

ORDINANCE NO. 2021-024

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LOAN AGREEMENT WITH THE OHIO EPA'S DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE (DEFA) TO COMPLETE THE CONSTRUCTION OF THE SOUTHWEST SANITARY SEWER PUMP STATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into a loan agreement with the Ohio EPA's Division of Environmental and Financial Assistance (DEFA) to complete the construction of the Southwest Sanitary Sewer Pump Station Project; and

WHEREAS, the project will replace two (2) existing pump stations (Middlebury Road and Yacavona Park) where the stations are in constant repair ("Project"); and

WHEREAS, DEFA will provide financing for the Project estimated at Two Million Five Hundred Thousand Dollars 00/100 (\$2,500,000.00) for a five (5) year term at an interest rate of one and sixty ninth tenths of a percent (1.69%) interest plus an administration fee of thirty five tenths of a percent (.35%).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to enter into a Loan Agreement with the Ohio EPA's Division of Environmental and Financial Assistance (DEFA) to complete the construction of the Southwest Sewer Pump Station project.

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED:

March 17, 2021
Date

Jerry T. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE:

March 17, 2021
Date

ATTEST:

Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2021-024, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON March 17, 2021.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

GENERAL CERTIFICATE
TO BE DELIVERED TO
OHIO ENVIRONMENTAL PROTECTION AGENCY
AND OHIO WATER DEVELOPMENT AUTHORITY

The undersigned, being the Clerk of Council of the City of Kent, Ohio (the "Local Government"), hereby certifies that:

- I. At the times of the enactment of the Loan Legislation (as described below) and the execution of the Water Pollution Control Loan Fund (WPCLF) Agreement (as defined below), the following were the incumbents of the listed offices:

	Title	Name
Chief Executive Officer:	<u>City Manager</u>	<u>Dave Ruller</u>
Chief Fiscal Officer:	<u>Budget & Finance Director</u>	<u>Rhonda Hall, CPA</u>
Chief Legal Officer:	<u>Law Director</u>	<u>Hope Jones</u>
Officer Responsible for Records:	<u>Clerk of Council</u>	<u>Amy Wilkens</u>

Legislators: Garret Ferrara, Jack Amrhein, Robin Turner, John Kuhar, Heidi Shaffer, Tracy Wallah, Michael DeLeone, Gwen Rosenberg, Roger Sidoti

- II. The regular meetings of City Council (the "Legislative Body") of the Borrower are on March 17, 2021.
- III. Attached hereto is (a) a true and exact copy of Ordinance No. 2021-024 (the "Loan Legislation"), approved by the Legislative Body on March 17, 2021, authorizing the Borrower to enter into a Water Pollution Control Loan Fund (WPCLF) Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority in the form attached to this Legislation as Exhibit A (the "Water Pollution Control Loan Fund (WPCLF)"), including a description of the Project Facilities being financed under the Water Pollution Control Loan Fund (WPCLF) Agreement, and (b) a copy of the Water Pollution Control Loan Fund (WPCLF) Agreement executed by the official or officials of the Local Government authorized by the Loan Legislation to execute the Water Pollution Control Loan Fund (WPCLF) Agreement on behalf of the Local Government. The undersigned hereby certifies that the legislation remain in full force and effect and has not been repealed, rescinded, amended or modified.
- IV. Attached hereto is a true and exact copy of Ordinance No. 2020-124 (the "Rate Legislation"), approved by the Legislative Body on December 16, 2020, authorizing the current rates or tap-in fees of the utility of the Local Government to which the Water Pollution Control Loan Fund

(WPCLF) Agreement relates, and any special assessment legislation related to any special assessments of the Local Government referred to in the Water Pollution Control Loan Fund (WPCLF) Agreement.

- V. All meeting of the Legislative Body and of its committees and any other public bodies, at which the formal actions referred to in Sections III or IV above were taken, or at which deliberations that resulted in such formal actions were held, were open meetings, and such formal actions were taken and any such deliberations took place while such meetings were open to the public, in compliance with all legal requirements including (if applicable) Section 121.22, Revised Code. Notice and notification of the aforementioned meetings were given Section 121.22, in compliance with all legal requirements including (if applicable) Section 121.22, Revised Code and the rules of the Legislative Body.

Amy Wickens
Clerk of Council

June 1, 2021
Date