balance is paid in full unless other arrangements have been made. Spouses can remain on the City's plan under secondary coverage.

Section 5. Non-Pay Status

An employee in a non-pay status due to their own health related condition or that of an immediate family member will be required to pay the employee's share of the monthly health insurance premium.

An employee in a non-pay status for reasons other than a health-related condition will be responsible for one hundred percent (100%) of the total monthly health and life insurance premiums calculated in the following manner:

For each forty (40) hours of continuous or combined intermittent non-pay status within a revolving thirty (30) day period:

- 40 – 79 hours = one quarter of the total monthly premium
- 80 – 119 hours = one half of the total monthly premium
- 120 – 159 hours = three quarters of the total monthly premium
- 160 plus hours = one hundred percent of the total monthly premium

Section 6. Life and Dental Insurance

The Chiefs and Deputy Chiefs shall receive at the expense of the City, a fifty thousand-dollar (\$50,000) term life insurance policy containing a double indemnity clause covering accidental death benefits. Up to \$100,000 in voluntary term life insurance will be available to employees who elect such coverage, subject to eligibility requirements of the Plan.

Employees may purchase dental coverage. This is subject to the availability from the insurance carrier. The cost to the employee will be deducted as a pre-tax contribution.

ARTICLE 6	BEREAVEMENT LEAVE
------------------	--------------------------

The Safety Director will grant three (3) working days of paid leave for attending the funeral of an employee’s spouse, parents, brother, sister, half-brother, half-sister, parents-in-law, children, step-parents, legal guardian, grandparents, step-children, foster children, or any relatives living in the same household.

The Safety Director will grant two (2) working days of paid leave for attending the funeral of any employee’s grandparents-in-law, grandchildren, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.

The Safety Director will grant four (4) hours of paid leave for attending the funeral of the employee’s aunt or uncle.

The Employee must notify the Safety Director in advance of the leave and identify the relationship of the deceased. Bereavement leave does not have to be taken in consecutive days.

Bereavement leave in excess of the above stated days shall be approved in advance by the Safety Director, in writing and shall be charged to the employee’s accrued vacation, sick leave, or counted as leave without pay.

Employees will have from the date of death to five (5) days after the funeral to utilize bereavement leave. In the case of a funeral or memorial being held after the period, the employee may request in writing, to the Safety Director, for use of the appropriate amount of leave when the date is known.

ARTICLE 7 RELIGIOUS LEAVE

The Chiefs and Deputy Chiefs may be granted leave without pay to attend religious observances so long as the request is approved by the Safety Director. Religious observances are defined as those special observances (not to include ordinary weekly observances) which morally require an employee’s attendance at his church, synagogue, or other place of worship. Religious observance leave shall be limited to the actual hours necessary to attend the observance.

ARTICLE 8 UNIFORM SERVICE ALLOWANCE

Section 1. The City shall furnish any newly hired Chief or Deputy Chief personal clothing and equipment for their initial year (regardless of month hired) of employment as determined by the Safety Director.

Section 2. The respective uniform allowance for Chief and Deputy Chief is \$1,550.00 annually for the duration of the Policy.

This uniform allowance benefit shall be in the form of a cash payment, divided equally in January and July. The Chiefs and Deputy Chiefs shall follow a quartermaster system if such is in place or some sort of combination as determined by the Safety Director.

ARTICLE 9 WAGES

Section 1. The salary shall be set forth by city Ordinance and become effective on September 1, 2023.

Section 2. ANNUAL WAGES

- Chief 2023 \$125,880.15 2024 \$130,915.36 2025 \$136,151.97
- Deputy Chief 2023 \$111,694.90 2024 \$116,162.69 2025 \$120,809.20

Section 3. City services are not to be extended by employees in exchange for special rewards, gifts or other remuneration from individuals or organizations outside the municipal government.

ARTICLE 10 LEAVE OF ABSENCE

Unpaid disability leave of absence may be granted by the Director of Human Resources upon written application of the employee. Said unpaid disability leave shall not exceed four hundred eighty (480) hours.

Upon return from an unpaid disability leave, the employee shall be placed in the same or similar position held prior to such leave.

The employee's insurance benefits will remain in effect if leave is granted for medical reasons; however, the employee is responsible for payment of any employee contribution within thirty (30) days of the due date. Failure to make timely payments may result in the cancellation of coverage.

ARTICLE 11 FAMILY AND MEDICAL LEAVE

The City shall comply with all Federal laws in regard to the Family and Medical Leave Act (FMLA). Employees may be required in accordance with the FLMA, to substitute all or part of any accrued paid leave time such as sick leave or vacation for all or part of the twelve (12) weeks.

The provisions of this Article shall be uniformly administered throughout the City and it shall be the responsibility of the office of the Director of Human Resources to implement this Article to accomplish such purpose.

ARTICLE 12 LIABILITY INSURANCE FOR CITY EMPLOYEES

The City of Newark agrees to assume financial responsibility for the negligence of its employees in those circumstances where the law imposes liability for that negligence.

ARTICLE 13 PROBATIONARY PERIOD

Any newly appointed Chief or Deputy Chief shall complete a twelve-month probationary period at the discretion of the Director of Public Safety. No appointment or probation is final until the appointee has satisfactorily completed his probationary period.

ARTICLE 14 INJURY LEAVE

Section 1. Any employee who is injured while on duty or has contracted a disease while on duty will be entitled to receive his regular rate of pay for 1040 hours for each injury or disease contracted while on duty. To be eligible, the employee does not have to be off the entire 1040 hours from the date of his injury.

The City's decision to grant or deny injury leave will be made within ten (10) calendar days from the date the completed injury leave request form is submitted by the employee to the Human Resources Department unless the parties do not have sufficient information to render a decision at that time.

If injury leave is granted, then the employee will be placed on injury leave for the time specified by the attending physician. If an employee is not granted injury leave, or if sufficient information does not exist to warrant a determination, the employee may utilize approved sick leave or vacation leave. If injury leave is initially denied and later approved and an employee has utilized sick or other leave, the employee shall have the leave balances restored. If a denied

employee has applied for and been granted/approved for workers' compensation temporary total disability benefits based upon the injury, the employee shall have his leave balances re-credited.

Section 2. To be placed on injury leave and receive the benefits set forth in the article, an employee has the burden of proving that any disease or injury suffered by him/her was incurred in the course of or arising out of his employment with the City. Employees must report any injury to his immediate supervisor immediately upon the occurrence of the injury (or, if physically unable to do so, as soon as the employee is capable). The employee must file a claim with the Bureau of Worker's Compensation (BWC) and said claim must be certified by the BWC. If injury leave is initially granted by the City and at a later time the BWC denies certification of the claim, the injury leave will then be disallowed and all injury leave wages paid during the period of injury leave will be deducted from the employee's sick leave or vacation leave.

Section 3. Injury leave shall be denied the employee where he has either failed to prove his disease or injury is occupationally connected or was incurred in the course and arising out of his employment with the City, has failed to immediately report such injury to his immediate supervisor, or his claim has been denied by the BWC as not being work related. The employee has the burden of proving any disease or injury suffered by him/her was incurred in the course of or arising out of his employment with the City.

Section 4. An employee shall be entitled to credit for service time accumulated during injury leave for benefits where tenure is a factor.

Section 5. An employee otherwise qualified for injury leave or sick leave based on the physician's determination to be capable of performing modified or restricted duties at any time after an injury may be assigned to perform such duties in lieu of being placed on injury leave or Worker's Compensation. An employee who objects to such assignment shall have the right to an examination by a physician appointed and paid for by the Employer, and that physician's determination of the employee's capacity to perform such modified or restricted duties shall be final as to the employee's eligibility for injury leave. Modified duty assignments may be made within the division/department. Any employee released by the attending physician to modified duty will be placed on injury leave if the Department Head determines modified duty within the Department is unavailable.

Section 6. While on injury leave, each employee may be required to furnish a monthly medical report form to the Director of Human Resources regarding the status of said employee's injury.

Section 7. In those circumstances where an employee is absent for more than 1040 hours, the employee may receive payment from the Bureau of Workers' Compensation in accordance with the applicable rules and regulations. Under this provision, the employee will continue to accrue sick leave, vacation time, and tenure for a maximum period of one year subsequent to the injury at a rate of 2/3 the regular rate.

Section 8. Any employee, who has returned to work in a light duty or restricted duty status before the usage of 1040 hours injury leave time, may mark-off due to complications of an old injury on injury leave. Any employee, who has returned to work to full duty status and has not used the 1040 hours injury leave, may mark-off for future medical treatment on the old injury. Leave under this Article shall not extend more than three (3) years from the date of the injury or contracting of the disease.

ARTICLE 15	VACATIONS
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Section 1. Newly appointed Chiefs and Deputy Chiefs with the City of Newark will begin accruing vacation time immediately and can utilize vacation time as earned, not to exceed two-hundred eighty (280) hours of vacation per year.

As of December 31st of each calendar year, employees are limited to a maximum accrual equal to three (3) times their current annual accrual rate. This Section does not prohibit an employee from having more than three (3) years worth of vacation accrual until the December 31st calendar date.

Section 2. Vacation schedules are to be approved by the Director of Public Safety at least twenty-four (24) hours in advance of the requested time off. Consideration for individual employee convenience will be given, but the needs of the City in scheduling workloads will be the controlling factor.

Section 3. Upon termination or separation from employment, any regular full-time employee is entitled to compensation at his current rate of pay for any accrued and outstanding vacation leave.

Section 4. In the case of death of any employee in the accrued and unused vacation leave to which the employee would be entitled, should he have terminated his employment with the City as of the date of his death, shall be paid to employees' bank account(s) via Direct Deposit to be handled by estate in accordance with the appropriate probate laws.

Section 5. No charge shall be made against an employee's accumulated vacation leave for lawful holidays.

Section 6. If an employee is on an approved vacation and a sickness occurs which results in a doctor visit and a doctor's slip is obtained that included a return to work date and duration of incapacitation, the employee may substitute sick leave for approved vacation time.

ARTICLE 16	SICK LEAVE
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Section 1. Crediting of Sick Leave

Sick leave credit shall be earned by the Chiefs and Deputy Chiefs at the rate of 4.6 hours for each eighty (80) hours of service in active pay status, but not during any unpaid leave of absence or layoff. Unused sick leave shall accumulate without limit.

Section 2. Retention of Sick Leave

The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to his credit upon his re-employment in the public service, provided such re-employment takes place within ten (10) years of the date on which the employee was last terminated from public service.

Section 3. Expiration of Sick Leave

If illness or disability continues beyond the time covered by earned sick leave, the employee may be granted an unpaid disability leave or a personal leave in accordance with Article 14.

Section 4. Charging of Sick Leave

Sick leave shall be charged in minimum units of one-quarter (1/4) hours. An employee shall be charged for sick leave only for days upon which he would otherwise have been scheduled to work. Sick leave payment shall not exceed the normal scheduled workday or workweek earnings.

Section 5. Uses of Sick Leave

A. Sick leave shall be granted to an employee upon approval of the Director of Public Safety for the following reasons:

1. Illness or injury of the employee or a member of his immediate family
2. Death of a relative other than a member of the immediate family.
3. Medical, dental, or optical examination or treatment of employee or a member of His immediate family, which requires the employee, and which cannot be scheduled during non-working hours.
4. If a member of the immediate family is afflicted with a contagious disease or requires the care and attendance of the employee, or when, through exposure to a contagious disease, the presence of the employee at his job would jeopardize the

health of others.

5. Pregnancy and/or childbirth and other conditions related thereto.

B. "Immediate Family" means an employee's spouse, parents, step-parents, parents-in-law, legal guardian, children, step-children, foster children, or other relatives who qualify as dependents under the Internal Revenue Code who are living in the same household.

Section 6. Evidence Required for Sick Leave Usage

Employees intentionally failing to comply with sick leave rules and regulations may not be paid for sick leave used. Application for sick leave with intent to defraud will result in disciplinary action including dismissal and refund of sick leave paid. The employer may require an employee to furnish a standard written, signed statement to justify the use of sick leave or may require a certificate stating from a licensed physician to justify the use of sick leave if the employer suspects sick leave abuse, misuse, patterned use, or excessive use. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action including dismissal.

Section 7. Notification by Employee

When an employee is unable to report to work, he shall notify the Director of Public Safety within eight (8) hours prior to the time he is scheduled to report to work to fifteen (15) minutes after the regular shift begins on each day of absence. Failure to inform the director on each occasion, or at agreed intervals in the case of extended illness, may result in a loss of that day's pay. Continued abuse of this Section will give cause for dismissal from service with the City.

Section 9. Physician Statement

If medical attention is required, the employee may be required to furnish a statement from a licensed physician notifying the appropriate administrative officer that the employee was unable to perform his duties. Where sick leave is requested to care for a member of the immediate family, the appropriate administrative officer may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person. A statement given under this section shall not be construed to constitute a waiver of the patient/physician privilege.

Section 10. Physician Examination

The Director of Public Safety or Human Resources may require an employee to take an examination, conducted by a licensed physician, to determine the employee's physical or mental capability to perform the duties of the employee's position. If found not qualified, the employee may be placed on sick leave or disability leave. The cost of such examination shall be paid by the City.

Section 11. Sick Leave to Attend a Funeral

Time off for bereavement or to attend the funeral of a relative other than a member of the immediate family may be granted, but not to exceed the normal time for a funeral and burial within the City; otherwise, the employee must use accrued vacation time, or in the event there is no accrued vacation time then time off may be granted without pay.

Section 12. Sick Leave Prior to Retirement

Sick leave shall not be taken by any employee of any department immediately preceding pension or disability retirement, unless such sick leave is unanimously approved by the office of the Director of Human Resources, Director of Public Safety, and the Mayor as having resulted from disability incurred in the line of duty.

Section 13. Administration of Sick Leave

The provision of this Section shall be uniformly administered through the City, and it shall be the responsibility of the Director of Human Resources to implement this Section to accomplish such purpose.

Section 14. Conversion of Sick Leave at Retirement

The Chiefs and Deputy Chiefs, who are eligible or become eligible to retire, shall be entitled to convert accrued, but unused, sick leave to cash payment on the following basis:

A. The Chiefs and Deputy Chiefs may receive after completion of ten (10) years or more of public service, a cash payment in the amount of one (1) hour's pay for each two (2) hours accrued during their employment with the City of Newark, but unused at their time of retirement from the City of Newark. The maximum payment under this provision shall not exceed \$12,000.

B. The Chiefs and Deputy Chiefs who elect to retire after 25 years or more of public service or who qualifies for a disability retirement may convert unused sick leave to a cash payment on the basis of one (1) hour's pay for two (2) hours of accrued during their employment with the City of Newark, but unused. The maximum payment under this provision shall not exceed \$17,500 or 600 hours at the base hourly rate of pay figured at one-half of 1200 accrued hours, whichever is greater.

Payment under this Section shall be based on the employee's rate of pay at the time of retirement upon confirmation from the Retirement System that the employee is eligible for retirement.

Section 16. Sick Leave Conversion

A Chief or Deputy Chief who has accrued more than 480 hours of sick time may, in November of each year, convert 75% of 120 hours sick leave into vacation or pay at their regular

hourly rate of pay. Said election shall be made by the employee on or before November 15 of each year. Any amounts cashed in shall be added to the employee's normal paycheck. This amount shall be paid the first pay period of December. Once sick time has been converted to vacation hours it shall not be converted back to sick time.

ARTICLE 17	TUITION REIMBURSEMENT
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A Chief or Deputy Chief with one or more year(s) of continuous City service shall be eligible for consideration of an annual tuition reimbursement of no more than thirty-five hundred dollars (\$3,500.00) annually for undergraduate courses taken towards an Associates or Bachelor's degree and forty-five hundred dollars (\$4,500.00) annually for graduate courses taken towards a Masters or other graduate degree. All course of instruction must be pre-approved by the Directors of Public Safety and Human Resources. The tuition reimbursement program shall be subject to the following conditions:

Law Enforcement classes taken pursuant to paragraph "D" and not part of a degree program are limited to one (1) course per year, at a cost not to exceed seven hundred and fifty dollars (\$750.00). These funds are subject to availability. This course is subject to the approval of the Safety Director and operational needs.

- A.** All courses must be taken during other than scheduled working hours. All scheduled hours for courses of instruction must be filed with the Human Resources Director. All courses are subject to the approval of the Human Resources Director. There must be a correlation between the member's duties and responsibilities and the courses taken or the degree program pursued. Any situation which, at the discretion of the Safety Director, would require the Chiefs or Deputy Chiefs presence on the job shall take complete and final precedence over any time scheduled for courses.
- B.** Any financial assistance from any governmental or private agency available to a member, whether or not applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the tuition reimbursement the member is eligible for under this section. If a member's tuition is fully covered by another governmental or private agency, then the member is not entitled to any payment from the City.
- C.** The Chief or Deputy Chief seeking authorization of a tuition reimbursement must first submit to the Human Resources Director for review at least thirty days prior to the beginning of the classes start date, all necessary information pertaining to the proposed course degree to be pursued, the educational institution and the employee's best estimate of courses, cost dates and times.
- D.** Courses must be taken at accredited colleges, universities, technical and business institutes or through their established extension centers, and Law Enforcement Academies or course, which must first be approved by the Human Resources Director. Seminars, conferences, and workshops are not included.

- E. Reimbursement for tuition will be made when the member satisfactorily completes (attains at least a grade of “C” or its equivalent for undergraduate work and a grade of at least “B” or its equivalent for graduate work) a course and presents an official certificate or its equivalent and a receipt of payment or copy of the unpaid bill from the institution confirming completion of the approved course.
- F. Reimbursement for required books, instructional materials, and fees other than penalty fees for any course outlined in paragraph D shall be at 100%. Reimbursement for books and instructional materials which are strongly advised, though not required, shall be at 25%. There shall not be reimbursement for meals, travel expenses, housing, or extra-curricular activities.
- G. Any employee participating in the tuition reimbursement program who resigns (except resignation due to disability), retires (except retirement due to disability) or is discharged for cause must repay the tuition reimbursement paid by the City for courses taken less than two years prior to the date of termination or discharge. If necessary, this amount will be deducted from the employee’s terminal leave pay or final paycheck.

ARTICLE 18	MISCELLANEOUS
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Section 1. Duty Weapon Purchase

Upon the Police Chief’s or Deputy Police Chief’s retirement or disability retirement due to a work-related injury (other than psychological), he shall be permitted to purchase his regular duty weapon for the sum of One Dollar (\$1.00).

Section 2. Fire Helmet Purchase

Upon the Fire Chief’s or Deputy Fire Chief’s retirement or disability retirement due to a work-related injury, he shall be permitted to purchase his fire helmet for the sum of One Dollar (\$1.00).

ARTICLE 19	DRUG AND ALCOHOL TESTING
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Employees shall be subject to the City’s Drug and Alcohol policy, as amended from time to time.

ARTICLE 20	PAYOUT OF SICK LEAVE
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There will be a single payout in accordance to IRS regulations of accumulated sick leave at time of retirement.

- **CITY OF NEWARK EXEMPT CLASSIFICATIONS INCLUDED IN THIS POLICY STATEMENT**

**Chief of the Division of Police
Deputy Chiefs of the Division of Police**

**Chief of the Division of Fire/EMS
Deputy Chief of the Division of Fire/EMS**

BY: _____

AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO MANAGEMENT AND SUPERVISORY PERSONNEL OF THE CITY OF NEWARK, OHIO; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, it has become necessary to set the annual salary schedules for the Management and Supervisory Employees of the City of Newark in order to provide for appropriate compensation for services performed; and,

WHEREAS, by virtue of Article 4.06 of the City Charter, the legislative authority of a city is required, by ordinance or resolution, to determine and fix the salaries and compensation of municipal employees; and,

WHEREAS, the Personnel Committee of the Newark City Council met on August 7, 2023, and voted unanimously to forward the matter to the full Council for its further consideration;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

- Section 1: The legislation affects those individuals and positions as listed in Exhibit A. This legislation also affects replacements for those individuals listed and for new hires and the positions listed.
- Section 2: With respect to employees and positions referred to in Section 1, the annual salary table attached hereto and marked Exhibit "A" shall apply January 1, 2023 through December 31, 2025 and beyond unless modified or repealed by future legislation.
- Section 3: In addition to the compensation set forth in Section 2, those individuals and positions listed as Management and Supervisory Employees, shall be entitled to the protection and benefits set forth in the Statement of Policy for Management and Supervisory Employees dated January 1, 2023 through December 31, 2025. A copy this document shall be attached to the original ordinance and shall be on file with the Clerk of Council for public inspection.
- Section 4: An emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark. Therefore, this Ordinance shall become effective immediately be Council approval and execution by the Mayor.

Passed this _____ day of _____ 2023.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

CITY OF NEWARK

STATEMENT OF POLICY

FOR

**MANAGEMENT AND SUPERVISORY
EXEMPT
PERSONNEL**

JANUARY 1, 2023

THROUGH

DECEMBER 31, 2025

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ARTICLE 1

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Section 1. We conform to all the laws, statutes, and regulations concerning equal employment opportunity and affirmative action. We strongly encourage women, minorities, individuals with disabilities and veterans to apply to all of our job openings. We are an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, sexual orientation, gender identity, or national origin, age, disability status, genetic information and testing, family and medical leave, protective veteran status, or any other characteristic protected by law. We prohibit retaliation against individuals who bring forth any complaint, orally or in writing, to the employer or the government, or against any individuals who assist or participate in the investigation of any complaint or otherwise oppose discrimination.

Section 2. Specific steps shall be taken by the City to provide full employment opportunities whenever possible and to encourage broad participation of the minority members of our community in the City's employment process.

Section 3. Sexual harassment shall be considered discrimination under this Article. Sexual harassment is defined by state and federal laws, and includes any unwanted sexual attention. Such discrimination shall be governed by applicable local, state, and federal laws. Any form of workplace harassment will not be tolerated and subject to disciplinary action.

Section 4. All reference to employees in the policy designates both sexes, and wherever the male gender is used, it shall be construed to include male and female employees.

ARTICLE 2

PERFORMANCE EVALUATIONS

Section 1. Policy of Performance Evaluations

The City recognizes the value of evaluation of employees for the following reasons:

- A. Improving the quality of service within City employment;
- B. Improving the competency of employees;
- C. To provide an orderly and uniform employment arrangement between the employees and administrative staff of the City; and
- D. To provide re-employment information to facilitate equitable and objective decisions on employment matters.

Section 2. Evaluation of Employees

In keeping with the City's recognition of the value of evaluations, it shall be the duty of each supervisor to properly evaluate, at least annually, each employee under his authority. Such evaluation shall include a written evaluation form developed by the City. At the conclusion of the administrator's or supervisor's observation and evaluation, a conference shall be held with each employee to discuss matters arising from said evaluation. A full written record of such evaluations shall be maintained by the City Human Resources Department.

Section 3. Employee’s Signature on Performance Evaluations

Each employee shall be required to sign his evaluation form as evidence that he has been given the opportunity to review his evaluation. The employee shall be given space on the evaluation form for written comments concerning the evaluation. The employee’s signature shall not serve as an indication that the employee is in agreement with his evaluation.

Section 4. Appeal of Performance Evaluation

Employees disagreeing with their performance evaluation shall have the right to appeal their evaluation to the department director or his designee. If the employee disagrees with the department director’s, or his designee’s decision, the employee may place a statement rebutting the decision in his official personnel file in the Human Resources Department.

ARTICLE 3 VACATIONS

Section 1. Each full-time Management and Supervisory employee, whose established workweek is forty (40) hours shall begin accruing vacation time immediately and can utilize vacation time as earned not to exceed the below schedule based on years of service. Each employee shall accumulate vacation hours every two (2) week pay period based on the following scale:

<u>Years of Service</u>	<u>Amount Per Pay Period</u>	<u>Hours per Year</u>
At the beginning of 6 months through the end of the 1st year	3.1	40
Beginning the 2nd year through the end of the 6th year	7.7	200
Beginning the 7th year through the end of the 23th year	9.2	240
Beginning the 24th year and beyond	10.77	280

As of December 31st of each calendar year, employees are limited to a maximum accrual equal to four (4) times their current annual accrual rate. This Section does not prohibit an employee from having more than four (4) years worth of vacation accrual until the December 31st calendar date.

Section 2. Vacation schedules are to be determined by the Department Head. Consideration for individual employee convenience and seniority will be given, but the needs of the City in scheduling workloads will be the controlling factor.

Section 3. Upon termination or separation from employment, any regular full-time employee is entitled to compensation at his current rate of pay for any accrued and outstanding vacation leave still due him.

Section 4. A person employed, other than as an elected official by the City of Newark earning vacation credits currently, is entitled to have his prior service with the state or any political subdivision, thereof, counted as service with the City for the purpose of computing the amount of his vacation leave. The anniversary date of his employment for the purpose of computing the amount of his vacation leave is the anniversary date of such prior service. (See Section 9.44 of the Ohio Revised Code.)

Section 5. In the case of death of a City employee, the accrued and unused vacation leave to which the employee would be entitled, should he have terminated his employment with the City as of the date of his death, shall be paid to employees' bank account(s) via Direct Deposit to be handled by the estate in accordance with the appropriate probate laws.

Section 6. No charge shall be made against an employee's accumulated vacation leave for lawful holidays.

Section 7. If an employee is on an approved vacation and a sickness occurs which results in a doctor visit and a doctor's slip is obtained that included a return to work date and duration of incapacitation, the employee may substitute sick leave for approved vacation time.

ARTICLE 4	HOLIDAYS
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Section 1. All Management and Supervisory employees shall be paid their regular daily rate for the holidays declared in the following schedule and shall not be required to work on such holidays, unless, in the opinion of the employee's responsible administrative authority, failure to work on any of such holidays would impair the public service.

SCHEDULE OF HOLIDAYS

- | | | |
|-----|-----------------------------|-------------------------|
| 1. | January 1 | New Year's Day |
| 2. | Third Monday in January | Martin Luther King Day |
| 3. | Third Monday in February | President's Day |
| 4. | Last Monday in May | Memorial Day |
| 5. | June 19 | Juneteenth |
| 6. | July 4 | Independence Day |
| 7. | First Monday in September | Labor Day |
| 8. | November 11 | Veteran's Day |
| 9. | Fourth Thursday in November | Thanksgiving Day |
| 10. | Fourth Friday in November | Day after Thanksgiving |
| 11. | December 24 | Christmas Eve |
| 12. | December 25 | Christmas Day |
| 13. | 14 and 15 | Three Floating Holidays |

Each holiday shall be considered to run from 12:01 a.m. through 11:59 p.m. of the day in question. In addition to the holidays listed herein, City employees shall observe as regular holidays any other day appointed and recommended by the General Assembly of the State of Ohio, the Governor of the State of Ohio, or the President of the United States and approved by or designated by the Mayor.

Section 2. In the event that any of the holidays declared in such schedule falls on a Sunday, the Monday immediately succeeding shall be observed as the holiday. In the event any of such holidays falls on a Saturday, the Friday immediately preceding shall be observed as the holiday.

Section 3. In the event any of such holidays occurs during an employee's authorized vacation period, the holiday shall neither be considered a day of vacation nor subtracted from the employee's accrued vacation account.

Section 4. As provided in Section 1 of this Article, Management and Supervisory personnel shall be entitled to three (3) days per calendar year as a floating holiday. These floating holidays shall consist of any three (3) days of the year selected by the individual employee and approved by the employee's immediate supervisor on the employees next workday, following the forty-eight (48) hour advance request. Floating holidays must be taken in full day increments.

ARTICLE 5	SICK LEAVE
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Section 1. **Crediting of Sick Leave**

Sick leave credit shall be earned by each Management and Supervisory employee whose salary or wage is paid in full or in part by the City, at the rate of 4.6 hours for each eighty (80) hours of service in active pay status, but not during any unpaid leave of absence or layoff. Unused sick leave shall accumulate without limit.

Section 2. **Retention of Sick Leave**

The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to his credit upon his re-employment in the public service, provided such re-employment takes place within ten (10) years of the date on which the employee was last terminated from public service.

Section 3. **Expiration of Sick Leave**

If illness or disability continues beyond the time covered by earned sick leave, the employee may be granted an unpaid disability leave or a personal leave in accordance with Article 9.

Section 4. Charging of Sick Leave

Sick leave shall be charged in minimum units of one-quarter (1/4) hours. An employee shall be charged for sick leave only for days upon which he would otherwise have been scheduled to work. Sick leave payment shall not exceed the normal scheduled workday or workweek earnings.

Section 5. Uses of Sick Leave

Sick leave shall be granted to an employee upon approval of the responsible administrative officer of the employing unit for the following reasons:

- Illness or injury of the employee or a member of his immediate family
- Death of a relative other than a member of the immediate family
- Medical, dental, or optical examination or treatment of employee or a member of his immediate family, which requires the employee, and which cannot be scheduled during non-working hours.
- If a member of the immediate family is afflicted with a contagious disease or requires the care and attendance of the employee, or when, through exposure to a contagious disease, the presence of the employee at his job would jeopardize the health of others.
- Pregnancy and/or childbirth and other conditions related thereto.

“Immediate Family” means an employee’s spouse, parents, step-parents, parents-in-law, legal guardian, children, stepchildren, foster children or other relatives who qualify as dependents under the Internal Revenue Code who are living in the same house hold.

Section 6. Evidence Required for Sick Leave Usage

The employer may require an employee to furnish a standard written, signed statement to justify the use of sick leave or may require a certificate from a licensed physician to justify the use of sick leave if the employer suspects sick leave abuse, misuse, patterned use, or excessive use. Falsification of either a written, signed statement, or a physician’s certificate shall be grounds for disciplinary action including dismissal.

Section 7. Notification by Employee

When an employee is unable to report to work, he shall notify his department head or other designated person, within the eight (8) hours prior to the time he is scheduled to report to work to fifteen (15) minutes before the regular shift begins on each day of absence. Failure to so inform the department head or his designated representative on each occasion, or at agreed intervals in the case of extended illness, may result in a loss of that day’s pay. Continued abuse of this Section will give cause for dismissal from service with the City.

Section 8. Abuse of Sick Leave

Employees intentionally failing to comply with sick leave rules and regulations may not be paid for sick leave used. Application for sick leave with intent to defraud will result in disciplinary action including dismissal and refund of sick leave paid. Patterned use or excessive use of sick leave may result in discipline.

Section 9. Physician Statement

If medical attention is required, the employee shall be required to furnish a statement from a licensed physician notifying the appropriate administrative officer that the employee was unable to perform his duties. Where sick leave is requested to care for a member of the immediate family, the appropriate administrative officer may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person. A statement given under this section shall not be construed to constitute a waiver of the patient/physician privilege.

Section 10. Physician Examination

The appropriate administrative authority may require an employee to take an examination, conducted by a licensed physician, to determine the employee's physical or mental capability to perform the duties of the employee's position. If found not qualified, the employee may be placed on sick leave or disability leave. The cost of such examination shall be paid by the City.

Section 11. Sick Leave to Attend A Funeral

Time off for bereavement or to attend the funeral of a relative other than a member of the immediate family may be granted, but not to exceed the normal time for a funeral and burial within the City; otherwise, the employee must use accrued overtime or, in the event there is no accrued overtime, then accrued vacation time, or, in the event there is no accrued vacation time, then time off may be granted without pay.

Section 12. Sick Leave Prior to Retirement

Sick leave shall not be taken by any employee of any department immediately preceding pension or disability retirement, unless such sick leave is unanimously approved by the Director of Human Resources and Appointing Authority, as having resulted from disability incurred in the line of duty.

Section 13. Administration of Sick Leave

The provision of this Section shall be uniformly administered through the City, and it shall be the responsibility of the office of the Director of Human Resources to implement this Section to accomplish such purpose.

Section 14. Conversion of Sick Leave at Retirement

Those Management and Supervisory personnel, who are eligible or become eligible to retire, shall be entitled to convert accrued, but unused, sick leave to cash payment on the following basis:

Management and Supervisory personnel may receive after completion of ten (10) years of continuous service with the City, a cash payment in the amount of one (1) hour's pay for each two (2) hours accrued but unused sick leave at the time of retirement. The maximum payment under this provision shall not exceed \$11,000.

Management and Supervisory personnel who elect to retire after 25 years of credit in the retirement system or who qualify for a disability retirement may convert unused sick leave to a cash payment on the basis of one (1) hour's pay for every two (2) hours of accrued, but unused sick leave. The maximum payment under this provision shall not exceed \$15,000 or 600 hours at the base hourly rate of pay figured at ½ of 1200 accrued hours, whichever is greater.

Payment under this Section shall be based on the employee's rate of pay at the time of retirement upon confirmation from the Public Employees Retirement System that the employee is eligible for retirement. This payment will only be made one time.

Section 15. Sick Leave Conversion

Supervisory/Management personnel who have accrued more than 300 hours of sick time may, in October of each year, convert up to 90 hours sick leave into vacation or pay at their regular hourly rate of pay. Said election shall be made by the employee on or before October 15 of each year. Any amounts cashed in shall be added to the employee's normal paycheck. This amount shall be paid the first pay period of November. Once sick time has been converted to vacation hours it shall not be converted back to sick time.

ARTICLE 6	INJURY LEAVE
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Section 1. Any employee who is injured while on duty or has contracted a disease while on duty will be entitled to receive his regular rate of pay for 1040 hours for each injury or disease contracted while on duty. To be eligible, the employee does not have to be off the entire 1040 hours from the date of his injury.

The City's decision to grant or deny injury leave will be made within ten (10) calendar days from the date the completed injury leave request form is submitted by the employee to the Human Resources Department unless the employee and City do not have sufficient information to render a decision at that time.

If injury leave is granted then the employee will be placed on injury leave for the time specified by the attending physician. If an employee is not granted injury leave or if sufficient information does not exist to warrant a determination, the employee may utilize approved sick leave, vacation leave, or compensatory time. If injury leave is initially denied and later approved

and an employee has utilized sick or other leave the employee shall have the leave balances restored. If an employee denied injury leave has applied for and been granted/approved for workers' compensation temporary total disability benefits based upon the injury then the employee shall have his leave balances re-credited.

Section 2. To be placed on injury leave and receive the benefits set forth in the article, an employee has the burden of proving that any disease or injury suffered by him was incurred in the course of or arising out of his employment with the City. Employees must report any injury to his immediate supervisor immediately upon the occurrence of the injury (or, if physically unable to do so, as soon as the employee is capable). The employee must file a claim with the Bureau of Worker's Compensation (BWC) and said claim must be certified by the BWC. If injury leave is initially granted by the City and at a later time BWC denies certification of the claim, the injury leave will then be disallowed and all injury leave wages paid during the period of injury leave will be deducted from the employee's sick leave, vacation leave or compensatory leave balances.

Section 3. Injury leave shall be denied the employee where he has either failed to prove his disease or injury is occupationally connected or was incurred in the course and arising out of his employment with the City, has failed to immediately report such injury to his immediate supervisor, or his claim has been denied by the BWC as not being work related.

Section 4. An employee shall be entitled to credit for service time accumulated during injury leave in determining eligibility for salary step advancement and other benefits where tenure is a factor.

Section 5. Any employee otherwise qualified for injury leave or sick leave based on the physician's determination to be capable of performing modified or restricted duties at any time after an injury may be assigned to perform such duties in lieu of being placed on injury leave or Worker's Compensation. An employee who objects to such assignment shall have the right to an examination by a physician appointed and paid for by the Employer, and that physician's determination of the employee's capacity to perform such modified or restricted duties shall be final as to the employee's eligibility for injury leave. Modified duty assignments may be made within the division/department. Any employee released by the attending physician to modified duty will be placed on injury leave if the Department Head determines modified duty within the Department is unavailable.

Section 6. While on injury leave, each employee may be required to furnish monthly a medical report form to the Director of the Department of Human Resources regarding the status of said employee's injury.

Section 7. In those circumstances where an employee is absent for more than 1040 hours, the employee may receive payment from the Bureau of Workers' Compensation in accordance with the applicable rules and regulations. Under this provision, the employee will continue to accrue sick leave, vacation time and tenure for a maximum period of one year subsequent to the injury at a rate of 2/3 the regular rate.

Section 8. Any employee who has returned to work in a light duty or restricted duty status before the usage of 1040 hours injury leave time may mark-off due to complications of an old injury on injury leave. Any employee, who has returned to work to full duty status and has not used the 1040 hours injury leave, may mark-off for future medical treatment on the old injury. Leave under this Article shall not extend more than three (3) years from the date of the injury or contracting of the disease.

ARTICLE 7 FAMILY AND MEDICAL LEAVE

The City shall comply with all Federal laws in regard to the Family and Medical Leave Act (FMLA). Employees may be required, in accordance with the FMLA, to substitute all or part of any accrued paid leave time such as sick leave or vacation for all or part of the twelve (12) weeks.

The provisions of this Article shall be uniformly administered throughout the City and it shall be the responsibility of the office of the Director of Human Resources to implement this Article to accomplish such purpose.

ARTICLE 8 BEREAVEMENT LEAVE

The Department Head will grant three (3) working days of paid leave for attending the funeral of an employee's spouse, parents, brother, sister, half-brother, half-sister, parents-in-law, legal guardian, children, step-parents, grandparents, step-children, foster children, or any relatives living in the same household.

The Department Head will grant two (2) working days of paid leave for attending the funeral of any employee's grandparents-in-law, grandchildren, brother-in-law, sister-in-law daughter-in-law, and son-in-law.

The Department Head will grant four (4) hours of paid leave for attending the funeral of the employee's aunt or uncle.

The Employee must notify the Department Head in advance of the leave and identify the relationship of the deceased. Bereavement leave does not have to be taken in consecutive days.

Bereavement leave in excess of the above stated days shall be approved in advance by the Department Head, in writing and shall be charged to the employee's accrued vacation, sick leave, or counted as leave without pay.

Employees will have from the date of death to five (5) days after the funeral to utilize bereavement leave. In the case of a funeral or memorial being held after the period, the employee may request in writing, to the immediate supervisor, for use of the appropriate amount of leave when the date is known.

ARTICLE 9	LEAVE OF ABSENCE
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Unpaid personal leave of absence may be granted by the Appointing Authority upon written application by the employee. Said unpaid personal leave shall not exceed one (1) year. It is the employee's responsibility to keep the employer updated as to their current status.

Unpaid disability leave of absence may be granted by the Director of Human Resources upon written application by the employee. Said unpaid disability leave shall not exceed one (1) year.

Upon return from an unpaid disability or unpaid personal leave, the employee shall be placed in the same or similar position held prior to such leave.

The employee's insurance benefits will remain in effect if leave is granted for medical reasons; however, the employee is responsible for payment of any employee contribution within thirty (30) days of the due date. Failure to make timely payments may result in the cancellation of coverage.

ARTICLE 10	MILITARY LEAVE AND BENEFITS
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Section 1. **Military Leave**

- A. Full-time employees who are members of the Ohio National Guard, U.S. Air Force Reserve, U.S. Army Reserve, U.S. Marine Corps Reserve, U.S. Naval Reserve or U.S. Coast Guard Reserve shall be granted military leave of absence with pay when ordered to temporary active duty for period or periods not to exceed twenty-one (21) days, whether or not consecutive, during each calendar year. In the event that the Chief Executive Officer of the State of Ohio, or the Chief Executive Officer of the United States declares that a state of emergency exists, the employee, if ordered to active duty for purpose of that emergency, shall be paid pursuant to this section for a period or periods not to exceed twenty-one (21) days, whether or not consecutive, during each calendar year.
- B. An employee shall be paid his regular salary less whatever amount such employee may receive as military base pay for each scheduled workday such employee is absent during military leave of absence with pay authorized by this section. A military pay voucher will document the military base pay. Such military pay voucher must be submitted by the employee to the Human Resources Department in a timely manner.
- C. Employees who are assigned in a twenty-four (24) hour, seven (7) days a week operation will not have their normally scheduled workdays altered because of military leave.

Section 2. Veteran’s Benefits

Any person, who is restored to his former employment with the City following his return from service with the armed forces of the United States, shall be entitled to the benefits of such employment, other than actual pay for time not worked, in accordance with the Ohio Revised Code.

Section 3. State and Federal Laws

The City will follow and conform to all state and federal laws that pertain to military leave and the rights of the military personnel. In the event that any provision of this Article is contrary to State and/or Federal laws, said laws will take precedence over this Article.

ARTICLE 11 RELIGIOUS LEAVE

Management and Supervisory personnel may be granted leave without pay to attend religious observances so long as the request is granted to by the employee’s Appointing Authority. Religious observances are defined as those special observances (not to include ordinary weekly observances) which morally require an employee’s attendance at his church, synagogue, or other place of worship. Religious observance leave shall be limited to the actual hours necessary to attend the observance.

ARTICLE 12 JURY DUTY

Each employee(s) who is called to and reports for jury duty shall be excused from any regularly scheduled workdays for Municipal, County, State, or Federal jury service.

Each employee so excused shall be compensated at his regular rate of pay less his jury pay for days the employee otherwise would have been scheduled to work for the City of Newark and does not work.

If jury service is for a period of time less than such employee’s regularly scheduled workday, he shall only be excused for that portion of the day required for such service, plus reasonable time for travel and changing clothes.

Each employee(s) shall only be entitled to the benefits herein if he gives five (5) days prior notice of such jury call and presents proper evidence of the jury duty performed to the responsible administrative officer of the employing unit.

ARTICLE 13 HEALTH INSURANCE

Section 1. The employer shall provide group medical insurance coverage for each employee and their dependents.

Section 2. The Employer and employees acknowledge the importance of and must engage in mutual efforts to control the cost of health insurance care.

It is further agreed and understood that during the term of the Policy that individual carriers/providers may, through no fault of the City, or employees cease coverage. Should such occur, any employee adversely affected shall be given the opportunity to enroll with an alternative carrier with the appropriate premium rates subject to the premium rate applied herein or to waive coverage and receive an appropriate pro-rata amount of the waiver of coverage payment.

Section 3. Contributions

Employees shall contribute to the monthly premiums for health insurance provided by this Article as follows:

City share of monthly premium	85 %
Employee share of monthly premium	15 %
All employees' shares shall be pre-tax contributions.	

The employee's premium contribution (individual, double or family) will be deducted biweekly in twenty-four (24) equal increments.

Section 4. Waive Coverage

An employee who provides satisfactory proof of medical coverage under another employer-sponsored or military plan may waive both medical and dental coverage. An employee who waives coverage will receive for the calendar year a maximum of the following:

Waiver of medical only:	\$3,000
Waiver of dental only:	\$ 150
Waiver of both medical and dental:	\$3,150

Payments will be made in December of the calendar year coverage is waived. Payments for new hires, termination's, etc., will be prorated.

City employees married to one another or children of City employees that are employed by the City, who waived coverage, but remain on the plan are not eligible for the waiver stipend.

Section 5. Employees, as hereinafter defined, who are sixty-five (65) years of age and over, shall receive Medicare coverage, paid for by the City, as a benefit.

Section 6. As used in this Article "employees" means those individuals whose job titles and classifications are subject to the provisions of this Policy.

Section 7. Spousal Coverage

If the spouse of a City employee is employed with another employer and is eligible for employer sponsored health coverage, he must be enrolled in their own employer sponsored health plan as their primary coverage. The spouse may be enrolled on the City's health plan as secondary coverage.

City employees married to one another shall be covered under City double or family coverage. If the spouse cannot obtain coverage through his or her employer until a certain date or open enrollment period, the spouse will be covered under the City's plan until he or she can obtain coverage through his or her employer. The spouse must provide documentation to the City that he or she is eligible for coverage. The employee shall notify the Human Resources Department as soon as possible and complete the required documentation when there is a change with his or hers spouse's health care coverage. Failure to make such notification and complete the required paperwork could result in the loss of coverage for the spouse and will result in all monies owed to the City for the difference in premium to be deducted from the employee's paycheck until the balance is paid in full unless other arrangements have been made. Spouses can remain on the City's plan under secondary coverage.

Section 8. Non-Pay Status

An employee in a non-pay status due to their own health related condition or that of an immediate family member will be required to pay the employee's share of the monthly health insurance premium.

An employee in a non-pay status for reasons other than a health-related condition, will be responsible for one hundred percent (100%) of the total monthly health and life insurance premiums calculated in the following manner:

For each forty (40) hours of continuous or combined intermittent non-pay status within a revolving thirty (30) day period:

40 - 79 hours	=	one quarter of the total monthly premium
80 - 119 hours	=	one half of the total monthly premium
120 - 159 hours	=	three quarters of the total monthly premium
160 plus hours	=	one hundred percent of the total monthly premium

Section 9 Life and Dental Insurance

Each Management and Supervisory employee shall receive at the expense of the City, a fifty thousand-dollar (\$50,000) term life insurance policy containing a double indemnity clause covering accidental death benefits. Up to \$100,000 in voluntary term life insurance will be available to employees who elect such coverage, subject to eligibility requirements of the Plan.

Employees may purchase dental coverage. This is subject to the availability from the insurance carrier. The cost to the employee will be deducted as a pre-tax contribution.

ARTICLE 14 TRAVEL ALLOWANCES

Section 1. As used in this section, "proper authority" means prior permission obtained from the Mayor, in writing, and certification by the City Auditor of the availability of funds on a purchase order indicating the actual and/or anticipated expenses.

Section 2. With proper authority, municipal officials and employees may attend conferences, conventions, and other activities in the conduct of official business and in the best interests of the City, and be reimbursed for certain expenses incident thereto.

Section 3. The City shall pay for transportation, parking fees, lodging, meals, and registration and banquet fees in connection with conventions and conferences. Reimbursement shall not be made for such items as valet service, personal telephone calls, intoxicating beverages, entertaining other guests, and so forth.

The following rates are hereby established for reimbursable expenses:

- Mileage of privately-owned vehicle--current IRS rate.
- Payment will be per City Ordinance.

Each employee shall submit receipts for payment. Any costs, which are determined to be unreasonable, shall be returned to the employee for clarification and/or correction.

Section 4. Paid bills or receipts shall be submitted for reimbursement for hotels, parking, banquets, conference meals, registration fees, and, as far as practical, for other reimbursable expenses.

Section 5. The City shall make advance payments as follows:

- A. One hundred percent (100%) of the total of factually demonstrable cost (i.e., registration, commercial transportation costs, and so forth); and
- B. One hundred percent (100%) of the total estimated, anticipated costs. If not used or documented by receipts, excess shall be returned to the City.

Section 6. In the event an employee is requested and authorized in advance to use his privately-owned vehicle for City business, compensation shall be reimbursed for such usage at the rate set by the IRS. In the event of the use of a privately-owned vehicle for City business, the City shall in addition to the mileage fee set forth herein, pay parking fees for any receipted parking expenses.

Section 7. No employee within the City of Newark will be required to utilize his private vehicles for any required department business.

Section 8. The City will determine which employees can take vehicles home and in no event shall employees use a City vehicle for any personal business whatsoever.

ARTICLE 15	EMPLOYEES ENGAGING IN OTHER WORK DURING WORKING HOURS WHILE IN THE EMPLOY OF THE CITY
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Any employee of the City shall be guilty of misconduct in office and subject to dismissal from service if such employee engages in any business work or contracts for work, for hire or for reward, during working hours, while in the employ of the City and receiving compensation from the City. This section shall not apply to any employee who may engage in any work, which is in the furtherance of the national defense program of the United States, provided that such federal defense work in no way conflicts with his regular duties as an employee while on vacation.

ARTICLE 16	[Reserved]
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ARTICLE 17	[Reserved]
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ARTICLE 18	UNIFORM SERVICE ALLOWANCE
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Section 1. The City shall provide, at its expense, a uniform rental, jacket rental, and laundry service for employees in the following position, the number of uniforms and jackets to be provided the position are as indicated:

	# UNIFORMS	# JACKETS
Cemetery/Parks Superintendent	11	3
Cemetery/Parks Asst. Superintendent	11	3
Cemetery/Parks Operations Manager	11	3
Street Maintenance Superintendent	11	3
Street Maintenance Asst. Superintendent	11	3
Street Maintenance Operations Manager	11	3
Water Facilities Manager	11	3
Water Facilities Asst. Manager	11	3
Wastewater Facilities Manager	11	3
Wastewater Facilities Asst. Manager	11	3
Utilities Maintenance Manager	11	3
Utilities Maintenance Asst. Manager	11	3
Utilities Operations Supervisor (WD & SM)	11	3
Chemist	11	3
Construction Services Manager	11	3
Utilities Engineer	11	3
Property Maintenance Code Official	11	3

Section 2. All items of required uniforms paid for by the City shall remain the property of the City. Such items of required uniforms shall be returned to the City when an employee is no longer employed. The Director of Public Service shall establish, by written

policy, the required uniform, the method of acquisition, and a system of inspection to ensure that all employees are properly uniformed.

Section 3. Foul weather gear will be provided to employees at the discretion of their respective division head.

Section 4. For those employees required by the Appointing Authority and/or Supervisor to wear safety shoes the City will provide up to \$125.00 reimbursement per year for safety shoes/boots. The supervisor will determine and approve the type of safety shoes required.

ARTICLE 19	WAGES
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Section 1. The salary rate (plus authorized reimbursement for automobile expense, uniforms, official travel, and living quarter's allowance) and any special provisions outlined in this Policy shall be the total remuneration for any employee. Except as herein provided, no employee shall receive pay from the City in addition to that authorized under the Base Wage and Salary Table, as the same is established from time to time by Council, for services rendered by him, either in the discharge of his duties or any additional duties which may be imposed upon him or which he may undertake or volunteer to perform. (See Appendix for Base Wage and Salary Table).

Section 2. City services are not to be extended by employees in exchange for special rewards, gifts or other remuneration from individuals or organizations outside the municipal government.

Section 3. Effective September 1, 2023 all Management and Supervisory employees will be paid in accordance with the Base Wage and Salary Table attached as Appendix B.

Section 4. Employees will receive a 7% wage increase effective September 1, 2023 and an additional 4% wage increase January 1, 2024, and a 4% wage increase on January 1, 2025.

The Appointing Authority shall have the authority to set the salary of newly hired or promoted employees for any position covered under this policy up to 10% less than the listed salary and shall have the authority to raise that salary up to and including the listed salary at any time. The Appointing Authority shall have the authority to grant an additional increase of 2% annually with a maximum of 16% above the listed salary to any employee covered in this policy based on job performance. This additional increase can only be revoked due to disciplinary action and can only be reduced to the listed salary.

ARTICLE 20	LIABILITY INSURANCE FOR CITY EMPLOYEES
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The City of Newark agrees to assume financial responsibility for the negligence of its employees in those circumstances where the law imposes liability for that negligence.

The City of Newark shall agree to assume financial responsibility for any monetary losses due to circumstances other than theft, caused by and Management and Supervisory employees who handle cash receipts or disbursements for the City. Said losses shall not be the financial responsibility of the individual employee. Employees may however be disciplined pursuant to Article 2 of this policy, up to and including discharge, for failing to follow proper procedures, policies or work rules related to the receipt and disbursement of funds.

ARTICLE 21 PROBATIONARY PERIOD

Section 1. Probationary Period/New Employee

Every newly hired full-time Management and Supervisory employee will be required to successfully complete a probationary period. The new hire probationary period shall begin on the first day for which the employee receives compensation from the City of Newark and shall continue for a period of one hundred twenty (120) calendar days. In the event a newly hired employee is unable to successfully complete the probationary period, he will be terminated from employment with the City of Newark.

Section 2. Probationary Period/Promotion

A newly promoted employee shall serve a probationary period of sixty (60) calendar days. In the event a newly promoted employee is unable to successfully complete the probationary period, he shall be returned to his previous position at his previous salary.

Section 3. Evaluations during Probation Period

Each newly hired or newly promoted employee shall receive a performance evaluation following the completion of the first half of his probationary period as established herein. The employee shall receive a subsequent performance evaluation prior to the completion of his probationary period.

Section 4. Newly hired employees shall have no right to appeal probationary removals.

ARTICLE 22 DISCIPLINARY PROCEDURES

All classified employees covered by this Policy shall have the protection set forth in Chapter 124 of the Ohio Revised Code.

ARTICLE 23 DRUG AND ALCOHOL TESTING

Employees shall be subject to the City's Drug and Alcohol policy, as amended from time to time.

ARTICLE 24	TUITION REIMBURSEMENT
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All full-time employees with one or more years of continuous action service shall be eligible for consideration of a reimbursement of no more than thirty-five hundred dollars (\$3,500.00) annually for undergraduate courses taken towards an Associates or Bachelor's degree and forty-five hundred dollars (\$4,500.00) annually for graduate courses taken towards a Masters or other graduate degree. All course instruction must be pre-approved by the Appointing Authority and the Human Resources Director and voluntarily undertaken by the employee. The annual aggregate liability to the City for the entire Supervisory/Management and Administrative Technical personnel will not exceed twenty-five thousand dollars (\$25,000) per calendar year.

The tuition reimbursement program shall be subject to the following conditions:

- A.** All courses must be taken during other than scheduled working hours. All scheduled hours for courses of instruction must be filed with the Human Resources Director. All courses are subject to the approval of the Human Resources Director. There must be a correlation between the member's duties and responsibilities and the courses taken or the degree program pursued. Any situation which, in the discretion of the Division Head, would require a member's presence on the job shall take complete a final precedence over any time scheduled for courses.
- B.** Any financial assistance from any governmental or private agency available to an employee, whether or not applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the tuition reimbursement the member is eligible for under this section. If a member's tuition is fully covered by another governmental or private agency, then the member is not entitled to any payment from the City.
- C.** Employees seeking authorization of a tuition reimbursement must first submit to the Human Resources Director for review at least thirty (30) days prior to the beginning of the classes start date. All necessary information pertaining to the proposed course degree to be pursued, the educational institution, and the employee's best estimate of courses, cost, dates, and times.
- D.** Courses must be taken through accredited colleges, universities, technical and business institutes or through their established extension centers and these must first be approved by the Human Resources Director. Seminars, conferences, and workshops are not included.
- E.** Reimbursement for tuition will be made when the member satisfactorily completes (attains at least a grade of "C" or its equivalent for undergraduate work and a grade of at least "B" or its equivalent for graduate work) a course and presents an official certificate or its equivalent and a receipt of payment or copy of the unpaid bill from the institution confirming completion of the approved course.

- F. Reimbursement for required books, instructional materials, and fees other than penalty fees for any course outlined in paragraph D shall be at 100%. Reimbursement for books and instructional materials that are strongly advised, though not required, shall be at 25%. There shall be no reimbursement for meals, travel expenses, housing, or extra-curricular activities. Any reimbursement under this section counts towards aggregate amounts allowed in Section 1.
- G. Any employee participating in the tuition reimbursement program who resigns (except resignation due to disability), retires (except retirement due to disability) or is discharged for cause must repay the tuition reimbursement paid by the City for courses taken less than two years prior to the date of termination or discharge. If necessary, this amount will be deducted from the employee's terminal leave pay or final paycheck.

ARTICLE 25	PAYOUT OF VACATION, SICK LEAVE AND COMPENSATORY TIME
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Management and Supervisory personnel, at the time of retirement, may opt to have accumulated compensatory time, vacation time and sick leave sell back paid out in a deferred payment option. Prior to the date the employee is set to retire, the employee will notify the employer of a desire to take a deferred payment option as allowed under this article of the contract. The employee taking such option shall receive one-half the value of the total payout at the first pay period after retirement. The second payment of one-half the total value of the payout, shall be paid the first pay in January of the year following the date of retirement. The City shall provide the employee a W-2 for the second installment of the payout and shall withhold the proper taxes for the second payout payment. This payout is at the option of the employee. Nothing in this article shall be construed as preventing an employee from taking the payout in a single payment.

There will be a single payout in accordance to IRS regulations of accumulated sick leave at time of retirement.

APPENDIX A: CITY OF NEWARK MANAGEMENT AND SUPERVISORY CLASSIFICATIONS

ADULT PROBATION DEPARTMENT

Adult Probation Director
Senior Probation Officer

AUDITOR'S DEPARTMENT

Accounting Manager

CEMETERY/PARKS DIVISION

Superintendent
Asst. Superintendent
Operations Manager

ENGINEERING DIVISION

City Engineer
Development Engineer
Senior Engineer
Storm Water Coordinator
Street and Traffic Engineer

HUMAN RESOURCES DEPARTMENT

Assistant Director of Human Resources

INCOME TAX/TREASURER DEPARTMENT

Income Tax Administrator
Tax Office Manager

LAW DIRECTOR DEPARTMENT

Special Services Coordinator

Mayor's Department

Administrative Assistant

SAFETY DEPARTMENT

Property Code Official
Property Maintenance Official/Rehab Specialist Supervisor

STREET MAINTENANCE

Superintendent
Assistant Superintendent
Street Control Operations Manager

WASTEWATER TREATMENT PLANT AND ENVIRONMENTAL LAB DIVISION

Wastewater Facilities Manager
Wastewater Facilities Assistant Manager
Chemist

WATER TREATMENT PLANT DIVISION

Water Facilities Manager
Water Facilities Assistant Manager

WATER DISTRIBUTION/SANITARY SEWER DIVISION

Utilities Maintenance Manager
Utilities Maintenance Assistant Manager
Utility Operations Supervisor

WATER OFFICE DIVISION

Business Manager

WATER ADMINISTRATION DIVISION

Water Administrator

Project Manager

Construction Services Manager

Utilities Engineer

APPENDIX B: MANAGEMENT AND SUPERVISORY WAGE TABLES

DEPARTMENT	JOB TITLE	2023 (7%)	2024 (4%)	2025 (4%)	2023 (7%)	2024 (4%)	2025 (4%)
ADULT PROBATION	Adult Probation Director	35,9333	37,3707	38,8855	74,741.33	77,730.98	80,840.22
	Senior Probation Officer	30,5570	31,7793	33,0505	63,558.56	66,100.90	68,744.94
AUDITOR	Accounting Manager	38,1808	37,6385	39,1440	75,276.84	78,288.01	81,419.53
CEMETERY/PARKS	Superintendent	38,8561	40,4104	42,0288	80,820.74	84,053.57	87,415.72
	Assistant Superintendent	33,2021	34,5302	35,9114	69,060.37	71,822.78	74,695.69
	Operations Manager	28,6435	29,7892	30,9808	59,578.42	61,981.56	64,440.02
ENGINEER	City Engineer	61,2566	63,7088	66,2551	127,413.69	132,510.24	137,810.65
	Senior Engineer	49,6311	51,8164	53,8810	103,232.78	107,382.07	111,656.55
	Street and Traffic Engineer	48,3177	50,2504	52,2605	100,500.90	104,520.93	108,701.77
	Development Engineer	48,3178	50,2505	52,2605	100,500.97	104,521.01	108,701.85
ENVIRONMENTAL LAB	Chemist	38,7244	40,2734	41,8843	80,546.73	83,788.60	87,119.34
HUMAN RESOURCES	Assistant Director of Human Resources	33,4781	34,8172	36,2099	69,634.42	72,419.80	75,316.59
INCOME TAX	Income Tax Administrator	41,6329	43,2882	45,0302	86,596.48	90,060.34	93,662.75
	Tax Office Manager	32,1265	33,4116	34,7481	66,823.19	69,496.12	72,275.97
LAW DIRECTOR	Special Service Coordinator	29,7297	30,9189	32,1557	61,837.87	64,311.39	66,883.84
MAYOR	Administrative Assistant	30,5993	31,8233	33,0962	63,646.60	66,192.47	68,840.17
POLICE	Communications Supervisor	33,7788	35,1299	36,5351	70,259.84	73,070.23	75,993.04
SAFETY	Property Code Official	31,9587	33,2371	34,5666	66,474.16	69,133.13	71,898.45
	Property Maintenance Official/Rehab Specialist Supervisor	35,1589	36,5632	38,0257	73,126.41	76,051.46	79,093.52
STREET MAINTENANCE	Superintendent	42,2802	43,9506	45,7087	87,901.26	91,417.31	95,074.00
	Assistant Superintendent	38,3177	40,8904	42,5260	81,780.85	85,052.08	88,454.17
	Street/Traffic Control Operations Manager	28,5793	29,7225	30,9114	59,445.02	61,822.82	64,295.74
STORM WATER	Storm Water Coordinator	42,5408	44,2424	46,0121	88,484.87	92,024.27	95,705.24
WASTEWATER TREATMENT PLANT	Wastewater Facilities Manager	43,6782	45,4253	47,2423	90,850.61	94,484.64	98,264.02
	Wastewater Facilities Assistant Manager	39,3177	40,8904	42,5260	81,780.85	85,052.08	88,454.17
WATER ADMINISTRATION	Water Administrator	56,6389	58,8045	61,2606	117,808.93	122,521.28	127,422.14
	Project Manager	49,6311	51,8164	53,8810	103,232.74	107,382.05	111,656.53
	Business Manager	39,7106	41,2990	42,9510	82,598.02	85,901.94	89,338.02
	Utilities Engineer	54,0145	56,1750	58,4220	112,350.07	116,844.07	121,517.83
	Construction Services Manager	35,3100	36,7224	38,1913	73,444.80	76,382.59	79,437.90
WATER DISTRIBUTION/SEWER MAINTENANCE	Utilities Maintenance Manager	42,0005	43,6805	45,4278	87,381.06	90,855.51	94,489.73
	Utilities Maintenance Assistant Manager	37,7238	39,2328	40,8021	76,465.52	81,604.14	84,868.30
	Utility Operations Supervisor	35,3100	36,7224	38,1913	73,444.87	76,382.67	79,437.97
WATER TREATMENT PLANT	Water Facilities Manager	42,9591	44,6878	46,4753	89,375.67	92,950.70	96,668.72
	Water Facilities Assistant Manager	38,6091	40,1535	41,7586	80,306.98	83,519.26	86,860.03

BY: _____

AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO HOURLY NON-BARGAINING EMPLOYEES OF THE CITY OF NEWARK, OHIO; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, it has become necessary to set the annual salary schedules for the Hourly Non-Bargaining employees of the City of Newark in order to provide for appropriate compensation for services performed; and,

WHEREAS, by virtue of Article 4.06 of the City Charter, the legislative authority of a city is required, by ordinance or resolution, to determine and fix the salaries and compensation of municipal employees; and,

WHEREAS, an emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark; and,

WHEREAS, the Personnel Committee of the Newark City Council met on August 7, 2023 and voted unanimously to forward the matter to the full Council for its further consideration;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

- Section 1: The legislation affects those individuals and positions as listed in Exhibit A. This legislation also affects replacements for those individuals listed and for new hires and the positions listed.
- Section 2: With respect to employees and positions referred to in Section 1, the annual salary table attached hereto and marked Exhibit "A" shall apply January 1, 2023 through December 31, 2025 and beyond unless modified or repealed by future legislation.
- Section 3: In addition to the compensation set forth in Section 2, those individuals and positions listed as Hourly Non-Bargaining Personnel, shall be entitled to the protection and benefits set forth in the Statement of Policy for Hourly Non-Bargaining Personnel dated January 1, 2023 through December 31, 2025. A copy of this document shall be attached to the original ordinance and shall be on file with the Clerk of Council for public inspection.
- Section 4: An emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark.

Therefore, this Ordinance shall become effective immediately with Council approval and execution by the Mayor.

Passed this _____ day of _____ 2023.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

CITY OF NEWARK

STATEMENT OF POLICY

FOR

**HOURLY NON-BARGAINING
PERSONNEL**

JANUARY 1, 2023

THROUGH

DECEMBER 31, 2025

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ARTICLE 1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

Section 1. We conform to all the laws, statutes, and regulations concerning equal employment opportunity and affirmative action. We strongly encourage women, minorities, individuals with disabilities and veterans to apply to all of our job openings. We are an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, sexual orientation, gender identity, or national origin, age, disability status, genetic information and testing, family and medical leave, protective veteran status, or any other characteristic protected by law. We prohibit retaliation against individuals who bring forth any complaint, orally or in writing, to the employer or the government, or against any individuals who assist or participate in the investigation of any complaint or otherwise oppose discrimination.

Section 2. Specific steps shall be taken by the City to provide full employment opportunities whenever possible and to encourage broad participation of the minority members of our community in the City’s employment process.

Section 3. Sexual harassment shall be considered discrimination under this Article. Sexual harassment is defined by state and federal laws, and includes any unwanted sexual attention. Such discrimination shall be governed by applicable local, state, and federal laws. Any form of workplace harassment will not be tolerated and subject to disciplinary action.

Section 4. All reference to employees in this Policy designates both sexes, and wherever the male gender is used, it shall be construed to include male and female employees.

ARTICLE 2 DISCIPLINARY ACTION

Section 1. **Procedure for Disciplinary Action**

Disciplinary action shall be for just cause only and may include: (a) verbal warning; (b) written warning; (c) suspension with or without pay; (d) demotion; or (e) discharge from employment. The Employer agrees that progressive corrective action will be followed with respect to minor offenses. The City, however, reserves the right to apply more severe discipline to employees committing major infractions. Major infractions include actions that endanger the health or safety of employees, elected officials, or other persons seeking the services of the City. Major infractions also include actions that, if continued, may cause physical danger to property of the City of Newark, Ohio, employees, or other persons seeking the services of the City, and actions of gross insubordination or intentional gross misconduct.

Section 2. **Reasons/Causes for Discipline**

Incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, absence without leave, or any other failure of good behavior or any other acts of misfeasance, malfeasance, or nonfeasance in office shall be cause for disciplinary action.

Section 3. **Reprimand of Employees**

The City agrees that no employee will be counseled or reprimanded in the presence of other employees or persons seeking the services of the City. Reprimand or discipline of any employee shall take place in the presence of the supervisor making the allegations leading to the reprimand. Formal charges shall be made in writing to the employee by the supervisor involved prior to making a recommendation of discharge or dismissal to the City.

Section 4. **Personnel Records**

There shall be one official personnel file that shall be maintained in the office of the City's Director of Human Resources.

Section 5. **Pre-Disciplinary Review**

Whenever the employer and/or designee determines that there may be just cause for an employee to be suspended, demoted, or discharged, a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct. The employee shall be provided a written notice of the disciplinary charges, including a summary description of the evidence supporting the charges, to be brought against the employee at seventy-two (72) hours in advance of the pre-disciplinary conference. An employee may be suspended from the active performance of regular duties without loss of pay until the pre-disciplinary conference is held on these allegations.

Section 6. **Exceptions/Extensions To time Deadlines**

The time constraint provisions of this Article shall not be applicable when action of a criminal or conspiracy nature warrants extensive investigation or upon mutual consent of the employee and City.

ARTICLE 3	PERFORMANCE EVALUATIONS
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Section 1. **Policy of Performance Evaluations**

The City recognizes the value of evaluation of employees for the following reasons:

- A. Improving the quality of service within City employment;
- B. Improving the competency of employees;
- C. To provide an orderly and uniform employment arrangement between the employees and administrative staff of the City; and
- D. To provide re-employment information to facilitate equitable and objective decisions on employment matters.

Section 2. **Evaluation of Employees**

In keeping with the City's recognition of the value of evaluation, it shall be the duty of each supervisor to properly evaluate, at least annually, each employee under his authority. Such evaluation shall include a written evaluation form developed by the City. At the conclusion of the administrator's or supervisor's observation and evaluation, a conference shall be held with each employee to discuss matters arising from said evaluation. A full written record of such evaluation shall be maintained by the City Human Resources Department.

Section 3. **Employee's Signature on Performance Evaluations**

Each employee shall be required to sign his evaluation form as evidence that he has been given the opportunity to review his evaluation. The employee shall be given space on the evaluation form for written comments concerning the evaluation. The employee's signature shall not serve as an indication that the employee is in agreement with his evaluation. Such a statement shall be contained on the form immediately above the space for the employee's signature.

Section 4. **Appeal of Performance Evaluation**

Employees disagreeing with their performance evaluation shall have the right to appeal their evaluation to the department director or his designee. If the employee disagrees with the department

director's, or his designee's decision, the employee may place a statement rebutting the decision in his official personnel file in the Human Resources Department.

ARTICLE 4	VACATIONS
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Section 1. Schedule of Vacation Leave for Hourly Non-Bargaining Personnel

After one (1) year of employment with the City of Newark, each full-time City employee, whose established work week is forty (40) hours shall have earned eighty (80) hours of vacation due upon attainment of the anniversary of the first (1) year of employment, and thereafter, each employee shall accumulate vacation hours each two (2) week pay period based on the following scale:

<u>Years of Service</u>	<u>Per Pay Period</u>	<u>Year Amount</u>
Beginning the 2nd year through end of the 5 th year	3.1 hours	80 hours
Beginning of 6 th year through end of the 12 th year	4.6 hours	120 hours
Beginning of 13 th year through end of the 18 th year	6.2 hours	160 hours
Beginning the 19 th year through end of the 25 th year	7.7 hours	200 hours
Beginning the 26 th year and beyond	9.2 hours	240 hours

After one (1) year of employment with the City of Newark, each part-time City employee shall have earned and will be due upon attainment of the anniversary of the first (1) year of employment, and annually thereafter, vacation leave on a pro-rated basis based upon their hours in active pay status. No Hourly Non-Bargaining employee may take vacation leave or be compensated therefore under the terms of this Policy, until the employee has completed one (1) year of service with the City of Newark

Section 2. Schedule of Vacation Leave for Administrative Technical Exempt Personnel (grandfathered employees only)

After six (6) months of employment with the City of Newark each full-time Administrative Technical Exempt employee, whose established workweek is forty (40) hours shall have earned and will be due upon attainment of the anniversary of the first six (6) months of employment, forty (40) hours of vacation leave with full pay. Six (6) months of service shall be computed on the basis of the completion of thirteen (13) bi-weekly pay periods.

<u>Years of Service</u>	<u>Amount Per Pay Period</u>	<u>Hours per Year</u>
At the beginning of 6 months through the end of the 1 st year	3.1	40

Beginning the 2 nd year through the end of the 6 th year	4.6	120
Beginning the 7 th year through the end of the 13 th year	6.2	160
Beginning the 14 th year through the end of the 20 th year	7.7	200
Beginning the 21 st year Through the end of the 23 rd year	9.2	240
Beginning the 24 th year and beyond	10.77	280

No Administrative Technical Exempt employee may take vacation leave or be compensated, therefore, under the terms of this policy, until the employee has completed six (6) months of service with the City of Newark.

Section 3. Scheduling of Vacations

As of December 31st of each calendar year, employees are limited to a maximum accrual equal to three (3) times their current annual accrual rate. This Section does not prohibit an employee from having more than three (3) years worth of vacation accrual until the December 31st calendar date.

Except for the use for funeral leave purposes, employees must give at least twenty-four (24) hours advance notice of request to use vacation leave. Vacation schedules are to be determined by the department head. Consideration for individual employee convenience and seniority will be given, but the needs of the City in scheduling workloads will be the controlling factor.

Vacation time may be taken in one-quarter (1/4) hour increments.

Section 3. Payment at Separation

Upon termination or separation from employment, any regular full-time employee is entitled to compensation at his current rate of pay for any accrued and outstanding vacation leave still due him.

Section 4. Minimum Service

A person employed, other than as an elected official, by the City of Newark, earning vacation credits currently, is entitled to have his prior full-time service with the state or any political subdivisions thereof counted as service with the City, for the purpose of computing the amount of his vacation leave. The anniversary date of his employment for the purpose of computing the amount of his vacation leave is the anniversary date of such prior service. (See Section 9.44 of the Ohio Revised Code.)

Section 5. Payment of Vacation Leave at Death

In the case of death of a City employee, the accrued and unused vacation leave to which the employee would be entitled, should he have terminated his employment with the City as of the date of his death, shall be paid to employees' bank account(s) via Direct Deposit to be handled by the estate in accordance with the appropriate probate laws.

Section 6. Holidays during Vacation

No charge shall be made against an employee's accumulated vacation leave for lawful holidays.

Section 7. Sickness during Vacation

If an employee is on an approved vacation and a sickness occurs which results in a doctor visit and a doctor's slip is obtained that included a return to work date and duration of incapacitation, the employee may substitute sick leave for approved vacation time.

ARTICLE 5 DISCRETIONARY LEAVE

Up to the equivalent of two shifts of vacation or compensatory leave may be used without notice (see Article 8, Section 2 and Article 26, Section 6), however a given employee may use such discretionary leave no more than three (3) times per calendar year. Employees who are not at work must provide notice of their intent to use such Discretionary Leave according to the existing sick-leave call off procedure. If such Discretionary Leave is needed while an employee is at work, they must notify their supervisor, or designee, before leaving the work site. The employee must have approval to leave the worksite. No request for such leave shall be unreasonably denied.

ARTICLE 6 HOLIDAYS

Section 1. Holidays Observed

All Hourly Non-Bargaining and Administrative Technical Exempt employees shall be paid their regular daily rate for the holidays declared in the following schedule and shall not be required to work on such holidays, unless, in the opinion of the employee's responsible administrative authority, failure to work on any of such holidays would impair the public service.

SCHEDULE OF HOLIDAYS

- | | |
|--------------------------------|-------------------------|
| 1. January 1 | New Year's Day |
| 2. Third Monday in January | Martin Luther King Day |
| 3. Third Monday in February | President's Day |
| 4. Last Monday in May | Memorial Day |
| 5. June 19 | Juneteenth |
| 6. July 4 | Independence Day |
| 7. First Monday in September | Labor Day |
| 8. November 11 | Veterans Day |
| 9. Fourth Thursday in November | Thanksgiving Day |
| 10. Fourth Friday in November | Day after Thanksgiving |
| 11. December 24 | Christmas Eve Day |
| 12. December 25 | Christmas Day |
| 13. 14 and 15 | Three Floating Holidays |

Each holiday shall be considered to run from 12:01 a.m. through 11:59 p.m. of the day in question. In addition to the holidays listed herein, City employees shall observe as regular holidays any other day appointed and recommended by the General Assembly of the State of Ohio, the Governor of the State of Ohio, or the President of the United States and approved by or designated by the Mayor.

Section 2. Holidays for Part-time Employees

Part-time Hourly Non-Bargaining Unit employees shall be paid their regular hourly rate of pay for four (4) hours for all holidays declared in Section 1 of the Article, and shall not be required to work on such holidays, unless, in the opinion of the employee's responsible administrative authority, failure to work on any of such holidays would impair the public service. If a part-time employee is required to work on any of the holidays listed in Section 1, he shall be entitled to pay for such time worked at one and one-half (1 ½)

times his regular base rate of pay, plus he shall receive, based on normal assigned shift hours, holiday pay at his regular base rate of pay.

Section 3. Rescheduling Holidays

In the event that any of the holidays declared in such schedule falls on a Sunday, the Monday immediately succeeding shall be observed as the holiday. In the event any of such holidays falls on a Saturday, the Friday immediately preceding shall be observed as the holiday.

Section 4. Holidays during Vacation

In the event any of such holidays occurs during an employee's authorized vacation period, the holiday shall neither be considered a day of vacation nor subtracted from the employee's accrued vacation account.

Section 5. Compensation on Holidays

All Hourly Non-Bargaining employees shall be compensated for work performed on a holiday in the following manner:

A. If an employee is required to work on any of the holidays listed in Section 1, he shall be entitled to pay for such time worked at one and one-half (1 1/2) times his regular base rate of pay, plus he shall receive, based on normal assigned shift hours, holiday pay at his regular base rate of pay.

B. In the event an employee is on an unpaid leave of absence or in a non-pay status the day before or the day after a holiday, he shall not be entitled to holiday pay for the holiday in question.

Section 6. Holidays on Employees Day Off

If any employee's work schedule is other than Monday through Friday, he shall be entitled to holiday pay for holidays observed on his day off, regardless of the day of the week on which they are observed. At no time shall any employee receive more than their normal scheduled work hours of regular holiday pay.

Section 7. Floating Holidays

As provided in Section 1 of this Article, Hourly Non-Bargaining employees and Administrative Technical Exempt employees shall be entitled to three (3) days per calendar year as a floating holiday. These floating holidays shall consist of any three (3) days of the year selected by the individual employee and approved by the employee's immediate supervisor on the employees next workday, following the forty-eight (48) hour advance request. Floating holidays must be taken in full day increments.

Section 8. 24-Hour Operation

Hourly Non-Bargaining employees who are assigned to work in departments of the City that operate 24 hours a day, 12 months a year, shall be paid holiday pay for the day on which the holiday actually falls.

ARTICLE 7	SICK LEAVE
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Section 1. **Crediting of Sick Leave**

Sick leave credit shall be earned by each employee whose salary or wage is paid in full or in part by the City, at a rate of 4.6 hours for each eighty (80) hours of service in active pay status, but not during any unpaid leave of absence or layoff. Unused sick leave shall accumulate without limit

Section 2. **Crediting of Sick Leave for Part-Time Employees**

Sick leave credit shall be earned by each part-time employee at a rate of .0575 hours for each hours of service in active pay status, but not during a leave of absence or layoff. Unused sick leave shall accumulate without limit.

Section 3. **Retention of Sick Leave**

The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to his credit upon his re-employment in the public service, provided such re-employment takes place within ten (10) years of the date on which the employee was last terminated from public service.

Section 4. **Expiration of Sick Leave**

If illness or disability continues beyond the time covered by earned sick leave, the employee may be granted an unpaid disability leave or a personal leave in accordance with Article 12.

Section 5. **Charging of Sick Leave**

Sick leave shall be charged in minimum units of one-quarter (1/4) hours. An employee shall be charged for sick leave only for days upon which he would otherwise have been scheduled to work. Sick leave payment shall not exceed the normal scheduled workday or workweek earnings.

Section 6. **Uses of Sick Leave**

A. Sick Leave shall be granted to an employee upon approval of the responsible administrative officer of the employing unit for the following reasons:

1. Illness or injury of the employee or a member of his immediate family.
2. Death of a relative other than a member of the immediate family.
3. Medical, dental, or optical examination or treatment of employee or a member of his immediate family, which requires the employee, and which cannot be scheduled during non-working hours.
4. If a member of the employees' immediate family is afflicted with a contagious disease or requires the care and attendance of the employee, or when, through exposure to a contagious disease, the presence of the employee at his job would jeopardize the health of others.
5. Pregnancy and/or childbirth and other conditions related thereto.

B. "Immediate Family" means an employee's spouse, parents, stepparents, parents-in-law, legal guardian, children, stepchildren, foster children, or other relatives who qualify as dependents under the Internal Revenue Code who are living in the same household.

Section 7. Evidence Required for Sick Leave Usage

Employees intentionally failing to comply with sick leave rules and regulations may not be paid for sick leave used. Application for sick leave with intent to defraud will result in disciplinary action including dismissal and refund of sick leave paid. Sick leave abuse, misuse, or patterned use or excessive use of sick leave may result in discipline. If the employer has cause to suspect sick leave abuse, misuse, patterned use, or excessive use, the employer may require an employee to furnish a standard written, signed statement to justify the use of sick leave, or may require a certificate from a licensed physician to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate may be grounds for disciplinary action including dismissal.

Section 8. Notification by Employee

When an employee is unable to report to work, he shall notify his department head or other designated person, that they are ill no sooner than eight (8) hours before the beginning of the shift, and not later than fifteen (15) minutes before the begins on each day of absence. Employees in twenty-four (24) hour operations may report off work no sooner than eight (8) hours before the beginning of the shift, and no later than one (1) hour before the start of their shift to allow the City to obtain replacements. Failure to so inform the department head or his designated representative on each occasion, or at agreed intervals in the case of extended illness, may result in a loss of that day's pay. Continued abuse of this Section will give cause for dismissal from service with the City.

Section 9. Physician Statement

If medical attention is required, and the employee goes to the doctor, the employee shall be required to furnish a statement from a licensed physician notifying the appropriate administrative officer that the employee was unable to perform his duties. Where sick leave is requested to care for a member of the employee's immediate family, the appropriate administrative officer may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person. A statement given under this Section shall not be construed to constitute a waiver of the patient/physician privilege.

Section 10. Physician Examination

The appropriate administrative authority may require an employee take an examination, conducted by a licensed physician, to determine the employee's physical or mental capability to perform the duties of the employee's position. If found not qualified, the employee may be placed on sick leave or disability leave. The cost of such examination shall be paid by the City.

Section 11. Sick Leave to Attend a Funeral

Time off for bereavement or to attend the funeral of a relative other than a member of the immediate family may be granted, but not to exceed the normal time for a funeral and burial within the City; otherwise, the employee must use accrued comp time or accrued vacation time or in the event there is no accrued comp time or accrued vacation time, then time off may be granted without pay.

Section 12. Sick Leave Prior to Retirement

Sick leave shall not be taken by any employee of any department immediately preceding pension or disability retirement, unless such sick leave is unanimously approved by the Director of Human Resources and Appointing Authority, as having resulted from disability incurred in the line of duty.

Section 13. Administration of Sick Leave

The provisions of this Section shall be uniformly administered throughout the City, and it shall be the responsibility of the Office of the Director of Human Resources to implement this Section to accomplish such purpose.

Section 14. Conversion of Unused Sick Leave

Those employees covered under the Policy who is eligible or who become eligible to retire shall be entitled to convert accrued, but unused, sick leave to a cash payment on the following basis:

- A. Hourly Non-Bargaining employees may receive, after completion of ten (10) years of continuous service with the City, a cash payment in the amount of one (1) hour's pay for each three (3) hours of accrued but unused sick leave at the time of retirement. The maximum payment under this provision shall not exceed \$8,000.00:
- B. Administrative Technical Exempt Personnel (grandfathered employees only) may receive, after completion of ten (10) years of continuous service with the City, a cash payment in the amount of one (1) hour's pay for each two (2) hours accrued but unused sick leave at the time of retirement. The maximum payment under this provision shall not exceed \$11,000.
- C. Hourly Non-Bargaining employees who elect to retire after twenty-five (25) years of credit in the retirement system or who qualify for a disability retirement, may convert unused sick leave to a cash payment on the basis of one (1) hour's pay for every two (2) hours of accrued, but unused sick leave. The maximum payment under this provision shall not exceed \$12,000.00:
- D. Administrative Technical Exempt Personnel (grandfathered employees only) who elect to retire after 25 years of credit in the retirement system or who qualify for a disability retirement may convert unused sick leave to a cash payment on the basis of one (1) hour's pay for every two (2) hours of accrued, but unused sick leave. The maximum payment under this provision shall not exceed \$15,000 or 600 hours at the base hourly rate of pay figured at 1/2 of 1200 accrued hours, whichever is greater.

Payment under this Section shall be based on the employee's rate of pay at the time of retirement upon confirmation from the Public Employees Retirement System that the employee is eligible for retirement. This payment will only be made one time.

Section 15. Sick Leave Conversion

Hourly Non-Bargaining Employees who have accumulated three hundred (300) hours of sick leave or more may elect to convert forty-eight (48) hours of sick leave into vacation or pay at their regular hourly rate of pay. Said election shall be made by the employee on or before October 15 of each year and will be paid out in the first pay period in November of each year. Once sick time has been converted to vacation hours it shall not be converted back to sick time.

Administrative Technical Exempt Personnel (grandfathered employees only) who have accrued more than 300 hours of sick time may, in October of each year, convert up to 75% of 120 hours sick leave into vacation or pay at their regular hourly rate of pay. Said election shall be made by the employee on or before October 15 of each year. Any amounts cashed in shall be added to the employee's normal paycheck. This amount shall be paid the first pay period of November. Once sick time has been converted to vacation hours it shall not be converted back to sick time.

Section 16. Sick Leave Conversion for Part-Time Employees

Any part-time employee who has accumulated two hundred forty (240) hours sick leave or more may elect to convert twenty-four (24) hours of sick leave into twelve (12) hours of vacation or pay at their regular hourly rate of pay. Said election shall be made by the employee on or before October 15 of each year and will be paid out in the first pay period in November of each year. Once sick time has been converted to vacation hours it shall not be converted back to sick time. This provision does not apply to full-time employees who elect to take a part-time position with the City. Full-time employees that become part-time employees may convert their accumulated sick leave under the provision set forth in Section 15.

ARTICLE 8	TARDINESS
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Section 1. Time Sheets

Time missed due to tardiness, that is not covered by any form of paid leave, will be designated as “late” on the time sheets.

Section 2. No Call Time Limit

In the event that an employee fails to call in to report tardiness, or expects to not be available, before two hours after the start of the scheduled shift, the supervisor shall have the discretion to replace the employee.

Section 3. Emergency Situation

In the event that a legitimate emergency, or other circumstances beyond the employee’s control, prevents an employee from getting to work on time, the employee shall be permitted to use any available paid leave they have to cover any lost time. Sick leave may be used only in the event of a legitimate illness or injury as per Article 7.

Section 4. Tardiness Abuse

Patterned or excessive tardiness may result in discipline.

ARTICLE 9	INJURY LEAVE
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Section 1. Any employee who is injured while on duty or has contracted a disease while on duty will be entitled to receive his regular rate of pay for 1040 hours for each injury or disease contracted while on duty. To be eligible the employee does not have to be off the entire 1040 hours from the date of his injury.

The City’s decision to grant or deny injury leave will be made within ten (10) calendar days from the date the completed injury leave request form is submitted by the employee to the Human Resources Department unless the employee and City do not have sufficient information to render a decision at that time.

If injury leave is granted then the employee will be placed on injury leave for the time specified by the attending physician. If an employee is not granted injury leave or if sufficient information does not exist to warrant a determination, the employee may utilize approved sick leave, vacation leave, or compensatory time. If injury leave is initially denied and later approved and an employee has utilized sick or other leaves, the employee shall have the leave balances restored. If an employee denied injury leave has applied for and

been granted/approved for workers' compensation temporary total disability benefits based upon the injury then the employee shall have his leave balances re-credited.

Section 2. To be placed on injury leave and receive the benefits set forth in the article, an employee has the burden of proving that any disease or injury suffered by him was incurred in the course of or arising out of his employment with the City. Employees must report any injury to his immediate supervisor immediately upon the occurrence of the injury (or, if physically unable to do so, as soon as the employee is capable). The employee must file a claim with the Bureau of workers' compensation (BWC) and said claim must be certified by the BWC. If injury leave is initially granted by the City and at a later time BWC denies certification of the claim, the injury leave will then be disallowed and all injury leave wages paid during the period of injury leave will be deducted from the employee's sick leave, vacation leave or compensatory leave balances.

Section 3. Injury leave shall be denied the employee where he has either failed to prove his disease or injury is occupationally connected or was incurred in the course and arising out of his employment with the City, has failed to immediately report such injury to his immediate supervisor, or his claim has been denied by the BWC as not being work related.

Section 4. An employee shall be entitled to credit for service time accumulated during injury leave in determining eligibility for salary step advancement and other benefits where tenure is a factor.

Section 5. Any employee otherwise qualified for injury leave or sick leave based on the physician's determination to be capable of performing modified or restricted duties at any time after an injury may be assigned to perform such duties in lieu of being placed on injury leave or Workers' Compensation. An employee who objects to such assignment shall have the right to an examination by a physician appointed and paid for by the Employer, and that physician's determination of the employee's capacity to perform such modified or restricted duties shall be final as to the employee's eligibility for injury leave. Modified duty assignments may be made within the division/department. Any employee released by the attending physician to modified duty will be placed on injury leave if the department head determines modified duty within the department is unavailable

Section 6. While on injury leave, each employee may be required to furnish monthly a medical report form to the Director of the Department of Human Resources regarding the status of said employee's injury.

Section 7. In those circumstances where an employee is absent for more than 1040 hours, the employee may receive payment from the Bureau of Workers' Compensation in accordance with the applicable rules and regulations. Under this provision, the employee will continue to accrue sick leave, vacation time, and tenure for a maximum period of one year subsequent to the injury at a rate of 2/3 the regular rate.

Section 8. Any employee who has returned to work in a light duty or restricted duty status before the usage of 1040 hours injury leave time may mark-off due to complications of an old injury on injury leave. Any employee, who has returned to work to full duty status and has not used the 1040 hours injury leave, may mark off for future medical treatment on the old injury. Leave under this article shall not extend more than three (3) years from the date of the injury or contracting of the disease.

ARTICLE 10	BEREAVEMENT LEAVE
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The Division Head will grant three (3) working days of paid leave for attending the funeral of an employee's spouse, parents, step-parents, parents-in-law, legal guardian, grandparents, children, brother, sister, half-brother, half-sister, step-children, foster children, or any relatives living in the same household.

The Division Head will grant two (2) working days of paid leave for attending the funeral of any employee's grandparents-in-law, grandchildren, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.

The Division Head will grant four (4) hours of paid leave for attending the funeral of the employee's aunt or uncle.

The Employee must notify the Division Head in advance of the leave and identify the relationship of the deceased. Bereavement leave does not have to be taken in consecutive days.

Bereavement leave in excess of the above stated days shall be approved in advance by the Division Head, in writing, and shall be charged to the employee's accrued sick leave, overtime, compensatory time, vacation, or counted as leave without pay.

Employees will have from the date of death to five (5) days after the funeral to utilize bereavement leave. In the case of a funeral or memorial being held after the period, the employee may request in writing, to the immediate supervisor, for use of the appropriate amount of leave when the date is known.

ARTICLE 11	RELIGIOUS LEAVE
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Employees may be granted leave without pay to attend religious observances so long as the request is granted by the employee's Appointing Authority. Religious observances are defined as those special observances (not to include ordinary weekly observances) which morally require an employee's attendance at his church, synagogue, or other place of worship. Religious observance leave shall be limited to the actual hours necessary to attend the observance.

ARTICLE 12	LEAVES OF ABSENCE
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Unpaid personal leave of absence may be granted by the Appointing Authority upon written application by the employee. Said unpaid personal leave shall not exceed one (1) year. It is the employee's responsibility to keep the employer updated as to their current status.

Unpaid disability leave of absence may be granted by the Director of Human Resources upon written application by the employee. Said unpaid disability leave shall not exceed one (1) year.

Upon return from an unpaid disability or unpaid personal leave, the employee shall be placed in the same or similar position held prior to such leave.

The employee's insurance benefits will remain in effect if leave is granted for medical reasons; however, the employee is responsible for payment of any employee contribution within thirty (30) days of the due date. Failure to make timely payments may result in the cancellation of coverage.

ARTICLE 13	FAMILY AND MEDICAL LEAVE
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The City shall comply with all Federal laws in regard to the Family and Medical Leave Act (FMLA). Employees may be required in accordance with the FMLA, to substitute all or part of any accrued paid leave time such as sick leave or vacation for all or part of the twelve (12) weeks.

The provision of this Article shall be uniformly administered throughout the City and it shall be the responsibility of the Office of the Director of Human Resources to implement this Article to accomplish such purpose.

ARTICLE 14 JURY DUTY

Each employee(s) who is called to and reports for jury duty shall be excused from any regularly scheduled workdays for municipal, county, state, or federal jury service.

Each employee so excused shall be compensated at his regular hourly rate less his jury pay for days the employee otherwise would have been scheduled to work for the City of Newark and does not work.

If jury service is for a period of time less than such employee’s regularly scheduled workday, he shall only be excused for that portion of the day required for such service, plus reasonable time for travel and changing clothes.

Each employee(s) shall only be entitled to the benefits herein if he gives five (5) days prior notice of such jury call and presents proper evidence of the jury duty performed to the responsible administrative officer of the employing unit.

Employees scheduled to work 2nd and 3rd shift in departments operating on a 24-hour basis who have been selected and serves as a juror for four (4) hours or more and they are scheduled to work the following day, he may request and will receive the following shift off.

ARTICLE 15 HEALTH INSURANCE

Section 1. The Employer shall provide group medical insurance coverage for each employee and dependent.

Section 2. The Employer and employees acknowledge the importance of and must engage in mutual efforts to control the cost of health insurance care.

It is further agreed and understood that during the term of the Policy that individual carriers/providers may, through no fault of the City, or employees cease coverage. Should such occur, any employee adversely affected shall be given the opportunity to enroll with an alternative carrier with the appropriate premium rates subject to the premium rate applied herein or to waive coverage and receive an appropriate pro-rata amount of the waiver of coverage payment.

Section 3. Contributions

Employees shall contribute to the monthly premiums for health insurance provided by this Article as follows:

- City share of monthly premium 85 %
- Employee share of monthly premium 15 %
- All employees’ shares shall be pre-tax contributions.

The employee’s premium contribution (individual, double or family) will be deducted bi-weekly in twenty-four (24) equal increments.

Section 4. Non- Pay Status

An employee in a non-pay status due to their own health related condition or that of an immediate family member will be required to pay the employee’s share of the monthly health insurance premium.

An employee in a non-pay status for reasons other than a health-related condition will be responsible for one hundred percent (100%) of the total monthly health and life insurance premiums calculated in the following manner:

For each forty (40) hours of continuous or combined intermittent non-pay status within a revolving thirty (30) day period:

40 - 79 hours	=	one quarter of the total monthly premium
80 – 119 hours	=	one half of the total monthly premium
120 – 159 hours	=	three quarters of the total monthly premium
160 plus hours	=	one hundred percent of the total monthly premium

Section 5. Waiver of Coverage

An employee who provides satisfactory proof of medical coverage under another group employer sponsored or military insurance plan may waive both medical and dental coverage. An employee who waives coverage will receive up to the following maximum:

Waiver of medical insurance	\$3,000
Waiver of dental insurance	\$ 150
Waiver of both, dental and medical	\$3,150

Payments will be made in December of the calendar year coverage is waived. Payments for new hires, termination's, etc., will be pro-rated.

City employees married to one another or children of City employees that are employed by the City, who waive coverage, but remain on the plan are not eligible for the waiver stipend.

Section 6. Employees, as hereinafter defined, who are sixty-five (65) years of age and over, shall receive Medicare coverage, paid for by the City, as a benefit.

Section 7. As used in this Article "employees" means those individuals whose job titles and classifications are subject to the provisions of this Policy.

Section 8. Spousal Coverage

If the spouse of a City employee is employed with another employer and is eligible for employer sponsored health coverage, he must be enrolled in their own employer sponsored health plan as their primary coverage. The spouse may be enrolled on the City health plan as secondary coverage.

City employees married to one another shall be covered under City double or family coverage. If the spouse cannot obtain coverage through his or her employer until a certain date or open enrollment period, the spouse will be covered under the City's plan until he can obtain coverage through his employer. The spouse must provide documentation to the City that he is eligible for coverage. The employee shall notify the Human Resources Department as soon as possible and complete the required documentation when there is a change with his or her spouse's health care coverage. Failure to make such notification and complete the required paperwork could result in the loss of coverage for the spouse and will result in all monies owed to the City for the difference in premium to be deducted from the Employees paycheck until the balance is paid in full unless other arrangements have been made. Spouses can remain on the City's plan under secondary coverage.

Section 9. Life and Dental Insurance

Each employee shall receive at the expense of the City, a fifty thousand-dollar (\$50,000) term life insurance policy containing a double indemnity clause covering accidental death benefits. Up to \$100,000

in voluntary term life insurance will be available to employees who elect such coverage, subject to eligibility requirements of the Plan.

Employees may purchase dental coverage. This is subject to the availability from the insurance carrier. The cost to the employee will be deducted as a pre-tax contribution.

ARTICLE 16	LIABILITY INSURANCE FOR CITY EMPLOYEES
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The City of Newark agrees to assume financial responsibility for the negligence of its employees in those circumstances where the law imposes liability for that negligence.

The City of Newark shall agree to assume financial responsibility for any monetary losses due to circumstances other than theft, caused by employees who handle cash receipts or disbursements for the City. Said losses shall not be the financial responsibility of the individual employee. Employees may however be disciplined pursuant to Article 2 of this policy, up to and including discharge, for failing to follow proper procedures, policies or work rules related to the receipt and disbursement of funds.

ARTICLE 17	TRAVEL ALLOWANCE
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Section 1. As used in this section, “proper authority” means prior permission obtained from the Mayor, in writing, and certification by the City Auditor of the availability of funds on a purchase order indicating the actual and/or anticipated expenses.

Section 2. With proper authority, municipal officials and employees may attend conferences, conventions, and other activities in the conduct of official business and in the best interests of the City, and be reimbursed for certain expenses incident thereto.

Section 3. The City shall pay for transportation, parking fees, lodging, meals, and registration and banquet fees in connection with conventions and conferences. Reimbursement shall not be made for such items as valet service, personal telephone calls, intoxicating beverages, entertaining other guests, and so forth.

The following rates are hereby established for reimbursable expenses:

1. Mileage of privately-owned vehicle--current IRS rate.
2. Payment will be per City Ordinance.

Each employee shall submit receipts for payment. Any costs which are determined to be unreasonable shall be returned to the employee for clarification and/or correction.

Section 4. Paid bills or receipts shall be submitted for reimbursement for hotels, parking, banquets, conference meals, registration fees, and, as far as practical, for other reimbursable expenses.

Section 5. The City shall make advance payments as follows:

- A. One hundred percent (100%) of the total of factually demonstrable cost (i.e., registration, commercial transportation costs, and so forth); and
- B. One hundred percent (100%) of the total estimated, anticipated costs. If not used or documented by receipts, excess shall be returned to the City.

Section 6. In the event an employee is requested and authorized in advance to use his privately-owned vehicle for City business, compensation shall be reimbursed for such usage at the rate set by the IRS. In the event of the use of a privately-owned vehicle for City business, the City shall in addition to the mileage fee set forth herein, pay parking fees for any receipted parking expenses.

Section 7. No employee within the City of Newark will be required to utilize his private vehicles for any required department business.

Section 8. The city will determine which employees can take vehicles home and in no event shall employees use a city vehicle for any personal business whatsoever.

ARTICLE 18	WAGES
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Section 1. The salary rate (plus authorized reimbursement for automobile expense, uniforms, official travel, and living quarter's allowance) and any special provisions outlined in this Policy shall be the total remuneration for an employee. Except as herein provided, no employee shall receive pay from the City in addition to that authorized under the Base Wage and Salary Table, as the same is established from time to time by Council, for services rendered by him, either in the discharge of his duties or any additional duties which may be imposed upon him or which he may undertake or volunteer to perform. (See Appendix for Base Wage and Salary Table.)

Section 2. City services are not to be extended by employees in exchange for special rewards, gifts, or other remuneration from individuals or organizations outside the municipal government.

Section 3. Effective September 1, 2023 all Hourly Non-Bargaining employees will be paid in accordance with the Base Wage and Salary Table attached as Appendix C. All Administrative Technical Exempt employees will be paid in accordance with the Base Wage and Salary Table attached as Appendix D.

Employees will receive a 7% wage increase effective September 1, 2023, an additional 4% wage increase January 1, 2024, and an additional 4% increase January 1, 2025.

ARTICLE 19	POSITION AUTHORIZATION AND CLASSIFICATION OF CITY EMPLOYEES
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Section 1. Positions and classifications are established and assigned to pay ranges or other specific rates of pay. In addition, classifications are established from time to time by Council and copies are on file in the office of the Clerk of Council. It shall be the responsibility of the Appointing Authority to assign employees to appropriate classifications in accordance with their duties and responsibilities. Positions are authorized within the various offices and departments by City Council.

Section 2. Assignment of a classification and pay rate shall be on the basis of each incumbent of a position being placed in an applicable pay range.

Section 3. Employees who are promoted from one classification to another which is in a higher pay range shall be paid at the same step in the new pay range as their current step.

Section 4. An employee, who chooses to take a change in job classification which results in a lower pay range, will be paid based upon the lower pay range. He will remain in the same step as in the job classification of the higher pay range.

Section 5. As a general principle, the City agrees that higher skilled jobs should be assigned to higher rated classifications and to the most senior employees within the classification.

ARTICLE 20**SALARY STEP ADVANCEMENT**

Section 1. All Hourly Non-Bargaining Unit employees of the City of Newark, Ohio, shall be paid in accordance with the current base Wage and Salary Table as adopted by City Council.

Section 2. Employees shall advance through the steps of the Wage and Salary Table based upon their length of completed service since their latest date of hire. Salary step advancement shall become effective on the employee's anniversary date following completion of continuous service as follows:

- Step 1 Up to six (6) months of service.
- Step 2 Six (6) months to one (1) year of service.
- Step 3 One (1) year to two (2) years of service.
- Step 4 Two (2) years to four (4) years of service.
- Step 5 Four (4) years to six (6) years of service.
- Step 6 Six (6) years or more of service.

Section 3. Time spent on any authorized paid leave of absence shall be counted as continuous service for the purpose of determining an employee's eligibility date for salary step advancement. Any time spent in a no pay status for any reason shall proportionally move and prolong the employee's eligibility date for step increase.

Section 4. New employees shall be compensated at the lowest step of the pay range or pay ranges assigned to the classification in which they are employed; except, however, that a newly hired employee who has least one (1) year of relevant experience may be compensated upon hire at any rate of pay up to Step 6 in the Grade assigned for his position. Advancement to increments (steps) thereafter shall be in accordance with the above schedule and the Base Wage and Salary Table.

Section 5. Multiple pay ranges

When any new employee is hired into a classification with multiple pay ranges, the City will determine which pay range in which to start the new employee based on his experience. All new employees will be compensated at the lowest step of the pay range selected. When any new employee is placed in a pay range other than the top range available, the employee will advance one pay range on their anniversary date until the employee is in the highest pay range available to him for the classification in which he is employed.

Any employee taking a voluntary demotion or lateral transfer will be placed in the highest pay range if the classification has multiple ranges available. If an employee takes a lateral transfer from a classification with multiple pay ranges to a classification with multiple pay ranges, the employee shall retain their range.

Section 6. Effective immediately, all employees will be placed in the appropriate step based on their length of service.

ARTICLE 21**STANDARD WORK WEEK--OVERTIME**

Section 1. The standard workweek for all full-time hourly non-bargaining unit employees covered by this Policy shall not exceed forty (40) hours per week. Each hourly Non-Bargaining Unit employee shall be entitled to an uninterrupted lunch period away from his workspace. The lunch period shall be set by the Appointing Authority but shall not be less than one-half hour. Whenever an employee works for a period less than the regular established number of hours per day or week, the amount paid shall be proportionate to the number of hours actually worked.

Section 2. The standard workweek for part-time hourly non-bargaining unit employees shall average twenty (20) hours per week. The standard work year for part-time Hourly Non-Bargaining unit employees shall be a minimum of one thousand forty (1040) hours.

Section 3. Department heads are authorized to establish two rest periods during the workday, the duration of each period not to exceed fifteen (15) minutes. Rest periods shall be uninterrupted and shall, at the employee's option, be taken away from the employee's immediate work area. Employees who are working on video display terminals shall be entitled to one (1) ten (10) minute VDT break for each four (4) hour period on the video display terminal.

Section 4. Employees eligible for overtime compensation shall receive the overtime rate of time and one-half (1 1/2 times) their regular hourly rate for all hours worked in excess of the standard work week of forty (40) hours. Hours worked for purposes of overtime compensation means all hours in active pay status.

Section 5. Employees eligible for overtime pay may elect to receive compensatory leave time in lieu of overtime cash benefits. Employees eligible for overtime pay must designate in writing, to their immediate supervisor, during the pay period in which the overtime is worked, that they wish to receive compensatory time. Any employee eligible for compensatory time shall receive compensatory time at the rate of one and one-half (1-1/2) hours of compensatory leave time for each hour of overtime worked. Compensatory leave time shall not be permitted to accumulate over two hundred forty (240) hours following the effective date of this Policy.

Section 6. Employees shall select the date on which they wish to schedule their compensatory time off and shall request the time off at least one (1) day in advance, except in emergencies. The employee must have the advance approval of the Department Head, or his designated representative who shall consider the operational needs of the department before granting compensatory time off.

Section 7. Employees shall be permitted to carry their accrued, unused compensatory time into the following calendar year.

Section 8. Overtime Opportunities

The City shall attempt to equalize scheduled overtime among employees within each sub-division.

ARTICLE 22	LONGEVITY
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In addition to their regular base pay, each Hourly Non-Bargaining employee shall receive longevity compensation in accordance with the following schedule:

5 - 9 years continuous service	.41 cents per hour
10 - 14 years continuous service	.47 cents per hour
15 - 19 years continuous service	.55 cents per hour
20 - 24 years continuous service	.63 cents per hour
25 or more years continuous service	.70 cents per hour

The amount of hourly longevity compensation will begin on the anniversary date of each employee at each appropriate level above.

ARTICLE 23	MILITARY LEAVE AND BENEFITS
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Section 1. **Military Leave**

- A. Full-time employees who are members of the Ohio National Guard, U.S. Air Force Reserve, U.S. Army Reserve, U.S. Marine Corps Reserve, U.S. Naval Reserve or U.S. Coast Guard Reserve shall be granted military leave of absence with pay when ordered to temporary active duty for a period or periods not to exceed twenty-one (21) days, whether or not consecutive, during each calendar year. In the event that the Chief Executive Officer of the State of Ohio, or the Chief Executive Officer of the United States declares that a state of emergency exists, the employee, if ordered to active duty for purpose of that emergency, shall be paid pursuant to this Section for a period or periods not to exceed twenty-one (21) days, whether or not consecutive, during each calendar year.

- B. An employee shall be paid his regular salary less whatever amount such employee may receive as military base pay for each scheduled workday such employee is absent during military leave of absence with pay authorized by this Section. A military pay voucher will document the military base pay. Such military pay voucher must be submitted by the employee to the Human Resources Department in a timely manner.

- C. Employees who are assigned in a twenty-four (24) hour, seven (7) days a week operation will not have their normally scheduled workdays altered because of military leave.

Section 2. **Veteran's Benefits**

Any person, who is restored to his former employment with the City following his return from service with the Armed Forces of the United States, shall be entitled to the benefits of such employment, other than actual pay for time not worked, in accordance with the Ohio Revised Code.

Section 3. **State and Federal Law**

The City will follow and conform to all state and federal laws that pertain to military leave and the rights of military personnel. In the event that any provision of this Article is contrary to State and/or Federal laws, said laws will take precedence over this Article.

ARTICLE 24	[Reserved]
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ARTICLE 25	EMPLOYEES ENGAGING IN OTHER WORK DURING WORKING HOURS WHILE IN THE EMPLOY OF THE CITY
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Any employee of the City shall be guilty of misconduct in office and subject to dismissal from service if such employee engages in any business work or contracts for work, for hire or for reward, during working hours, while in the employ of the City and receiving compensation from the City. This section shall not apply to any employee who may engage in any work which is in the furtherance of the national defense program of the United States, provided that such federal defense work in no way conflicts with his regular duties as an employee while on vacation.

ARTICLE 26	[Reserved]
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ARTICLE 27	[Reserved]
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ARTICLE 28	PROBATIONARY PERIOD
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Section 1. **Probationary Period/New Employee**

Every newly hired full-time employee will be required to successfully complete a probationary period. The new hire probationary period shall begin on the first day for which the employee receives compensation from the City and shall continue for a period of one hundred twenty (120) calendar days. In the event a newly hired employee is unable to successfully complete the probationary period, he will be terminated from employment with the City of Newark.

Section 2. **Probationary Period/Promotion**

A newly promoted employee shall serve a probationary period of sixty (60) calendar days. In the event that the employer determines that a newly promoted employee will not successfully complete the probationary period, he shall be returned to his position at his previous salary.

Section 3. **Evaluations During Probation Period**

Each newly hired or newly promoted employee shall receive a performance evaluation following the completion of the first half of his probationary period as established herein. The employee shall receive a subsequent performance evaluation prior to the completion of his probationary period.

Section 4. Newly hired employees shall have no right to appeal probationary removals.

Section 5. **Part-Time to Full-Time**

Should a part-time employee be selected to fill a full-time vacancy in the same classification, in the same division, the employee will not be required to serve a second probationary period.

ARTICLE 29	DRUG AND ALCOHOL TESTING
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Employees shall be subject to the City's Drug and Alcohol policy, as amended from time to time.

ARTICLE 30	TUITION REIMBURSEMENT
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All full-time employees with one or more years of continuous active service shall be eligible for consideration of a reimbursement of no more thirty-five hundred dollars (\$3,500.00) annually for undergraduate courses taken towards an Associates or Bachelor's degree and forty-five hundred dollars (\$4,500.00) annually for graduate courses taken towards a masters or other graduate degree. All course instruction must be pre-approved by the Appointing Authority and the Human Resource Director and voluntarily undertaken by the employee. The annual aggregate liability to the City for the entire Hourly Non-Bargaining employees will not exceed twenty-five thousand dollars (\$25,000) per calendar year. The annual aggregate liability to the City for the entire Supervisory/Management and Administrative Technical Exempt Personnel (grandfathered employees only) will not exceed twenty-five thousand dollars (\$25,000) per calendar year.

The tuition reimbursement program shall be subject to the following conditions:

- A. All courses must be taken during other than scheduled working hours. All scheduled hours for courses of instruction must be filed with the Human Resources Director or his designee. All courses are subject to the approval of the Human Resources Director. There must be a correlation between the member's duties and responsibilities and the courses taken or the degree program pursued. Any situation which, in the discretion of the Division Head, would require a member's presence on the job shall take complete and final precedence over any time scheduled for courses.
- B. Any financial assistance from any governmental or private agency available to an employee, whether or not applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the tuition reimbursement the member is eligible for under this section. If an employee's tuition is fully covered by another governmental or private agency, then the member is not entitled to any payment from the City.
- C. Employees seeking authorization of a tuition reimbursement must first submit to the department head for review at least thirty days (30) prior to the beginning of the classes start date. All necessary information pertaining to the proposed course degree to be pursued, the educational institution and the employee's best estimate of courses, cost, dates, and times.
- D. Courses must be taken through accredited colleges, universities, technical and business institutes or through their established extension centers, and these must first be approved by the Human Resources Director. Seminars, conferences, and workshops are not included.
- E. Reimbursement for tuition will be made when the member satisfactorily completes (attains at least a grade of "C" or its equivalent for undergraduate work and a grade of at least "B" or its equivalent for graduate work) a course and presents an official certificate or its equivalent and a receipt of payment or copy of the unpaid bill from the institution confirming completion of the approved course.
- F. Reimbursement for required books, instructional materials, and fees other than penalty fees for any course outlined in paragraph D shall be at 100%. Reimbursement for books and instructional materials, which are strongly advised, though not required, shall be at 25%. There shall be no reimbursement for meals, travel expenses, housing, or extra-curricular activities. Any reimbursement under this section counts towards aggregate amounts allowed in Section 1.
- G. Any employee participating in the tuition reimbursement program who resigns (except resignation due to disability), retires (except retirement due to disability) or is discharged for cause must repay the tuition reimbursement paid by the City for courses taken less than two years prior to the date of termination or discharge. If necessary, the amount will be deducted from the employee's terminal leave pay or final paycheck.

ARTICLE 31

**PAYOUT OF VACATION, SICK LEAVE, AND
COMPENSATORY TIME**

Employees covered under this policy, at the time of retirement, may opt to have accumulated compensatory time, vacation time, and sick leave sell back paid out in a deferred payment option. Prior to

the date the employee is set to retire, the employee will notify the employer of a desire to take a deferred payment option as allowed under this article of the policy. The employee taking such option shall receive one-half the value of the total payout at the first pay period after retirement. The second payment of one-half the total value of the payout, shall be paid the first pay in January of the year following the date of retirement. The City shall provide the employee a W-2 for the second installment of the payout and shall withhold the proper taxes for the second payout payment. This payout is at the option of the employee. Nothing in this article shall be construed as preventing an employee from taking the payout in a single payment.

There will be a single payout in accordance to IRS regulations of accumulated sick leave at time of retirement.

APPENDIX A: HOURLY NON-BARGAINING UNIT CLASSIFICATIONS

<u>POSITION</u>	<u>PAY RANGE</u>
ADMINISTRATIVE BAILIFF	28-44
ADMINISTRATIVE SECRETARY	37
BAILIFF	30-44
CLERK OF COUNCIL	30
CODE ENFORCER/REHAB SPECIALIST	38
COMMUNITY SERVICE PROGRAM OFFICER	35
COURT ADMINISTRATOR	37
COURT RECORDER/DEPUTY BAILIFF	30
COURT SECURITY BAILIFF	28
CRIMINALIST	57
DEPUTY CLERK	27
ENG/ZONE ADMINISTRATIVE ASSISTANT	34
FINANCIAL ANALYST	37
FINANCIAL SECRETARY	32
HUMAN RESOURCES ASSISTANT	40
INFORMATION TECH COORDINATOR	43
INFORMATION TECH SPECIALIST	45
INSTRUMENTATION TECHNICIAN – WATER	53
JURY COMMISSIONER	36
JURY COMMISSIONER ASSISTANT	27
MAINTENANCE LEADER – WATER	52
OFFICER MANAGER/ACCOUNT CLERK	35
PROBATION OFFICER	34
PROBATION OFFICER SPECIALIST	40
SECRETARY 1	30

SECRETARY 2	32
SECRETARY 3	36
SECRETARY 3/DEPUTY BAILIFF	36
SENIOR DEPUTY CLERK	28
SMALL CLAIMS ADMINISTRATOR	30
SUPPORT ANALYST	43

APPENDIX B: ADMINISTRATIVE TECHNICAL EXEMPT CLASSIFICATIONS

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Grant Writer

LAW DEPARTMENT

Victim Witness Advocate

APPENDIX C: HOURLY NON-BARGAINING WAGE TABLES

2023 (7%) RANGE	HIRE DATE STEP 1	6 MONTHS STEP 2	1 YEAR STEP 3	2 YEARS STEP 4	4 YEARS STEP 5	6 YEARS STEP 6	2023 (7%) RANGE
25	21.37	21.71	22.07	22.45	22.83	23.25	25
26	21.71	22.06	22.45	22.83	23.25	23.54	26
27	22.06	22.45	22.83	23.25	23.54	23.97	27
28	22.45	22.83	23.25	23.54	23.97	24.36	28
29	22.83	23.25	23.54	23.97	24.36	24.76	29
30	23.25	23.54	23.97	24.36	24.76	25.08	30
31	23.54	23.97	24.36	24.76	25.08	25.53	31
32	23.97	24.36	24.76	25.08	25.53	25.90	32
33	24.36	24.76	25.08	25.53	25.90	26.23	33
34	24.76	25.08	25.53	25.90	26.23	26.62	34
35	25.08	25.53	25.90	26.23	26.62	27.02	35
36	25.53	25.90	26.23	26.62	27.02	27.41	36
37	25.90	26.23	26.62	27.02	27.41	27.80	37
38	26.23	26.62	27.02	27.41	27.80	28.23	38
39	26.62	27.02	27.41	27.80	28.23	28.67	39
40	27.02	27.41	27.80	28.23	28.67	29.09	40
41	27.41	27.80	28.23	28.67	29.09	29.57	41
42	27.80	28.23	28.67	29.09	29.57	30.01	42
43	28.23	28.67	29.09	29.57	30.01	30.44	43
44	28.67	29.09	29.57	30.01	30.44	30.92	44
45	29.09	29.57	30.02	30.44	30.92	31.43	45
46	29.57	30.01	30.44	30.92	31.43	31.88	46
47	30.01	30.44	30.92	31.43	31.88	32.40	47
48	30.44	30.92	31.43	31.88	32.40	32.89	48
49	30.92	31.43	31.88	32.40	32.89	33.36	49
50	31.43	31.88	32.40	32.89	33.36	33.90	50
51	31.88	32.40	32.89	33.36	33.90	34.39	51
52	32.40	32.89	33.36	33.90	34.39	34.89	52
53	32.89	33.36	33.90	34.39	34.89	35.36	53
54	33.36	33.90	34.39	34.89	35.36	35.88	54
55	33.90	34.39	34.89	35.36	35.88	36.50	55
56	34.39	34.89	35.36	35.88	36.50	36.95	56
57	34.89	35.36	35.88	36.50	36.95	37.54	57
58	35.36	35.88	36.50	36.95	37.54	38.11	58
59	35.88	36.50	36.95	37.54	38.11	38.68	59
60	36.50	36.95	37.54	38.11	38.68	39.26	60

2024 (4%) RANGE	HIRE DATE STEP 1	6 MONTHS STEP 2	1 YEAR STEP 3	2 YEARS STEP 4	4 YEARS STEP 5	6 YEARS STEP 6	2024 (4%) RANGE
25	22.22	22.57	22.94	23.35	23.75	24.18	25
26	22.57	22.94	23.35	23.75	24.18	24.48	26
27	22.94	23.35	23.75	24.18	24.48	24.93	27
28	23.35	23.75	24.18	24.48	24.93	25.34	28
29	23.75	24.18	24.48	24.93	25.34	25.75	29
30	24.18	24.48	24.93	25.34	25.75	26.09	30
31	24.48	24.93	25.34	25.75	26.09	26.55	31
32	24.93	25.34	25.75	26.09	26.55	26.93	32
33	25.34	25.75	26.09	26.55	26.93	27.28	33
34	25.75	26.09	26.55	26.93	27.28	27.69	34
35	26.09	26.55	26.93	27.28	27.69	28.10	35
36	26.55	26.93	27.28	27.69	28.10	28.50	36
37	26.93	27.28	27.69	28.10	28.50	28.92	37
38	27.28	27.69	28.10	28.50	28.92	29.36	38
39	27.69	28.10	28.50	28.92	29.36	29.82	39
40	28.10	28.50	28.92	29.36	29.82	30.25	40
41	28.50	28.92	29.36	29.82	30.25	30.75	41
42	28.92	29.36	29.82	30.25	30.75	31.21	42
43	29.36	29.82	30.25	30.75	31.21	31.66	43
44	29.82	30.25	30.75	31.21	31.66	32.16	44
45	30.25	30.75	31.21	31.66	32.16	32.68	45
46	30.75	31.21	31.66	32.16	32.68	33.16	46
47	31.21	31.66	32.16	32.68	33.16	33.70	47
48	31.66	32.16	32.68	33.16	33.70	34.21	48
49	32.16	32.68	33.16	33.70	34.21	34.70	49
50	32.68	33.16	33.70	34.21	34.70	35.26	50
51	33.16	33.70	34.21	34.70	35.26	35.76	51
52	33.70	34.21	34.70	35.26	35.76	36.29	52
53	34.21	34.70	35.26	35.76	36.29	36.78	53
54	34.70	35.26	35.76	36.29	36.78	37.31	54
55	35.26	35.76	36.29	36.78	37.31	37.96	55
56	35.76	36.29	36.78	37.31	37.96	38.43	56
57	36.29	36.78	37.31	37.96	38.43	39.04	57
58	36.78	37.31	37.96	38.43	39.04	39.63	58
59	37.31	37.96	38.43	39.04	39.63	40.23	59
60	37.96	38.43	39.04	39.63	40.23	40.83	60

2025 (4%) RANGE	HIRE DATE STEP 1	6 MONTHS STEP 2	1 YEAR STEP 3	2 YEARS STEP 4	4 YEARS STEP 5	6 YEARS STEP 6	2025 (4%) RANGE
25	23.11	23.48	23.86	24.28	24.70	25.15	25
26	23.48	23.86	24.28	24.70	25.15	25.46	26
27	23.86	24.28	24.70	25.15	25.46	25.93	27
28	24.28	24.70	25.15	25.46	25.93	26.35	28
29	24.70	25.15	25.46	25.93	26.35	26.78	29
30	25.15	25.46	25.93	26.35	26.78	27.13	30
31	25.46	25.93	26.35	26.78	27.13	27.61	31
32	25.93	26.35	26.78	27.13	27.61	28.01	32
33	26.35	26.78	27.13	27.61	28.01	28.37	33
34	26.78	27.13	27.61	28.01	28.37	28.80	34
35	27.13	27.61	28.01	28.37	28.80	29.23	35
36	27.61	28.01	28.37	28.80	29.23	29.64	36
37	28.01	28.37	28.80	29.23	29.64	30.07	37
38	28.37	28.80	29.23	29.64	30.07	30.54	38
39	28.80	29.23	29.64	30.07	30.54	31.01	39
40	29.23	29.64	30.07	30.54	31.01	31.46	40
41	29.64	30.07	30.54	31.01	31.46	31.98	41
42	30.07	30.54	31.01	31.46	31.98	32.45	42
43	30.54	31.01	31.46	31.98	32.45	32.92	43
44	31.01	31.46	31.98	32.45	32.92	33.44	44
45	31.46	31.98	32.45	32.92	33.44	33.99	45
46	31.98	32.45	32.92	33.44	33.99	34.48	46
47	32.45	32.92	33.44	33.99	34.48	35.04	47
48	32.92	33.44	33.99	34.48	35.04	35.58	48
49	33.44	33.99	34.48	35.04	35.58	36.09	49
50	33.99	34.48	35.04	35.58	36.09	36.67	50
51	34.48	35.04	35.58	36.09	36.67	37.19	51
52	35.04	35.58	36.09	36.67	37.19	37.74	52
53	35.58	36.09	36.67	37.19	37.74	38.25	53
54	36.09	36.67	37.19	37.74	38.25	38.81	54
55	36.67	37.19	37.74	38.25	38.81	39.48	55
56	37.19	37.74	38.25	38.81	39.48	39.97	56
57	37.74	38.25	38.81	39.48	39.97	40.60	57
58	38.25	38.81	39.48	39.97	40.60	41.22	58
59	38.81	39.48	39.97	40.60	41.22	41.84	59
60	39.48	39.97	40.60	41.22	41.84	42.47	60

APPENDIX D: ADMINISTRATIVE TECHNICAL EXEMPT WAGE TABLE

JOB TITLE	2023 (7%)	2024 (4%)	2025 (4%)
Grant Writer	39.5293	41.1104	42.7549
Victim Witness Coordinator	23.7486	24.6985	25.6865

BY: _____

AN ORDINANCE ABOLISHING THE ADMINISTRATIVE TECHNICAL EXEMPT UNIT AND ABSORBING THREE POSITIONS CURRENTLY UNDER SAID UNIT INTO THE POLICIES AND PROVISIONS OF THE HOURLY NON-BARGAINING UNIT AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, the Administrative Technical Exempt Unit is made up of only three employees and the policies, but for only a few additional benefits, mirror the hourly non-bargaining policy of the City; and,

WHEREAS, it is the desire of the City to move the current three employees in the Administrative Technical Exempt Unit to the Hourly Non-Bargaining Unit for ease of administration and abolish the Administrative Technical Unit; and,

WHEREAS, the Directors of the three employees in the Administrative Technical Exempt Unit have no objection to the change in units with the agreement that employees will be grandfathered in with all benefits and wages currently in place including any benefits not offered in the Hourly Non-bargaining Unit Policy; and,

WHEREAS, an emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark; and,

WHEREAS, the Personnel Committee of the Newark City Council met on August 7, 2023, and voted to forward the matter to the full Council for its further consideration;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

Section 1: The Administrative Technical Exempt Unit is hereby abolished. The current positions listed in Exhibit A under the former unit are absorbed into the Hourly Non-Bargaining Unit.

Section 2: This legislation also affects replacements for those individuals listed and for new hires in the positions listed.

Section 3: With respect to the current employees in the positions listed in Exhibit A only, they shall carry with them all benefits obtained under the Administrative Technical Exempt Unit of which are not offered under the Hourly Non-Bargaining Unit upon and after the consolidation of the units.

Section 4: Upon consolidation of the Administrative Technical Exempt Unit and the Hourly Non-Bargaining Unit, the policies set forth in the Hourly Non-Bargaining Contract will include and apply to the positions set forth in Exhibit A with the exception of any benefits grandfathered in for current employees.

Section 5: The listed positions shall be entitled to the protection and benefits set forth in the Statement of Policy for the Hourly Non-Bargaining Unit beginning with the new contract dated January 1, 2023 through December 31, 2025.

Section 6: An emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark. Therefore, this Ordinance shall become effective immediately upon Council approval and execution by the Mayor.

Passed this _____ day of _____ 2023.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

ORDINANCE NO. 23-48

BY: _____

AN ORDINANCE SETTING COMPENSATION WITH RESPECT TO CERTAIN ELECTED OFFICIALS OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

WHEREAS, by virtue of Newark City Charter Article 3.07, the Newark City Council has the authority, by ordinance or resolution to determine and fix the salaries and compensation of municipal employees and elected officials; and,

WHEREAS, the Ohio Public Employees Retirement System (OPERS) establishes the minimum earnable salary a public official/employee must earn in any given month to be eligible for full service credit under the OPERS retirement program; and,

WHEREAS, Council desires to fix annual salaries for Council members in an amount equal to at least the minimum amount required to ensure each member receives full service credits for each month and/or year of service on Council under the defined terms of the OPERS retirement program, as well as included percentage increases commensurate with the non-bargaining employees of the City of Newark; and,

WHEREAS, salaries and compensation for elected officials must be set before the commencement of their elected term of office; and,

WHEREAS, an emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserve the public health, safety, and welfare of the citizens of the City of Newark; and,

WHEREAS, this matter was addressed by the Personnel Committee at a regularly scheduled meeting thereof which recommended consideration of passage by full Council.

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

SECTION ONE: Effective January 1, 2024, the members of City Council elected to each of the three (3) at-large seats and the President of City Council within the City of Newark shall be entitled to and shall be paid an annual salary and other compensation fixed to at least the minimum annual amount required to receive twelve (12) full months of service credit pursuant to the defined terms of the OPERS retirement program, and to percentage increases consistent with the non-bargaining employees of the City as illustrated in the attached Exhibit A, which compensation shall be applicable to any appointee or replacement for the current person(s) occupying such position(s).

SECTION TWO: Effective January 1, 2026, the members of City Council elected to each of the seven (7) ward seats within the City of Newark shall be entitled to and shall be paid an annual salary and other compensation fixed to at least the minimum annual amount required to receive twelve (12) full months of service credit pursuant to the defined terms of the OPERS retirement program and to percentage increases consistent with the non-bargaining employees of the City as illustrated in the attached Exhibit A, which compensation shall be applicable to any appointee or replacement for the current person(s) occupying such position(s). Ward Council member salaries shall remain unchanged from that amount previously established by Ordinance 17-58 A for calendar years 2024 and 2025 as set forth therein.

SECTION THREE: The President of City Council shall direct the Clerk of City Council to report to the City Auditor within the City of Newark the minimum earnable salary requirements set forth by OPERS and to promptly notify the City Auditor in the event OPERS modifies such requirements. Prior to the effective dates set forth in Section One and Section Two above and then following receipt of any notice of a change, the City Auditor shall be responsible for calculating the salaries set forth in Section One and Section Two above with any modifications to such salaries to be effective January 1 of the year following receipt of such notice of change. In the event that a notice of a change is not given by OPERS or by the Clerk of Council prior to January 1 of any calendar year, the annual salaries will remain unchanged at the amount calculated for the prior calendar year with the exception of the percentage increase as authorized by Council commensurate with the non-bargaining unit employees.

SECTION FOUR: The annual salaries described in Section One and Section Two above are calculated as one half of the minimum earnable salary a public employee must earn in a given month in order to receive a full month of service credit under OPERS pension plans multiplied by the number of pay periods in the given calendar year. Percentages given are then added to the above annual salary number plus any percentage increase from the prior year per the attached schedule.

SECTION FIVE: An emergency is hereby declared to exist due to the fact that it is immediately necessary to establish the policies and terms herein in order to preserved the public health, safety, and welfare of the citizens of the City of Newark, Ohio and this ordinance shall become effective immediately upon adoption by Council and approval of the Mayor pursuant to article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED this _____ day _____, 2023.

President of Council

ATTEST: _____
Clerk of Council

Date filed with Mayor: _____

Date approved by Mayor: _____

Mayor

Approved as to form: _____

Tricia M. Moore
Director of Law

**2024-2027 WAGE SCHEDULE
CITY COUNCIL: AT-LARGE SEATS**

ELECTED POSITION	2024	2025	2026	2027
Member, City Council				
At-Large Seats	9,862.75	10,257.26	10,667.55	11,094.25
President, City Council	9,862.75	10,257.26	10,667.55	11,094.25

**2026-2029 WAGE SCHEDULE
CITY COUNCIL WARD SEATS**

ELECTED POSITION	2026	2027	2028	2029
Member, City Council Ward				
Seats	9,862.75	10,257.26	10,667.55	11,094.25