

COUNCIL AGENDA

April 21, 2025

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers

7:00 P.M.

ROLL CALL

INVOCATION – Mr. Houser

PLEDGE OF ALLEGIANCE – Dakota Kaneff, My Place To Be School

CAUCUS

MINUTES of April 7, 2025

APPOINTMENTS

There are none this meeting.

REPORTS OF STANDING COMMITTEES

Finance

Service

Capital Improvement

REPORTS FROM CITY OFFICIALS

Jill Frew, Tax Administrator's Office – Income Tax Revenue Reports for the period ending March 31, 2025

Brandon Fox, Water Administrator - 2024 Annual Report for the City of Newark Division of Water and Wastewater

COMMUNICATIONS

Lindsey Brighton – 2025 Waterway Cleanups, Log Pond Run Saturday, April 26th and Raccoon Creek Saturday, May 3rd

Trish Perry, OhioCAN – Free public health clinic on April 26th from 10am – 12pm, 184 E. Main St.

Ohio Division of Liquor Control - Transfer Liquor application from Hop Vine LLC, dba Beverage Source, 1551 W. Church St. and Patio, Newark, OH 43055 to Frosty Brew LLC, dba The Beverage Source, 1551 W. Church St. and Patio, Newark, OH 43055

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

25-12 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Public Service, SUBDIVISIONS OF Water Treatment Plant and Wastewater Treatment Plant BY RECLASSIFYING THE CLASSIFICATIONS OF Water Plant Electro Mechanical Technician and Wastewater Electro Mechanical Technician, AS Water Electro Mechanical Technician/Operator and Wastewater Electro Mechanical Technician/Operator and SETTING THE COMPENSATION THEREFORE.

ORDINANCES ON FIRST READING

25-13 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,810,000 ECONOMIC DEVELOPMENT REVENUE BONDS OR NOTES, SERIES 2025 (SPECIAL OBLIGATION – NON-TAX REVENUES) (TAXABLE), MATTERS RELATED THERETO, AND DECLARING AN EMERGENCY

25-14 TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,700,000 OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF VARIOUS ROAD AND BRIDGE IMPROVEMENT PROJECTS THROUGHOUT THE CITY, MATTERS RELATED TO SUCH BONDS, AND DECLARING AN EMERGENCY.

25-15 TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$550,000 OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING, RENOVATING, IMPROVING, AND EQUIPPING A PARKING LOT LOCATED NEAR CITY HALL, INCLUDING SITE WORK AND ALL NECESSARY APPURTENANCES THERETO, MATTERS RELATED TO SUCH BONDS, AND DECLARING AN EMERGENCY.

25-16 AN ORDINANCE CONSOLIDATING UP TO TWO BOND ISSUES OF THE CITY OF NEWARK, OHIO, ESTABLISHING THE TERMS OF SUCH CONSOLIDATED BOND ISSUE, AND DECLARING AN EMERGENCY

RESOLUTIONS ON SECOND READING

25-14 A RESOLUTION DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PROCEED WITH THE STEPS NECESSARY TO DESIGNATE WASHINGTON STREET AS DR. CHARLES NOBLE, SR. STREET.

25-15 A RESOLUTION AUTHORIZING NEWARK DEVELOPMENT PARTNERS TO ACT AS AGENT FOR THE CITY OF NEWARK FOR THE SALE OF CERTAIN REAL PROPERTY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NEWARK DEVELOPMENT PARTNERS GOVERNING THE SALE AND DISTRIBUTION OF PROCEEDS.

25-17 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$310,000.00 2024 Note Principal Payment for Streambank Protection Project. This was unexpectedly left out of the budget. Will be reimbursed from the

renewal of the note in March 2025.)(\$1,600,000.00 Failed to include in 2025 budget. Utilized for emergency equipment replacement at Water and Wastewater plants.)

25-18 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$21,125.00 Crime Lab roof fluid applied roofing system)

RESOLUTIONS ON FIRST READING

25-19 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$46,502.00 Radar Detection System SR 13 @ SR 16 EB Ramps, 4th/W. Locust, EB SR 16, WB – the 3 intersections are all on 4th St. – upgrade 3 existing serial fiber intersections to IP) (\$300,000.00 Cover City portion of N. 21st St. & Granville Rd. intersection, \$629k coming from OPWC)

25-20 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF LEAD SERVICE LINE REPLACEMENT PROJECT #7 AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

25-21 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR VARIOUS CONSTRUCTION PROJECTS.

25-22 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$300,000.00 Cover City portion of N. 21st St. & Granville Rd. intersection. \$629k coming from OPWC)

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

ORDINANCE NO: 25-12

BY: _____

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Public Service, SUBDIVISIONS OF Water Treatment Plant and Wastewater Treatment Plant BY RECLASSIFYING THE CLASSIFICATIONS OF Water Plant Electro Mechanical Technician and Wastewater Electro Mechanical Technician, AS Water Electro Mechanical Technician/Operator and Wastewater Electro Mechanical Technician/Operator and SETTING THE COMPENSATION THEREFORE:

WHEREAS, the Sub - Divisions of Water and Wastewater Treatment Plants _____ have had cause to review their staffing needs and has determined that alteration is warranted in the organization or structure due to changing workplace needs;

and,

WHEREAS, it is necessary to amend the position authorization and classification/pay range tables to accomplish the foregoing objective;

and,

WHEREAS, the overall position authorization for both sub - divisions will not change;

and,

WHEREAS, the Personnel Committee considered this matter on 3.17.25 _____, and recommended that it be considered by full council.

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

SECTION 1: The positions of Water Plant Electro Mechanical Technician and Wastewater Electro Mechanical Technician are hereby reclassified within the Department of Public Service Divisions of Water Treatment Plant and Wastewater Treatment Plant

SECTION 2: The position classification/pay range table for the hereby is unaffected as follows.

SECTION 3: The positions of Water Electro Mechanical Technician/Operator and Wastewater Electro Mechanical Technician/Operator shall receive

compensation and benefits as set forth in the current Pay Range 42 - AFSCME L2963
Collective Bargaining Agreement. This position is in the classified service of the City of
Newark.

SECTION 4: This ordinance shall become effective at the earliest time permitted by
Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, _____

PRESIDENT OF COUNCIL

ATTEST

Clerk of Council

DATE FILED WITH MAYOR _____

DATE APPROVED BY MAYOR _____

MAYOR

APPROVED AS TO FORM

Director of Law

**Strength authorization table - WATER*

Active	Position Number	Description	Department	Benefit Group	Position Status
Yes	2.709.210.01	Water Facilities Manager	709 - Water Treatment	MGMT EXEMPT	Single
Yes	2.709.220.01	Water Facilities Assistant Mgr.	709 - Water Treatment	MGMT EXEMPT	Single
Yes	3.709.330.01	Electro Mechanical Technician	709 - Water Treatment	AFSCME	Vacant
Yes	3.709.840.02	Plant Operator	709 - Water Treatment	AFSCME	Single
Yes	3.709.840.03	Plant Operator	709 - Water Treatment	AFSCME	Single
Yes	3.709.840.04	Plant Operator	709 - Water Treatment	AFSCME	Single
Yes	3.709.840.05	Plant Operator	709 - Water Treatment	AFSCME	Single
Yes	3.709.840.06	Plant Operator	709 - Water Treatment	AFSCME	Single
Yes	3.709.842.01	Lab Technician/Operator	709 - Water Treatment	AFSCME	Single
Yes	3.709.843.01	Utility Operator	709 - Water Treatment	AFSCME	Single
Yes	3.709.844.01	Maintenance Mechanic/Operator	709 - Water Treatment	AFSCME	Single
Yes	3.709.845.01	Maintenance Technician/Operator	709 - Water Treatment	AFSCME	Single
Yes	4.709.350.01	Instrumentation Technician	709 - Water Treatment	NON-BARG	Single
Yes	4.709.694.01	Maintenance Leader	709 - Water Treatment	NON-BARG	Single

**Strength authorization table - WASTEWATER*

Active	Position Number	Description	Department	Benefit Group	Position Status
Yes	2.713.210.01	Wastewater Facilities Manager	713 - Wastewater Treatment Plant	MGMT EXEMPT	Single
Yes	2.713.220.01	Wastewater Facilities Asst Mgr	714 - Wastewater Treatment Plant	MGMT EXEMPT	Single
Yes	3.713.330.01	Electro Mechanical Technician	715 - Wastewater Treatment Plant	AFSCME	Single
Yes	3.713.340.01	Operations Technician/Operator	716 - Wastewater Treatment Plant	AFSCME	Single
Yes	3.713.840.01	Plant Operator	717 - Wastewater Treatment Plant	AFSCME	Single
Yes	3.713.840.02	Plant Operator	718 - Wastewater Treatment Plant	AFSCME	Single
Yes	3.713.840.03	Plant Operator	719 - Wastewater Treatment Plant	AFSCME	Single
Yes	3.713.840.04	Plant Operator	720 - Wastewater Treatment Plant	AFSCME	Single
Yes	3.713.840.05	Plant Operator	721 - Wastewater Treatment Plant	AFSCME	Single

Yes	3.713.840.06	Plant Operator	722 - Wastewater Treatment Plant	AFSCME	Single
Yes	3.713.840.07	Plant Operator	723 - Wastewater Treatment Plant	AFSCME	Vacant
Yes	3.713.843.01	Utility Operator	724 - Wastewater Treatment Plant	AFSCME	Vacant
Yes	3.713.843.02	Utility Operator	725 - Wastewater Treatment Plant	AFSCME	Vacant
Yes	3.713.844.01	Maintenance Mechanic/Operator	726 - Wastewater Treatment Plant	AFSCME	Single
Yes	4.713.350.01	Instrumentation Technician	727 - Wastewater Treatment Plant	NON-BARG	Single
Yes	4.713.694.01	Maintenance Leader	728 - Wastewater Treatment Plant	NON-BARG	Single

CITY OF NEWARK, OHIO

ORDINANCE NO. 25-13

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,810,000 ECONOMIC DEVELOPMENT REVENUE BONDS OR NOTES, SERIES 2025 (SPECIAL OBLIGATION – NON-TAX REVENUES) (TAXABLE), MATTERS RELATED THERETO, AND DECLARING AN EMERGENCY

WHEREAS, the City Council (the “Council”) of the City of Newark, Ohio (the “City”) has heretofore declared the necessity of acquiring, constructing, renovating, improving, and equipping a building to be used for office space and administrative space, including all necessary appurtenances thereto (the “Project”), for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio; and

WHEREAS, the City is authorized and empowered by virtue of the laws of the State of Ohio, including, without limitation, Article VIII, Section 13 of the Constitution of the State of Ohio and Chapter 165 of the Ohio Revised Code (collectively, the “Act”), among other things, (i) to issue its revenue bonds for the purpose of paying costs of, and making a loan to assist in the financing of costs of, acquiring, constructing, equipping, or improving a “project” as defined in Section 165.01 of the Ohio Revised Code, for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio; (ii) to secure such bonds by a pledge of Non-Tax Revenues, as hereinafter defined and provided herein; and (iii) to enact this Ordinance and enter into related agreements, upon the terms and conditions provided herein; and

WHEREAS, the Council desires to issue bonds and/or bond anticipation notes in an aggregate principal amount not to exceed \$1,810,000 to pay a portion of the costs of the Project; and

WHEREAS, the City Auditor, as fiscal officer of the City, has heretofore estimated that the life of the improvements and assets comprising the Project to be financed with the proceeds of the bonds and/or bond anticipation notes hereinafter referred to is at least five (5) years, and certified that the maximum maturity such bonds and/or bond anticipation notes to be issued therefor is thirty (30) years; and

WHEREAS, the Council anticipates that debt service on such bonds and/or notes will be paid from the hereinafter-defined Non-Tax Revenues;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Newark (herein, called the “City”), County of Licking, Ohio (two-thirds of all members of said council voting in the affirmative):

SECTION 1. That it is necessary to issue and sell debt of the City in an aggregate principal amount of not to exceed \$1,810,000, which may consist of bonds (the “Bonds”) and/or bond anticipation notes (the “Notes” and collectively with the Bonds, the “Obligations”), to be issued for the purpose of paying part of the costs of the Project, or such lesser amount as the City Auditor may determine in the hereinafter defined Certificate of Award, paying capitalized interest on the Obligations, and paying financing costs and additional costs related to the issuance of the Obligations, under authority of and pursuant to the general laws of the State of Ohio, particularly the Act. The determination of whether Bonds and/or Notes shall be issued by the City and the principal amounts of either or both shall be set forth in the hereinafter-defined Certificate of Award.

This Council hereby finds and determines that (i) the Project is a “project” as defined in Section 165.01 of the Ohio Revised Code and is consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution; (ii) the utilization of the Project is in furtherance of the purposes of the Act and will benefit the people of the City and of the State of Ohio by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State; and (iii) it is necessary and in the best interest of the City to issue the Obligations in the maximum aggregate principal amount set forth above for the purpose aforesaid.

The Obligations are to be issued pursuant to the to the provisions of Section 13 of Article VIII of the Constitution of Ohio, Chapter 165 and other applicable provisions of the Ohio Revised Code, the Charter of the City and this Ordinance.

SECTION 2. That if the City determines to issue Bonds to fund all or part of the costs of the Project, such Bonds shall (i) be issued in a principal amount, that when combined with the principal amount of the Notes, if any, shall not to exceed the amount set forth above, for the purpose aforesaid, (ii) be dated, (iii) be of denominations, provided that each Bond shall be of a single maturity, (iv) mature or be subject to mandatory sinking fund redemption on dates and in amounts, provided that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable (whether due to maturity or mandatory sinking fund redemption) shall be not more than three times the amount of such payments in any other fiscal year, and provided further that the final maturity of the Bonds shall be not later than December 1, 2055, or the latest maturity date permitted by law, and (v) bear interest payable semiannually on dates and at a rate or rates per annum, provided that the net interest cost payable by the City over the life of the Bonds shall not exceed eight percent (8%) per annum, all as determined by the City Auditor without further action of the Council in a certificate of award (the “Certificate of Award”), which determinations shall be conclusive. Such Certificate of Award may provide additional details with respect to the purchase, sale, and terms of the Obligations, and may modify this Ordinance provided that such modifications are in the best interest of the City, and provided further that such modifications are consistent with the purposes and the intent set forth herein.

The Bonds shall be subject to redemption prior to maturity at the option of the City upon such terms, at such times, and such price or prices, if any (but in any case, not greater than 103% of the principal amount of the Bonds to be redeemed plus accrued interest to the redemption date),

or not at all, as may be determined by the City Auditor in the Certificate of Award without further action of the Council.

If fewer than all of the outstanding Bonds of a single maturity are called for redemption, the selection of Bonds to be redeemed, or portions thereof in amounts equal to the minimum authorized denomination of the Bonds (the “Minimum Authorized Denomination”) or any integral multiple thereof, shall be made by lot by the Paying Agent and Registrar (as hereinafter defined) in any manner which the Paying Agent and Registrar may determine. In the case of a partial redemption of Bonds when Bonds of denominations greater than the Minimum Authorized Denomination are then outstanding, each Minimum Authorized Denomination unit of face value of principal thereof shall be treated as though it were a separate Bond of the denomination equal to the Minimum Authorized Denomination. If one or more, but not all, of such units of face value represented by a Bond are to be called for redemption, then upon notice of redemption of a Minimum Authorized Denomination unit or units, the registered holder of that Bond shall surrender the Bond to the Paying Agent and Registrar (a) for payment of the redemption price for the Minimum Authorized Denomination unit or units of face value called for redemption (including without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered holder thereof, of a new Bond or Bonds of the same series, of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

The notice of call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Paying Agent and Registrar on behalf of the City by mailing a copy of the redemption notice by certified mail, return receipt requested, at least 30 days prior to the date fixed for redemption, to the registered holder of each Bond subject to redemption in whole or in part at such registered holder’s address shown on the Bond registration records on the fifteenth day preceding that mailing. Failure to receive notice by mailing or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Notice having been mailed in the manner provided above, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date and on such redemption date, interest on such Bonds or portions thereof so called shall cease to accrue; and upon presentation and surrender of such Bonds or portions thereof at the place or places specified in that notice, such Bonds or portions thereof shall be paid at the redemption price, including interest accrued to the redemption date.

The Bonds may be sold in one or more federally taxable series as provided in the hereinafter-defined Certificate of Award. The Bonds shall be designated “Economic Development Revenue Bonds, Series 2025 (Special Obligation – Non-Tax Revenues) (Taxable)” with such series or other designations as may be necessary, or as otherwise provided in the Certificate of Award.

It is hereby determined by the Council that the issuance of the Bonds provided herein, including without limitation, the redemption provisions set forth above, are in the best interests of the City.

SECTION 3. That if the City determines to issue Notes to fund all or part of the costs of the Project, such Notes shall (i) be issued in a principal amount, amount, that when combined with the principal amount of the Bonds, shall not to exceed the amount set forth above, for the purpose aforesaid, (ii) be dated, (iii) be of denominations, (iv) mature not more than one (1) year from such date of issuance and be payable at maturity, and (v) bear interest at a rate per annum not exceeding eight percent (8%) per annum, which interest shall be payable semiannually or at maturity, all as determined by the City Auditor without further action of the Council in the Certificate of Award, which determinations shall be conclusive. Notwithstanding the foregoing, it is determined in the Certificate of Award that such Notes are to be sold to and purchased by a bank or financial institution without the use of an official statement, then such Notes shall be issued in such numbers and denominations of \$100,000 or more as may be requested by the purchaser thereof.

The Notes may be subject to redemption prior to their stated maturity, or not at all, as may be determined by the City Auditor in a Certificate of Award without further action of the Council.

The Notes may be sold in one or more federally taxable series as provided in the hereinafter-defined Certificate of Award. The Notes shall be designated “Economic Development Revenue Bond Anticipation Notes, Series 2025 (Special Obligation – Non-Tax Revenues) (Taxable)” with such series or other designations as may be necessary, or as otherwise provided in a Certificate of Award.

It is hereby determined by the Council that the issuance of the Notes provided herein, including without limitation, the redemption provisions set forth above, are in the best interests of the City.

SECTION 4. That the Obligations shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance. The Obligations shall be in fully registered form without coupons, shall bear the signatures of the Mayor and the City Auditor (each, an “Authorized Officer”), provided that any or all such signatures may be facsimile signatures, may bear the seal of such City or a facsimile thereof, and shall bear the manual authenticating signature of the City Auditor as the paying agent, registrar and transfer agent for the Obligations, or an authorized officer of one or more banks or trust companies designated by the City Auditor in a Certificate of Award without further action of the Council to serve in such capacity (in either case, the “Paying Agent and Registrar”).

The principal amount of each Obligation shall be payable at the designated office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such other dates as set forth in the Certificate of Award) on the Obligation registration records as the registered holder thereof, by check or draft mailed to such registered holder at such holder’s address as it appears on such registration records, or as otherwise provided in the Certificate of Award.

The Obligations shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the designated office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar and upon such other terms as may be set forth in a Certificate of Award. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during the 15-day period preceding any interest payment date or preceding any selection of Obligations to be redeemed, or after such Obligation has been selected for partial or complete redemption, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Obligation or Obligations of authorized denominations of the same maturity and for the same aggregate principal amount shall be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holders of the Obligations as the absolute owners thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 5. That the Obligations shall be special obligations of the City payable solely from: (1) all legally available revenues received by the City during the period the Obligations are outstanding other than moneys raised by taxation, including but not limited to the following: (i) grants from the United States of America and the State of Ohio; (ii) payments in lieu of taxes now or hereafter authorized by State statute to the extent not pledged to pay debt service charges on other City indebtedness; (iii) fines and forfeitures that are deposited in the City's General Fund; (iv) fees deposited in the City's General Fund for services provided and from properly imposed licenses and permits; (v) investment earnings on the City's General Fund; (vi) investment earnings on other funds of the City that are credited to the City's General Fund; (vii) proceeds from the sale of assets that are deposited in the City's General Fund; (viii) gifts and donations; and (ix) all rental payments that are deposited in the City's General Fund; (2) any excess funds resulting from the issue of the Obligations and the principal amount received from the sale of renewal notes or the Bonds if the Obligations are issued as Notes; and (3) any moneys and investments in the custody of the City in the "Non-Tax Revenue 2025 Project Debt Service Fund," which is hereby created in the City's Bond Retirement Fund (the "Special Fund") in or as otherwise determined by the City Auditor, all of which are hereby pledged to the payment of the debt service charges when due in the manner hereinafter described and are collectively referred to herein as the "Non-Tax Revenues."

Anything in this Ordinance or the Obligations to the contrary notwithstanding, neither this Ordinance nor the Obligations constitutes a debt, or a pledge of the faith or credit, or taxing power of the City, the State of Ohio (the "State"), or any political subdivision thereof, and the holders or owners of the Obligations shall have no right to have taxes levied by this Council, the General Assembly of the State, or the taxing authority of any political subdivision of the State for the payment of the debt service charges, and the Obligations shall contain on their faces a statement to that effect.

Nothing herein shall be deemed to prohibit the City from lawfully using, of its own volition, any of its other legally available resources for the fulfillment of any of the terms, conditions, or obligations of this Ordinance or of the Obligations.

Additionally, if the City Auditor determines it to be in the best interest of and financial advantage of the City to fund and maintain a reasonable reserve in the Special Fund or such other debt service reserve fund, the City Auditor may specify in the Certificate of Award the amount of that reserve and the amount, if any, of proceeds of the Obligations to be deposited in the Special Fund or such other debt service reserve fund to fund any required reserve, provided that neither the amount of the reserve or the debt service reserve payment shall exceed the maximum annual debt service charges on the Obligations.

SECTION 6. That, notwithstanding any other ordinance, resolution or action to the contrary: (i) each annual budget approved by this Council shall provide for the payment of Non-Tax Revenues sufficient to pay the debt service charges on the Obligations when due; (ii) Non-Tax Revenues in an amount at least sufficient to pay the interest on the Obligations or other amount determined by the City Auditor shall be deposited in the Special Fund in accordance with such budget; and (iii) proceeds, including if Notes are issued, proceeds of any renewal notes or bonds, sufficient to pay the debt service charges when due after taking into account the then balance in the Special Fund, shall be paid into the Special Fund upon receipt by the City.

SECTION 7. The City hereby covenants that so long as any of the Obligations remain unpaid, the City: (1)(i) shall from time to time, and in accordance with law, exercise its best efforts to enforce collection of the Non-Tax Revenues in a timely manner; (ii) to the extent permitted by law, at least annually, levy and collect sufficient Non-Tax Revenues to pay the debt service charges when due; and (iii) not reduce the rates of any charges or fees relating to the Non-Tax Revenues below the rates in effect on the date of the initial delivery of the Obligations to the purchaser(s) thereof; (2) shall keep, or cause to be kept, proper books and records in such manner as to show the amounts deposited under Section 6 hereof; (3) shall not, without consent of the holders of all of the outstanding Obligations, extend, or assent to the extension of, the time for payment of any Obligations; (4) shall, at any and all times, cause to be done all such further acts and things and cause to be executed and delivered all such further instruments as may be necessary to carry out the purpose of the Obligations and this Ordinance; (5) shall, if Notes are issued, use its best efforts to issue renewal notes or bonds pursuant to the Act in such amounts and bearing such terms as may be necessary to provide sufficient moneys to retire the Notes at maturity after allowing for any other Non-Tax Revenues that may be lawfully available; (6) shall use moneys and investments in the Special Fund solely to pay debt service charges when due; and (7) shall observe and shall satisfactorily and punctually perform all its agreements and obligations provided for by the Obligations and this Ordinance.

The City may in the future issue bonds, notes or other obligations of or guaranties by the City payable from Non-Tax Revenues on a parity with or prior to the Obligations (the "Parity Obligations"), except that such Parity Obligations need not be secured by any pledge of the pledged Non-Tax Revenues. The City Auditor may agree in the Certificate of Award to reasonable limits on the future issuance of Parity Obligations, consistent with that officer's determination of the best interest of and financial advantages to the City; provided, that any limit on the maximum annual aggregate of debt service payments and required payments on any existing Parity Obligations and proposed Parity Obligations payable from Non-Tax Revenues shall not be more than 70% of the

actual Non-Tax Revenues for the fiscal year immediately preceding the issuance of the proposed Parity Obligations (the “Non-Tax Revenue Parity Obligation Covenant”).

All of the obligations set forth and covenants made under this Ordinance are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the City within the meaning of Section 2731.01 of the Ohio Revised Code.

SECTION 8. That the Obligations shall be sold to Northland Securities, Inc., as the underwriter or purchaser thereof, or such other underwriter(s) or purchaser(s) as may be set forth in the Certificate of Award (the “Purchaser”), at not less than 97% of the principal amount thereof, plus accrued interest to the date of delivery, as determined by the City Auditor without further action of the Council in the Certificate of Award pursuant to the Purchaser’s offer to purchase, which the City Auditor is hereby authorized to accept. The City Auditor is hereby authorized, alone or with others, to execute and deliver a purchase agreement for the Obligations (the “Purchase Agreement”) in such form as may be approved by the City Auditor, such City Auditor’s execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and to make the necessary arrangements with the Purchaser to establish the date, location, procedure and conditions for the delivery of the Obligations to the Purchaser, to give all appropriate notices and certificates and to take all steps necessary to effect the due execution and delivery of the Obligations pursuant to the provisions of the Purchase Agreement. The proceeds from the sale of the Obligations, except as any premium and accrued interest received, shall be deposited in an appropriate fund and used for the purpose aforesaid and for no other purpose and for which purpose such proceeds are hereby appropriated. Any premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the Obligations in the manner provided by law.

SECTION 9. That the interest payable on the Obligations shall be subject to federal income taxation to the same extent as other interest not specifically exempted.

SECTION 10. That the Authorized Officers are separately hereby authorized, alone or with others, to execute and deliver an agreement with one or more Paying Agent and Registrars for its services as paying agent, registrar and transfer agent for the Obligations in such form as such officer may approve, the execution thereof by such officer to be conclusive evidence of such authorization and approval.

SECTION 11. That each Authorized Officer or any other officer, employee or agent of the City, are each hereby separately authorized, alone or with others to apply for a municipal bond insurance policy with respect to the Obligations, and accept a commitment therefor, if the Purchaser should recommend the same, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the premium and expenses relating to any such insurance policy from the proceeds of the Obligations is hereby authorized if the City Auditor determines in the Certificate of Award that the present value of the interest cost savings on the Obligations resulting from the insurance policy is greater than the premium to be charged for the insurance policy, which determination shall be conclusive.

SECTION 12. That each Authorized Officer or any other officer, employee or agent of the City, are each hereby separately authorized, alone or with others to apply for a rating from one or more national rating services with respect to the Obligations, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the fees and expenses relating to any such rating from the proceeds of the Obligations is hereby authorized.

SECTION 13. That the Authorized Officers are separately hereby authorized, alone or with others, to prepare and distribute to prospective purchasers of the Obligations and other interested parties, a preliminary official statement with respect to the Obligations on behalf of the City, which shall be in form and substance approved by the City Auditor and/or the Mayor without further action from the Council, and which shall be deemed final for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1) except for certain information excluded therefrom in accordance with such Rule and which will be provided in the final official statement. The Authorized Officers are hereby separately authorized, alone or with others, to prepare, execute and deliver a final official statement with respect to the Obligations on behalf of the City, which shall be in such form as the official(s) signing the same may approve, and which shall be deemed to be final for purposes of Securities and Exchange Commission Rule 15c2-12(b)(3), their execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and copies thereof are hereby authorized to be prepared and furnished to the purchaser of the Obligations for distribution to prospective purchasers of the Obligations and other interested persons.

The Authorized Officers are each hereby separately authorized to execute, alone or together, and deliver of one or more continuing disclosure certificates, dated the date of issuance and delivery of the related Obligations (collectively, the "Continuing Disclosure Certificate"), in connection with the issuance of those Obligations. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Obligations subject to such Continuing Disclosure Certificate; however, any holder of the Obligations may take such action as may be necessary and appropriate, including seeking specific performance, to cause the City to comply with its obligations under this paragraph and the Continuing Disclosure Certificate.

SECTION 14. That the law firm of Dinsmore & Shohl LLP be and is hereby retained as bond counsel to the City to prepare the necessary authorization and related closing documents for the issuance, sale and delivery of the Obligations and, if appropriate, rendering its approving legal opinion or opinions in connection therewith in accordance with a written agreement with the City which the City Auditor is authorized to execute and deliver on behalf of the City, as may be approved by such officer executing the same. The approval of such agreement by such officer, and that the same is not substantially adverse to the City, shall be conclusively evidenced by the execution of such agreement by such officer. Such law firm shall be compensated by the City for the above services in accordance with such written agreement.

SECTION 15. 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 Obligations may be transferred only through a book entry, and (ii) physical Obligation certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the Obligations “immobilized” to the custody of the Depository, and the book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Obligations 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 Obligations or principal and interest, and to effect transfers of Obligations, 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.

All or any portion of the Obligations may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such Obligations, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such Obligation: (i) each Obligation shall be of a single maturity; (ii) those Obligations 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 Obligations in book entry form shall have no right to receive Obligations in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Obligations 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 Obligations as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Debt service charges on Obligations in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in the City’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 Obligations as provided in this Ordinance.

The Paying Agent and Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Obligation in the custody of a Depository providing for making all payments to that owner of principal and interest on that Obligation 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 Obligation, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Obligation 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 Obligations and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

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

If any Depository determines not to continue to act as Depository for the Obligations for use in a book entry system, the City and the Paying Agent and Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the City and the Paying Agent and Registrar do not or are unable to do so, the City 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 Obligations from the Depository and authenticate and deliver Obligation 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 Obligations), if the event is not the result of action or inaction by the City or the Paying Agent and Registrar, of those persons requesting such issuance.

SECTION 16. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Licking County Auditor.

SECTION 17. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were taken in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 18. That it is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Obligations in order to make the same legal, valid and binding obligations of the Council have happened, been done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said Obligations.

SECTION 19. 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 which requires the immediate issuance of the Obligations in order to provide for the timely financing of the Project in accordance with and in furtherance of the City's plans for acquiring, constructing, renovating, improving, and equipping capital improvements without incurring further delay or increased expense. Without the timely financing of the Project, the City materially increases the risk of inadequately providing or not being able to provide essential municipal capital projects and/or related municipal services to the inhabitants of the City, or doing so in a timely and efficient manner, thereby increasing the risk of adversely impacting the public peace, health, safety, and welfare of the inhabitants of the City in a material manner. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED THIS _____ day of _____, 2025.

Presiding Officer

Attest:

Clerk of Council

Date filed with Mayor: _____, 2025

Date approved by Mayor: _____, 2025

Mayor

Form approved: _____
Director of Law

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 Licking County Auditor.

City Auditor

Dated: _____, 2025

RECEIPT

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

Licking County Auditor

Dated: _____, 2025

60036217

EXTRACT FROM MINUTES OF MEETING

[FIRST MEETING]

The Council of the City of Newark, Ohio, met in _____ session at p.m. on the _____ day of _____, 2025, at _____, Newark, Ohio with the following members present:

OTHER BUSINESS

There was presented to the Council by the City Auditor a Certificate as to Maximum Maturity of Bonds and Bond Anticipation Notes relating to the financing described in the following Ordinance.

There was presented and read to Council at the first meeting Ordinance No. _____ entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,810,000 ECONOMIC DEVELOPMENT REVENUE BONDS OR NOTES, SERIES 2025 (SPECIAL OBLIGATION – NON-TAX REVENUES) (TAXABLE), MATTERS RELATED 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 two 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 _____, 2025.

OTHER BUSINESS

60036217

CERTIFICATE

The undersigned, Clerk of Council, hereby certifies that the foregoing is a true and correct extract from the minutes of the meetings of the Council of said City, held on the ____ day of _____, 2025 and the ____ day of _____, 2025, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

60036217

CERTIFICATE OF PUBLICATION OF ORDINANCE

I, the undersigned Clerk of Council, of the City of Newark, Ohio (the "City") hereby certify that Ordinance No. _____, passed by the City Council on _____, 2025, was published in accordance with the provisions set forth in the Charter of the City under Section 4.15.

Clerk of Council

Dated: _____, 2025

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 \$1,810,000 Economic Development Revenue Bonds or Notes, Series 2025 (Special Obligation – Non-Tax Revenues) (Taxable):

(Please Type Name Here)

Mayor	<u>Jeff Hall</u>
City Auditor	<u>Ryan Bubb</u>
Treasurer	<u>Brad Feightner Jr.</u>
Director of Safety	<u>Tim Hickman</u>
Director of Public Service	<u>David Rhodes</u>
Member of Council	<u>Michael Houser</u>
Member of Council	<u>Beth Bline</u>
Member of Council	<u>Jeff Rath</u>
Member of Council	<u>Mark Labutis</u>
Member of Council	<u>Bradley Chute</u>
Member of Council	<u>Bill Cost Jr.</u>
Member of Council	<u>Dustin Neely</u>
Member of Council	<u>Spencer Barker</u>
Member of Council	<u>Doug Marmie</u>
Member of Council	<u>Colton Rine</u>
Director of Law	<u>Tricia Moore</u>

By: _____
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 (the "Issuer" or the "City"), within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies to the City Council of the Issuer in connection with the proposed issuance and sale of not to exceed \$1,810,000 of bonds or notes (the "Obligations") for the purpose of paying the cost of acquiring, constructing, renovating, improving, and equipping a building to be used for office space and administrative space, including all necessary appurtenances thereto (the "Project"), that:

1. the estimated life or period of usefulness of the Project is at least five (5) years;
2. the maximum maturity of bonds, and assuming that, \$1,810,000 is expended for costs of acquiring, constructing, renovating, improving, and equipping a building to be used for office space and administrative space, including all necessary appurtenances thereto, for which I hereby estimate a life or period of usefulness of thirty (30) years and therefore, having a maximum maturity of thirty (30) years, is thirty (30) years; and
3. the maximum maturity of notes issued in anticipation of the bonds is the same as listed above.

IN WITNESS THEREOF, I have hereunto set my hand this ____ day of _____, 2025.

City Auditor

CITY OF NEWARK, OHIO

ORDINANCE NO. 25-14

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,700,000 OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF VARIOUS ROAD AND BRIDGE IMPROVEMENT PROJECTS THROUGHOUT THE CITY, MATTERS RELATED TO SUCH BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, this City Council of the City of Newark, Ohio (the "City" or the "Municipality") has heretofore determined the necessity of paying a portion of the cost of various road and bridge improvement projects throughout the City (the "Project"); and

WHEREAS, the City Auditor, as fiscal officer of the City, has heretofore estimated that the life of the improvements and assets comprising the Project to be acquired with the proceeds of the bonds hereinafter referred to is at least five (5) years, and certified that the maximum maturity of such bonds is twenty (20) years; and

WHEREAS, this Council expects the debt service charges from time to time on the bonds authorized hereby to be paid from general revenues of the City (the "Revenues");

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark, Licking County, Ohio:

SECTION 1. That it is necessary to issue and sell bonds of the City in the principal sum of not to exceed \$1,700,000 (the "Bonds") for the purpose of paying part of the costs of the Project, or such lesser amount as the City Auditor may determine, paying capitalized interest on the Bonds, and paying "financing costs," as defined in Section 133.01 of the Ohio Revised Code, related to the issuance of the Bonds, under authority of and pursuant to the general laws of the State of Ohio, particularly Chapter 133 of the Ohio Revised Code. The Bonds may be issued and sold on a consolidated basis with other bonds of the City pursuant to Section 133.30(B) of the Ohio Revised Code and a consolidating ordinance passed by this Council on this date if the City Auditor so determines, in which event the terms of which are incorporated herein by reference; such consolidated bond issue being sometimes referred to herein as the "Consolidated Bond Issue".

SECTION 2. That the Bonds shall (i) be issued in a principal amount not to exceed the amount set forth above, for the purpose aforesaid, (ii) be dated, (iii) be of denominations, provided that each Bond shall be of a single maturity, (iv) mature or be subject to mandatory sinking fund redemption on dates and in amounts, provided that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable (whether due to maturity or mandatory sinking fund redemption) shall be not more than three times the amount of such payments in any other fiscal year, and provided further that the final maturity of the Bonds shall be not later than December 1, 2045, and (v) bear interest payable semiannually on dates and at a rate or rates per annum, provided that the net interest cost payable by the City over the life of the Bonds shall not exceed seven percent (7%) per annum, all as determined by the City Auditor without further action of this Council in a certificate of award (the "Certificate of Award") which determinations shall

be conclusive. Such Certificate of Award may provide additional details with respect to the purchase, sale, and terms of the Bonds, and may modify this Ordinance provided that such modifications are in the best interest of the City, and provided further that such modifications are consistent with the purposes and the intent set forth herein.

The Bonds shall be subject to redemption prior to maturity at the option of the City upon such terms, at such times, if any (but the first optional redemption date shall be not later than 10 ½ years after the date of issuance of the Bonds) and at such price or prices (but in any case, not greater than 103% of the principal amount of the Bonds to be redeemed plus accrued interest to the redemption date), as may be determined by the City Auditor in the Certificate of Award without further action of this Council.

If fewer than all of the outstanding Bonds of a single maturity are called for redemption, the selection of Bonds to be redeemed, or portions thereof in amounts equal to the minimum authorized denomination of the Bonds (the "Minimum Authorized Denomination") or any integral multiple thereof, shall be made by lot by the Paying Agent and Registrar (as hereinafter defined) in any manner which the Paying Agent and Registrar may determine. In the case of a partial redemption of Bonds when Bonds of denominations greater than the Minimum Authorized Denomination are then outstanding, each Minimum Authorized Denomination unit of face value of principal thereof shall be treated as though it were a separate Bond of the denomination equal to the Minimum Authorized Denomination. If one or more, but not all, of such units of face value represented by a Bond are to be called for redemption, then upon notice of redemption of a Minimum Authorized Denomination unit or units, the registered holder of that Bond shall surrender the Bond to the Paying Agent and Registrar (a) for payment of the redemption price for the Minimum Authorized Denomination unit or units of face value called for redemption (including without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered holder thereof, of a new Bond or Bonds of the same series, of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

The notice of call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Paying Agent and Registrar on behalf of the City by mailing a copy of the redemption notice by certified mail, return receipt requested, at least 30 days prior to the date fixed for redemption, to the registered holder of each Bond subject to redemption in whole or in part at such registered holder's address shown on the Bond registration records on the fifteenth day preceding that mailing. Failure to receive notice by mailing or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Notice having been mailed in the manner provided above, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date and on such redemption date, interest on such Bonds or portions thereof so called shall cease to accrue; and upon presentation and surrender of such Bonds or portions thereof at the place or places specified in that notice, such Bonds or portions thereof shall be paid at the redemption price, including interest accrued to the redemption date.

The Bonds shall be designated "Road and Bridge Improvement Bonds, Series 2025" or as otherwise provided in the Certificate of Award.

It is hereby determined by this Council that the issuance of the Bonds provided herein, including without limitation, the redemption provisions set forth above, are in the best interests of the City.

SECTION 3. That the Bonds 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. The Bonds shall be in fully registered form without coupons, shall be executed by the Mayor and City Auditor (each, an "Authorized Officer"), provided that any or all such signatures may be facsimile signatures, may bear the seal of such Municipality or a facsimile thereof, and shall bear the manual authenticating signature of the City Auditor acting as, or an authorized representative of a bank or trust company designated by the City Auditor in the Certificate of Award without further action of this Council to serve as, the paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. The principal amount of each Bond shall be payable at the designated office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such other dates as set forth in the Certificate of Award) on the Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the designated office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during the 15-day period preceding any interest payment date or preceding any selection of Bonds to be redeemed, or after such Bond has been selected for partial or complete redemption, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount shall be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holders of the Bonds as the absolute owners thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. That for the payment of the Bonds and the interest thereon, the full faith, credit, and revenue of the City are hereby irrevocably pledged, and for the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the Bonds at maturity or upon mandatory sinking fund redemption, there shall be and is hereby levied on all the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually during the period the Bonds are to run in an amount sufficient to provide funds to pay interest upon the Bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the Bonds at maturity or upon mandatory sinking fund redemption, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

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, levied, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The Revenues to be applied to debt service on the Bonds and the funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the interest on and the principal of the Bonds when and as the same shall fall due; provided, that in each year to the extent that the Revenues or moneys from other sources are available for the payment of debt service on the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of the Revenues or such moneys so available and appropriated.

SECTION 5. That the Bonds shall be sold to Northland Securities, Inc., as the underwriter or purchaser of the Bonds (the "Purchaser"), at not less than 97% of the principal amount thereof, plus accrued interest to the date of delivery, as determined by the City Auditor without further action of this Council in the Certificate of Award pursuant to the Purchaser's offer to purchase which such officer is hereby authorized to accept. Such sale may be on a consolidated basis pursuant to Section 133.30(B) of the Ohio Revised Code as described herein. The City Auditor, the Mayor, or either of them, are hereby separately authorized, alone or with others, to execute and deliver a purchase agreement for the Bonds (the "Purchase Agreement") in such form as may be approved by the officer executing the same, such officer's execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and to make the necessary arrangements with the Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Purchaser, to give all appropriate notices and certificates and to take all steps necessary to effect the due execution and delivery of the Bonds pursuant to the provisions of the Purchase Agreement. The proceeds from the sale of the Bonds, except as any premium and accrued interest received, shall be deposited in an appropriate fund and used for the purpose aforesaid and for no other purpose and for which purpose such proceeds are hereby appropriated. Any premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the Bonds in the manner provided by law.

SECTION 6. That this Council hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, 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, including any expenditure requirements, investment limitations or rebate requirements. Without limiting the generally of the foregoing, this Council represents and covenants that not more than 10% of the improvements financed with the proceeds of the Bonds shall be used directly or indirectly in the trade or business of any person that is not an "exempt person" within the meaning of the Code. The City Auditor or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the City on the date of delivery of the Bonds 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.

Each Authorized Officer is hereby authorized to designate any of the Bonds as “qualified tax-exempt obligations” to the extent permitted by Section 265(b) of the Code and not already deemed so designated if such Authorized Officer determines that the reasonably anticipated amount of tax-exempt obligations (whether or not designated as qualified) issued and to be issued by the City during the calendar year in which such Bonds are initially delivered to the Purchaser, including any of such Bonds not already deemed so designated, does not exceed \$10,000,000. Each Authorized Officer and other appropriate officers, and any of them, are authorized to take such additional actions and give such certifications on behalf of the City with respect to the reasonably anticipated amount of tax-exempt obligations to be issued by the City during such calendar year and with respect to such other matters as appropriate under the Code.

SECTION 7. That the Authorized Officers are separately hereby authorized, alone or with others, to execute and deliver an agreement with the Paying Agent and Registrar for its services as paying agent, registrar and transfer agent for the Bonds as a part of the Consolidated Bond Issue in such form as such officer may approve, the execution thereof by such officer to be conclusive evidence of such authorization and approval.

SECTION 8. That the Authorized Officers are separately hereby authorized, alone or with others, to apply for a municipal bond insurance policy with respect to the Bonds, and accept a commitment therefor, if the Purchaser should recommend the same, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the premium and expenses relating to any such insurance policy from the proceeds of the Bonds is hereby authorized if the City Auditor determines in the Certificate of Award that the present value of the interest cost savings on the Bonds resulting from the insurance policy is greater than the premium to be charged for the insurance policy, which determination shall be conclusive.

SECTION 9. That the Authorized Officers are separately hereby authorized, alone or with others, to apply for a rating from one or more national rating services with respect to the Bonds, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the fees and expenses relating to any such rating from the proceeds of the Bonds is hereby authorized.

SECTION 10. That the law firm of Dinsmore & Shohl LLP be and is hereby retained as bond counsel to the City to prepare the necessary authorization and related closing documents for the issuance, sale and delivery of the Bonds and, if appropriate, rendering its approving legal opinion in connection therewith in accordance with the written agreement presently on file or to be placed on file with the City which a majority of the members of this City Council and/or either or both of the Authorized Officers, are each hereby authorized, alone or with others, to execute on behalf of this Council, in such form or with such changes thereto not substantially adverse to the City as may be approved by such officers. The approval of such form or such changes by such officers, and that the same are not substantially adverse to the City, shall be conclusively evidenced by the execution of such agreement by such officer(s). Such law firm shall be compensated by the City for the above services in accordance with such written agreement.

SECTION 11. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor of the County of Licking, Ohio.

SECTION 12. 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 the law, including Section 121.22 of the Revised Code of Ohio.

SECTION 13. 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 which requires the immediate issuance of the Bonds in order to provide for the timely financing of the Project in accordance with and in furtherance of the City's plans to timely complete the Project without incurring further delay or increased expense. Without the timely financing of the Project, the City materially increases the risk of inadequately providing or not being able to provide the benefits of the Project to the inhabitants of the City, or doing so in a timely and efficient manner, thereby increasing the risk of adversely impacting the public peace, health, safety, and welfare of the inhabitants of the City in a material manner. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2025

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: _____, 2025

Date approved by Mayor: _____, 2025

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

60349145

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 _____, 2025.

Clerk of Council

RECEIPT

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

County Auditor

Dated: _____, 2025

603-19145

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at _____ p.m., on the _____ day of _____, 2025, 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 \$1,700,000
OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE
COST OF VARIOUS ROAD AND BRIDGE IMPROVEMENT
PROJECTS THROUGHOUT THE CITY, MATTERS RELATED TO
SUCH BONDS, AND DECLARING AN EMERGENCY.

_____ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on two 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 _____, 2025.

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 _____, 2025, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF PUBLICATION OF ORDINANCE

I, the undersigned Clerk of Council, of the City of Newark, Ohio (the “City”) hereby certify that Ordinance No. _____, passed by the City Council on _____, 2025, was published in accordance with the provisions set forth in the Charter of the City under Section 4.15.

Clerk of Council

Dated: _____, 2025

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

The undersigned, being the fiscal officer of the City of Newark, Ohio (the "City"), within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies to the City Council of the City in connection with the proposed issuance of not to exceed \$1,700,000 of general obligation bonds (the "Bonds") for the purpose of paying a portion of the City's cost for various road and bridge improvement projects throughout the City (the "Project") that:

1. the estimated life or period of usefulness of the Project financed is at least five (5) years; and
2. the maximum maturity of the Bonds is twenty (20) years, as computed pursuant to Sections 133.19 and 133.20 of the Ohio Revised Code.

IN WITNESS THEREOF, I have hereunto set my hand this _____ day of _____, 2025.

City Auditor

CITY OF NEWARK, OHIO

ORDINANCE NO. 25-15

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$550,000 OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING, RENOVATING, IMPROVING, AND EQUIPPING A PARKING LOT LOCATED NEAR CITY HALL, INCLUDING SITE WORK AND ALL NECESSARY APPURTENANCES THERETO, MATTERS RELATED TO SUCH BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, this City Council of the City of Newark, Ohio (the "City" or the "Municipality") has heretofore determined the necessity of paying a portion of the cost of constructing, renovating, improving, and equipping a parking lot located near City Hall, including site work and all necessary appurtenances thereto (the "Project"); and

WHEREAS, the City Auditor, as fiscal officer of the City, has heretofore estimated that the life of the improvements and assets comprising the Project to be acquired with the proceeds of the bonds hereinafter referred to is at least five (5) years, and certified that the maximum maturity of such bonds is fifteen (15) years; and

WHEREAS, this Council expects the debt service charges from time to time on the bonds authorized hereby to be paid from general revenues of the City (the "Revenues");

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark, Licking County, Ohio:

SECTION 1. That it is necessary to issue and sell bonds of the City in the principal sum of not to exceed \$550,000 (the "Bonds") for the purpose of paying part of the costs of the Project, or such lesser amount as the City Auditor may determine, paying capitalized interest on the Bonds, and paying "financing costs," as defined in Section 133.01 of the Ohio Revised Code, related to the issuance of the Bonds, under authority of and pursuant to the general laws of the State of Ohio, particularly Chapter 133 of the Ohio Revised Code. The Bonds may be issued and sold on a consolidated basis with other bonds of the City pursuant to Section 133.30(B) of the Ohio Revised Code and a consolidating ordinance passed by this Council on this date if the City Auditor so determines, in which event the terms of which are incorporated herein by reference; such consolidated bond issue being sometimes referred to herein as the "Consolidated Bond Issue".

SECTION 2. That the Bonds shall (i) be issued in a principal amount not to exceed the amount set forth above, for the purpose aforesaid, (ii) be dated, (iii) be of denominations, provided that each Bond shall be of a single maturity, (iv) mature or be subject to mandatory sinking fund redemption on dates and in amounts, provided that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable (whether due to maturity or mandatory sinking fund redemption) shall be not more than three times the amount of such payments in any other fiscal year, and provided further that the final maturity of the Bonds shall be not later than December 1, 2040, and (v) bear interest payable semiannually on dates and at a rate or rates per

annum, provided that the net interest cost payable by the City over the life of the Bonds shall not exceed seven percent (7%) per annum, all as determined by the City Auditor without further action of this Council in a certificate of award (the "Certificate of Award") which determinations shall be conclusive. Such Certificate of Award may provide additional details with respect to the purchase, sale, and terms of the Bonds, and may modify this Ordinance provided that such modifications are in the best interest of the City, and provided further that such modifications are consistent with the purposes and the intent set forth herein.

The Bonds shall be subject to redemption prior to maturity at the option of the City upon such terms, at such times, if any (but the first optional redemption date shall be not later than 10 ½ years after the date of issuance of the Bonds) and at such price or prices (but in any case, not greater than 103% of the principal amount of the Bonds to be redeemed plus accrued interest to the redemption date), as may be determined by the City Auditor in the Certificate of Award without further action of this Council.

If fewer than all of the outstanding Bonds of a single maturity are called for redemption, the selection of Bonds to be redeemed, or portions thereof in amounts equal to the minimum authorized denomination of the Bonds (the "Minimum Authorized Denomination") or any integral multiple thereof, shall be made by lot by the Paying Agent and Registrar (as hereinafter defined) in any manner which the Paying Agent and Registrar may determine. In the case of a partial redemption of Bonds when Bonds of denominations greater than the Minimum Authorized Denomination are then outstanding, each Minimum Authorized Denomination unit of face value of principal thereof shall be treated as though it were a separate Bond of the denomination equal to the Minimum Authorized Denomination. If one or more, but not all, of such units of face value represented by a Bond are to be called for redemption, then upon notice of redemption of a Minimum Authorized Denomination unit or units, the registered holder of that Bond shall surrender the Bond to the Paying Agent and Registrar (a) for payment of the redemption price for the Minimum Authorized Denomination unit or units of face value called for redemption (including without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered holder thereof, of a new Bond or Bonds of the same series, of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

The notice of call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Paying Agent and Registrar on behalf of the City by mailing a copy of the redemption notice by certified mail, return receipt requested, at least 30 days prior to the date fixed for redemption, to the registered holder of each Bond subject to redemption in whole or in part at such registered holder's address shown on the Bond registration records on the fifteenth day preceding that mailing. Failure to receive notice by mailing or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Notice having been mailed in the manner provided above, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date and on such redemption date, interest on such Bonds or portions thereof so called shall cease to accrue; and upon presentation and surrender of such Bonds or

portions thereof at the place or places specified in that notice, such Bonds or portions thereof shall be paid at the redemption price, including interest accrued to the redemption date.

The Bonds shall be designated "Parking Lot Bonds, Series 2025" or as otherwise provided in the Certificate of Award.

It is hereby determined by this Council that the issuance of the Bonds provided herein, including without limitation, the redemption provisions set forth above, are in the best interests of the City.

SECTION 3. That the Bonds 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. The Bonds shall be in fully registered form without coupons, shall be executed by the Mayor and City Auditor (each, an "Authorized Officer"), provided that any or all such signatures may be facsimile signatures, may bear the seal of such Municipality or a facsimile thereof, and shall bear the manual authenticating signature of the City Auditor acting as, or an authorized representative of a bank or trust company designated by the City Auditor in the Certificate of Award without further action of this Council to serve as, the paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. The principal amount of each Bond shall be payable at the designated office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such other dates as set forth in the Certificate of Award) on the Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the designated office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during the 15-day period preceding any interest payment date or preceding any selection of Bonds to be redeemed, or after such Bond has been selected for partial or complete redemption, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount shall be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holders of the Bonds as the absolute owners thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. That for the payment of the Bonds and the interest thereon, the full faith, credit, and revenue of the City are hereby irrevocably pledged, and for the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the Bonds at maturity or upon mandatory sinking fund redemption, there shall be and is hereby levied on all the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually during the period the Bonds are to run in an amount sufficient to provide funds to pay interest upon the Bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the Bonds

at maturity or upon mandatory sinking fund redemption, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

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, levied, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The Revenues to be applied to debt service on the Bonds and the funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the interest on and the principal of the Bonds when and as the same shall fall due; provided, that in each year to the extent that the Revenues or moneys from other sources are available for the payment of debt service on the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of the Revenues or such moneys so available and appropriated.

SECTION 5. That the Bonds shall be sold to Northland Securities, Inc., as the underwriter or purchaser of the Bonds (the "Purchaser"), at not less than 97% of the principal amount thereof, plus accrued interest to the date of delivery, as determined by the City Auditor without further action of this Council in the Certificate of Award pursuant to the Purchaser's offer to purchase which such officer is hereby authorized to accept. Such sale may be on a consolidated basis pursuant to Section 133.30(B) of the Ohio Revised Code as described herein. The City Auditor, the Mayor, or either of them, are hereby separately authorized, alone or with others, to execute and deliver a purchase agreement for the Bonds (the "Purchase Agreement") in such form as may be approved by the officer executing the same, such officer's execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and to make the necessary arrangements with the Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Purchaser, to give all appropriate notices and certificates and to take all steps necessary to effect the due execution and delivery of the Bonds pursuant to the provisions of the Purchase Agreement. The proceeds from the sale of the Bonds, except as any premium and accrued interest received, shall be deposited in an appropriate fund and used for the purpose aforesaid and for no other purpose and for which purpose such proceeds are hereby appropriated. Any premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the Bonds in the manner provided by law.

SECTION 6. That this Council hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, 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, including any expenditure requirements, investment limitations or rebate requirements. Without limiting the generality of the foregoing, this Council represents and covenants that not more than 10% of the improvements financed with the proceeds of the Bonds shall be used directly or indirectly in the trade or business of any person that is not an "exempt person" within the meaning of the Code. The City Auditor or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the City on the date of delivery of the Bonds 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.

Each Authorized Officer is hereby authorized to designate any of the Bonds as “qualified tax-exempt obligations” to the extent permitted by Section 265(b) of the Code and not already deemed so designated if such Authorized Officer determines that the reasonably anticipated amount of tax-exempt obligations (whether or not designated as qualified) issued and to be issued by the City during the calendar year in which such Bonds are initially delivered to the Purchaser, including any of such Bonds not already deemed so designated, does not exceed \$10,000,000. Each Authorized Officer and other appropriate officers, and any of them, are authorized to take such additional actions and give such certifications on behalf of the City with respect to the reasonably anticipated amount of tax-exempt obligations to be issued by the City during such calendar year and with respect to such other matters as appropriate under the Code.

SECTION 7. That the Authorized Officers are separately hereby authorized, alone or with others, to execute and deliver an agreement with the Paying Agent and Registrar for its services as paying agent, registrar and transfer agent for the Bonds as a part of the Consolidated Bond Issue in such form as such officer may approve, the execution thereof by such officer to be conclusive evidence of such authorization and approval.

SECTION 8. That the Authorized Officers are separately hereby authorized, alone or with others, to apply for a municipal bond insurance policy with respect to the Bonds, and accept a commitment therefor, if the Purchaser should recommend the same, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the premium and expenses relating to any such insurance policy from the proceeds of the Bonds is hereby authorized if the City Auditor determines in the Certificate of Award that the present value of the interest cost savings on the Bonds resulting from the insurance policy is greater than the premium to be charged for the insurance policy, which determination shall be conclusive.

SECTION 9. That the Authorized Officers are separately hereby authorized, alone or with others, to apply for a rating from one or more national rating services with respect to the Bonds, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the fees and expenses relating to any such rating from the proceeds of the Bonds is hereby authorized.

SECTION 10. That the law firm of Dinsmore & Shohl LLP be and is hereby retained as bond counsel to the City to prepare the necessary authorization and related closing documents for the issuance, sale and delivery of the Bonds and, if appropriate, rendering its approving legal opinion in connection therewith in accordance with the written agreement presently on file or to be placed on file with the City which a majority of the members of this City Council and/or either or both of the Authorized Officers, are each hereby authorized, alone or with others, to execute on behalf of this Council, in such form or with such changes thereto not substantially adverse to the City as may be approved by such officers. The approval of such form or such changes by such officers, and that the same are not substantially adverse to the City, shall be conclusively evidenced by the execution of such agreement by such officer(s). Such law firm shall be compensated by the City for the above services in accordance with such written agreement.

SECTION 11. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor of the County of Licking, Ohio.

SECTION 12. 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 the law, including Section 121.22 of the Revised Code of Ohio.

SECTION 13. 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 which requires the immediate issuance of the Bonds in order to provide for the timely financing of the Project in accordance with and in furtherance of the City's plans to timely complete the Project without incurring further delay or increased expense. Without the timely financing of the Project, the City materially increases the risk of inadequately providing or not being able to provide the benefits of the Project to the inhabitants of the City, or doing so in a timely and efficient manner, thereby increasing the risk of adversely impacting the public peace, health, safety, and welfare of the inhabitants of the City in a material manner. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2025

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: _____, 2025

Date approved by Mayor: _____, 2025

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

60349145

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 _____, 2025.

Clerk of Council

RECEIPT

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

County Auditor

Dated: _____, 2025

60349145

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at _____ p.m., on the _____ day of _____, 2025, 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 \$550,000 OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING, RENOVATING, IMPROVING, AND EQUIPPING A PARKING LOT LOCATED NEAR CITY HALL, INCLUDING SITE WORK AND ALL NECESSARY APPURTENANCES THERETO, MATTERS RELATED TO SUCH BONDS, AND DECLARING AN EMERGENCY.

_____ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on two 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 _____, 2025.

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 _____, 2025, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF PUBLICATION OF ORDINANCE

I, the undersigned Clerk of Council, of the City of Newark, Ohio (the "City") hereby certify that Ordinance No. _____, passed by the City Council on _____, 2025, was published in accordance with the provisions set forth in the Charter of the City under Section 4.15.

Clerk of Council

Dated: _____, 2025

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

The undersigned, being the fiscal officer of the City of Newark, Ohio (the "City"), within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies to the City Council of the City in connection with the proposed issuance of not to exceed \$550,000 of general obligation bonds (the "Bonds") for the purpose of paying a portion of the City's cost of constructing, renovating, improving, and equipping a parking lot located near City Hall, including site work and all necessary appurtenances thereto (the "Project") that:

1. the estimated life or period of usefulness of the Project financed is at least five (5) years; and
2. the maximum maturity of the Bonds is fifteen (15) years, as computed pursuant to Sections 133.19 and 133.20 of the Ohio Revised Code.

IN WITNESS THEREOF, I have hereunto set my hand this _____ day of _____, 2025.

City Auditor

CITY OF NEWARK, OHIO

ORDINANCE NO. 25-16

AN ORDINANCE CONSOLIDATING UP TO TWO BOND ISSUES OF THE CITY OF NEWARK, OHIO, ESTABLISHING THE TERMS OF SUCH CONSOLIDATED BOND ISSUE, AND DECLARING AN EMERGENCY

WHEREAS, this City Council (sometimes referred to herein as this “Council”) of the City of Newark, Ohio (the “City” or the “Municipality”) has passed two ordinances authorizing the following general obligation bond issues pursuant to Chapter 133 of the Ohio Revised Code for the purposes indicated: (1) not to exceed \$1,700,000 Road and Bridge Improvement Bonds, Series 2025, for the purpose of paying a portion of the cost of various road and bridge improvement projects throughout the City; and (2) not to exceed \$550,000 Parking Lot Bonds, Series 2025, for the purpose of paying a portion of the cost of constructing, renovating, improving, and equipping a parking lot located near City Hall, including site work and all necessary appurtenances thereto (such bond issues are collectively referred to as the “2025 Series Bonds”); and

WHEREAS, this Council desires to issue and sell up to two of the 2025 Series Bonds on a consolidated basis pursuant to Section 133.30(B) of the Ohio Revised Code and this Ordinance to achieve certain cost savings;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark, County of Licking, Ohio:

SECTION 1. That pursuant to the provisions of Section 133.30(B) of the Ohio Revised Code, the 2025 Series Bonds shall be consolidated into a single bond issue which shall be designated “Various Purpose Bonds, Series 2025” or as otherwise provided in the hereinafter-defined Certificate of Award (such consolidated bonds are hereinafter referred to as the “Consolidated Bonds”).

SECTION 2. That the Consolidated Bonds shall be issued under authority of the general laws of the State of Ohio, particularly Chapter 133 of the Ohio Revised Code. The Consolidated Bonds shall (i) be dated as of the same date as the 2025 Series Bonds included in the Consolidated Bonds, (ii) be in a principal amount equal to the sum of the aggregate principal amounts of such 2025 Series Bonds, (iii) be numbered from R-1 upwards in order of issuance, (iv) be of the denominations of \$5,000 and any integral multiple thereof, provided that each Consolidated Bond shall be of a single maturity, and provided further that one such Consolidated Bond may be of a different denomination as set forth in the Certificate of Award, (v) mature or be subject to mandatory sinking fund redemption on each date such 2025 Series Bonds mature or are subject to mandatory sinking fund redemption in an amount for any given date equal to the sum of the maturity or mandatory sinking fund amounts for such 2025 Series Bonds for such date, and (vi) bear interest payable on each date interest on such 2025 Series Bonds is payable at a rate for each respective maturity equal to the rate of interest on such 2025 Series Bonds for such maturity.

The Consolidated Bonds shall be subject to optional redemption on each date the 2025 Series Bonds included in the Consolidated Bonds are subject to optional redemption in an amount for any given date equal to the sum of the amounts of such 2025 Series Bonds being redeemed on such date upon the same terms, at the same redemption prices, on the same dates and in the same manner as such 2025 Series Bonds. Such optional redemption may result in only a portion of a particular maturity of Consolidated Bonds being redeemed.

If fewer than all of the outstanding Consolidated Bonds of a single maturity are called for redemption, the selection of Consolidated Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by lot by the Paying Agent and Registrar (as hereinafter defined) in any manner which the Paying Agent and Registrar may determine. In the case of a partial redemption of Consolidated Bonds when Consolidated Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of face value of principal thereof shall be treated as though it were a separate Consolidated Bond of the denomination of \$5,000. If one or more, but not all, of such \$5,000 units of face value represented by a Consolidated Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered holder of that Consolidated Bond shall surrender the Consolidated Bond to the Paying Agent and Registrar (a) for payment of the redemption price for the \$5,000 unit or units of face value called for redemption (including without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered holder thereof, of a new Consolidated Bond or Bonds of the same series, of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Consolidated Bond surrendered.

The notice of call for redemption of Consolidated Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Consolidated Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Paying Agent and Registrar on behalf of the City by mailing a copy of the redemption notice by certified mail, return receipt requested, at least 30 days prior to the date fixed for redemption, to the registered holder of each Consolidated Bond subject to redemption in whole or in part at such registered holder's address shown on the Consolidated Bond registration records on the fifteenth day preceding that mailing. Failure to receive notice by mailing or any defect in that notice regarding any Consolidated Bond, however, shall not affect the validity of the proceedings for the redemption of any Consolidated Bond. Notice having been mailed in the manner provided above, the Consolidated Bonds and portions thereof called for redemption shall become due and payable on the redemption date and on such redemption date, interest on such Consolidated Bonds or portions thereof so called shall cease to accrue; and upon presentation and surrender of such Consolidated Bonds or portions thereof at the place or places specified in that notice, such Consolidated Bonds or portions thereof shall be paid at the redemption price, including interest accrued to the redemption date.

It is hereby determined by this Council that the issuance of the Consolidated Bonds provided herein, including without limitation, the redemption provisions set forth above, are in the best interests of the City and that the maturities and mandatory sinking fund and optional redemption provisions set forth above are consistent with the aggregate of the periodic separate

maturities and mandatory sinking fund and optional redemption provisions of the respective ordinances authorizing the 2025 Series Bonds included in the Consolidated Bonds.

SECTION 3. That the Consolidated Bonds shall express upon their faces a summary statement of purposes encompassing the purposes stated in the ordinances authorizing the 2025 Series Bonds included in the Consolidated Bonds and that they are issued in pursuance of this Ordinance. The Consolidated Bonds shall be in fully registered form without coupons, shall be executed by the Mayor and City Auditor (each, an “Authorized Officer”), provided that any or all such signatures may be facsimile signatures, may bear the seal of such Municipality or a facsimile thereof, and shall bear the manual authenticating signature of the City Auditor acting as, or an authorized representative of a bank or trust company designated by the City Auditor in the Certificate of Award (as hereinafter defined) without further action of this Council to serve as, the paying agent, registrar and transfer agent (the “Paying Agent and Registrar”) for the Consolidated Bonds. The principal amount of each Consolidated Bond shall be payable at the designated office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such other dates as set forth in the Certificate of Award) on the Consolidated Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Consolidated Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the designated office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Consolidated Bond during the 15-day period preceding any interest payment date or preceding any selection of Consolidated Bonds to be redeemed, or after such Consolidated Bond has been selected for partial or complete redemption, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Consolidated Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount shall be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holders of the Consolidated Bonds as the absolute owners thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. That the provisions of the respective ordinances authorizing the 2025 Series Bonds included in the Consolidated Bonds relating to security and sources of payment, federal tax status of such 2025 Series Bonds and of interest payable thereon, are hereby incorporated by reference into this Ordinance and the Consolidated Bonds.

SECTION 5. That the Consolidated Bonds shall be sold to Northland Securities, Inc., as the underwriter or purchaser of the Bonds (the “Purchaser”), at not less than 97% of the principal amount thereof plus accrued interest to the date of delivery, as determined by the City Auditor without further action of this Council in a certificate of award (the “Certificate of Award”) pursuant to the Purchaser’s offer to purchase which such officer is hereby authorized to accept. The City Auditor, the Mayor, or either of them, are hereby separately authorized, alone or with others, to execute and deliver a purchase agreement for the Consolidated Bonds (the “Purchase Agreement”)

in such form as may be approved by the officer executing the same, such officer's execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and to make the necessary arrangements with the Purchaser to establish the date, location, procedure and conditions for the delivery of the Consolidated Bonds to the Purchaser, to give all appropriate notices and certificates and to take all steps necessary to effect the due execution and delivery of the Consolidated Bonds pursuant to the provisions of the Purchase Agreement. The proceeds from the sale of the Consolidated Bonds, except as any premium and accrued interest received, shall be apportioned, deposited and credited in accordance with Section 133.32 of the Ohio Revised Code to the respective purposes and funds in accordance with the amount of each issue of 2025 Series Bonds included in the Consolidated Bonds and for which purposes such proceeds are hereby appropriated. Any premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the Consolidated Bonds in the manner provided by law.

SECTION 6. That the Authorized Officers are separately hereby authorized, alone or with others, to prepare and distribute to prospective purchasers of the Consolidated Bonds and other interested parties, a preliminary official statement with respect to the Consolidated Bonds on behalf of the City, which shall be in substantially the form heretofore submitted to this Council with such changes thereto as such officials may approve, and which shall be deemed final for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1) except for certain information excluded therefrom in accordance with such Rule and which will be provided in the final official statement. The Authorized Officers are separately hereby authorized, alone or with others, to prepare, execute and deliver a final official statement with respect to the Consolidated Bonds on behalf of the City, which shall be in such form as the officials signing the same may approve, and which shall be deemed to be final for purposes of Securities and Exchange Commission Rule 15c2-12(b)(3), their execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and copies thereof are hereby authorized to be prepared and furnished to the purchaser of the Consolidated Bonds for distribution to prospective purchasers of the Consolidated Bonds and other interested persons.

The City hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Consolidated Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Consolidated Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Consolidated Bonds; however, any holder of the Consolidated Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause the City to comply with its obligations under this paragraph and the Continuing Disclosure Certificate.

SECTION 7. That the law firm of Dinsmore & Shohl LLP be and is hereby retained as bond counsel to the City to prepare the necessary authorization and related closing documents for the issuance, sale and delivery of the Consolidated Bonds and, if appropriate, rendering its approving legal opinion in connection therewith in accordance with the written agreement presently on file or to be placed on file with the City which a majority of the members of this City Council and/or either or both of the Authorized Officers, are each hereby authorized, alone or with others, to execute on behalf of this Council, in such form or with such changes thereto not substantially adverse to the City as may be approved by such officers. The approval of such form

or such changes by such officers, and that the same are not substantially adverse to the City, shall be conclusively evidenced by the execution of such agreement by such officer(s). Such law firm shall be compensated by the City for the above services in accordance with such written agreement.

SECTION 8. That the Authorized Officers are separately hereby authorized, alone or with others, to execute and deliver an agreement with the Paying Agent and Registrar for its services as paying agent, registrar and transfer agent for the Consolidated Bonds in such form as such officers may approve, the execution thereof by such officer to be conclusive evidence of such authorization and approval.

SECTION 9. 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 Consolidated Bonds may be transferred only through a book entry, and (ii) physical Consolidated Bond certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the Consolidated Bonds “immobilized” to the custody of the Depository, and the book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Consolidated Bonds 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 Consolidated Bonds or principal and interest, and to effect transfers of Consolidated Bonds, 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.

All or any portion of the Consolidated Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such Consolidated Bonds, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such Consolidated Bonds: (i) each Consolidated Bond shall be of a single maturity; (ii) those Consolidated Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of Consolidated Bonds in book entry form shall have no right to receive Consolidated Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Consolidated Bonds 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 Consolidated Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Debt service charges on Consolidated Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in the City’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 Consolidated Bonds as provided in this Ordinance.

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

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 the City, a blanket letter agreement between the City and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Consolidated Bonds to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the Consolidated Bonds under a book entry system.

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

SECTION 10. That the Authorized Officers are separately hereby authorized, alone or with others, to apply for a municipal bond insurance policy with respect to the Consolidated Bonds, and accept a commitment therefor, if the Purchaser should recommend the same, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the premium and expenses relating to any such insurance policy from the proceeds of the Consolidated Bonds is hereby authorized if the City Auditor determines in the Certificate of Award that the present value of the interest cost savings on the Consolidated Bonds resulting from the insurance policy is greater than the premium to be charged for the insurance policy, which determination shall be conclusive.

SECTION 11. That the Authorized Officers are separately hereby authorized, alone or with others, to apply for a rating from one or more national rating services with respect to the Consolidated Bonds, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the fees and expenses relating to any such rating from the proceeds of the Consolidated Bonds is hereby authorized.

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

SECTION 13. 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 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 which requires the immediate issuance of the Consolidated Bonds in order to provide for the timely financing of the projects associated with the 2025 Series Bonds in accordance with and in furtherance of the City's plans to timely complete such projects without incurring further delay or increased expense. Without the timely financing of such projects, the City materially increases the risk of inadequately providing or not being able to provide the benefits of such projects to the inhabitants of the City, or doing so in a timely and efficient manner, thereby increasing the risk of adversely impacting the public peace, health, safety, and welfare of the inhabitants of the City in a material manner. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2025

Presiding Officer

ATTEST:

Clerk of Council

Date filed with Mayor: _____, 2025

Date approved by Mayor: _____, 2025

Mayor

Form Approved: _____
Director of Law

Prepared By: Dinsmore & Shohl LLP

60349145

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: _____, 2025

RECEIPT

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

County Auditor
Licking County, Ohio

Dated: _____, 2025

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at _____ p.m., on the _____ day of _____, 2025, at _____, Newark, Ohio, with the following members present:

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

AN ORDINANCE CONSOLIDATING UP TO TWO BOND
ISSUES OF THE CITY OF NEWARK, OHIO,
ESTABLISHING THE TERMS OF SUCH CONSOLIDATED
BOND ISSUE, AND DECLARING AN EMERGENCY

_____ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on two 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 _____, 2025.

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 _____, 2025, to the extent pertinent to consideration and passage of the above-entitled legislation.

Clerk of Council

CERTIFICATE OF PUBLICATION OF ORDINANCE

I, the undersigned Clerk of Council, of the City of Newark, Ohio (the “City”) hereby certify that Ordinance No. _____, passed by the City Council on _____, 2025, was published in accordance with the provisions set forth in the Charter of the City under Section 4.15.

Clerk of Council

Dated: _____, 2025

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 \$2,250,000 Various Purpose Bonds, Series 2025:

(Please Type Names Here)

Mayor	<u>Jeff Hall</u>
City Auditor	<u>Ryan Bubb</u>
Treasurer	<u>Brad Feightner Jr.</u>
Director of Safety	<u>Tim Hickman</u>
Director of Public Service	<u>David Rhodes</u>
Member of Council	<u>Michael Houser</u>
Member of Council	<u>Beth Bline</u>
Member of Council	<u>Jeff Rath</u>
Member of Council	<u>Mark Labutis</u>
Member of Council	<u>Bradley Chute</u>
Member of Council	<u>Bill Cost Jr.</u>
Member of Council	<u>Dustin Neely</u>
Member of Council	<u>Spencer Barker</u>
Member of Council	<u>Doug Marmie</u>
Member of Council	<u>Colton Rine</u>
Director of Law	<u>Tricia Moore</u>

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

RESOLUTION NO. 25-14

BY _____

A RESOLUTION DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PROCEED WITH THE STEPS NECESSARY TO DESIGNATE WASHINGTON STREET AS DR. CHARLES NOBLE, SR. STREET.

WHEREAS, Dr. Charles Noble, Sr. was instrumental in creating the Washington Square Apartments, a series of senior and housing projects established throughout the State of Ohio and the first senior housing in Licking County located on Washington Street within the City of Newark, Ohio; and

WHEREAS, Dr. Charles Noble, Sr. served as Pastor of Shiloh Missionary Baptist Church from July 11, 1969 to December 31, 2011. For over 42 years he influenced the lives of many across the country through his commitment to the Word of God; and

WHEREAS, Dr. Charles Noble, Sr.'s ministry touched the children in Par Excellence Academy, college students at Denison University and Central Ohio Technical College, community leaders through Park National Bank Board of Directors, and the Rotary Club.

WHEREAS, this matter was considered in regular session by the Street Committee who voted to refer the same to full Council for consideration.

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

SECTION 1: The Director of Public Service is hereby authorized and directed to proceed with the steps necessary to designate Washington Street in the City of Newark, Ohio, to Dr. Charles Noble, Sr. Street.

SECTION 2: This Resolution shall become effective at the earliest time permitted in accordance with Article 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2025.

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____



Director of Law

Prepared by the Office of the Director of Law

RESOLUTION NO. 25-15

BY: _____

A RESOLUTION AUTHORIZING NEWARK DEVELOPMENT PARTNERS TO ACT AS AGENT FOR THE CITY OF NEWARK FOR THE SALE OF CERTAIN REAL PROPERTY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NEWARK DEVELOPMENT PARTNERS GOVERNING THE SALE AND DISTRIBUTION OF PROCEEDS

WHEREAS, the City of Newark and Newark Development Partners have entered into an Amended Designated Agency Agreement authorizing the transfer of real property owned by the City and controlling the manner in which such property may then be developed and/or transferred by Newark Development Partners and the manner in which any revenues generated from such development and transfer are to be disbursed; and,

WHEREAS, the City desires to enter into a special Memorandum of Understanding with Newark Development Partners as to the particular method and terms by which the property is to be sold and the required distribution of funds; and

WHEREAS, the subject property, because of its size, location, and zoning restrictions, is not currently suitable for any municipal purpose; and,

WHEREAS, the sale of the subject real property would promote the general welfare and stabilize the neighborhood in question, assist in development, and promote the reclamation, rehabilitation, and reutilization of such real property; and,

WHEREAS, this matter was considered in regular session of the Service Committee who voted to refer the same to full Council for consideration.

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

SECTION ONE: The Director of Public Service is hereby authorized to enter into a Memorandum of Understanding with Newark Development Partners who shall act as agent for the City of Newark for the sale of the following listed parcel of real property located within the City of Newark:

37 South Morris Street, Newark, Ohio, Parcel #054-203964-00.000

SECTION TWO: Council hereby declares the subject real property to no longer be needed by the City of Newark, Ohio for any municipal purpose and that the City's interests are best served by sale of the property by Newark Development Partners subject to the agreed upon

Memorandum of Understanding containing the terms of sale and the disbursement of proceeds generated therefrom.

SECTION THREE: This Resolution shall become effective at the earliest date permitted pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 2025.

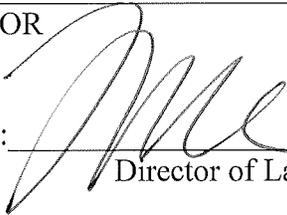
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED:  _____
Director of Law

Prepared by the Office of the Director of Law

**MEMORANDUM OF UNDERSTANDING FOR ACCEPTANCE AND DISPOSITION
OF REAL PROPERTY**

This Memorandum of Understanding is made between the City of Newark (“City”) and Newark Development Partners (“NDP”), an Ohio non-for-profit corporation organized as a community improvement corporation under Chapter 1724 of the Ohio Revised Code, for and only as pertains to the sale of the following listed parcel of real property located within the City of Newark:

<u>ADDRESS</u>	<u>PARCEL NO.</u>
37 South Morris Street	054-203964-00.000

WHEREAS, the City owns the above parcel of real estate with the listed Licking County tax parcel number (the “Property”) which have been determined to be of no value in its current state of development and not currently suitable for any municipal purpose; and,

WHEREAS, NDP has been designated as an agency of the City of Newark for future commercial and retail growth and development, pursuant to a Designated Agency Agreement effective October 15, 2012, as amended April 27, 2016, and March 20, 2023; and,

WHEREAS, the City has determined that the conveyance of the Property would serve a public purpose for the benefit of the City; and,

WHEREAS, the City wishes to convey the Property to NDP for disposition with the terms and conditions described herein; and,

WHEREAS, NDP wishes to accept the Property on such terms and conditions.

NOW, THEREFORE, the parties agree as follows:

1. The Property shall be conveyed to NDP in fee simple by quit claim deed, free of all encumbrances subject only to such easements, rights of way, conditions and restrictions of record, legal highways, zoning ordinances or resolutions.
2. NDP agrees to sell the property for at least the appraised value of said property.
3. Upon sale of the property, NDP shall retain from the proceeds of the sale the costs associated with the sale which may include, but are not limited to, title examination, title insurance commitment and policy, survey if required for transfer of title, marketing costs including real estate brokerage costs, conveyance fees, and NDP’s service fee. The balance of the proceeds of the sale shall be paid by NDP to the City of Newark, Ohio.

4. This Agreement shall survive the closing of the transaction by which the property is transferred from the City to NDP, and it may not be modified or amended except by a writing agreed to and signed by both parties.
5. It is the intention of the parties that the laws of the State of Ohio shall govern the validity of this Agreement, the construction of its terms, and the interpretation of the rights and obligations of the parties. Venue shall be deemed to be in Licking County.
6. In the event that a court of competent jurisdiction finds that any one or more of the provisions contained herein is invalid, illegal, or unenforceable, such holding shall not affect any other provision hereof, and this Agreement shall be construed as though the invalid, illegal, or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF, the undersigned have hereunto caused their names to be subscribed to this Agreement, by authority of Resolution of the City Council of the City of Newark, Ohio and Resolution of the Board of Directors of Newark Development Partners on the dates set forth beneath each signature.

Newark Development Partners

By: _____

C. Daniel DeLawder, Chairman

Date: _____

City of Newark, Ohio

By: _____

Director of Public Service

Date: _____

Resolution No.25-17

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 665 CSO/Sewer Projects Fund, in the amount of \$310,000.00 (2024 Note Principal Payment for Streambank Protection Project. This was unexpectedly left out of the budget. Will be reimbursed from the renewal of the note in March 2025.)

665.712.5411104	Principal Notes Streambank Protection	310,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 662 and 632 Funds, in the amount of \$1,600,000.00 (Failed to include in 2025 budget. Utilized for emergency equipment replacement at Water and Wastewater plants.)

662.733.5299	Contingency	800,000.00
632.706.5299	Contingency	800,000.00

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 _____, 2025.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____

Resolution No.25-18

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 335 Capital Improvement Fund, in the amount of \$21,125.00 (Crime Lab roof fluid applied roofing system)

335.121.5271	Maintenance buildings/grounds	21,125.00
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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 _____, 2025.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

Resolution No.25-19

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 335 Capital Improvement Fund, in the amount of \$46,502.00 (Radar Detection System SR 13 @ SR 16 EB Ramps, 4th/W. Locust, EB SR 16, WB – the 3 intersections are all on 4th St. – upgrade 3 existing serial fiber intersections to IP)

335.302.5332	Traffic Control Parts/Supplies	46,502.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 335 Capital Improvement Fund, in the amount of \$300,000.00 (Cover City portion of N. 21st St. & Granville Rd. intersection, \$629k coming from OPWC)

335.122.5276100	Maintenance of Street projects	300,000.00
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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 _____, 2025.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

RESOLUTION NO. 25-20

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF LEAD SERVICE LINE REPLACEMENT PROJECT #7 AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

WHEREAS, the City of Newark operates a Water Distribution System throughout the City; and,

WHEREAS, the distribution system has approximately 4,000 lead and/or galvanized water service lines; and,

WHEREAS, replacement of lead and galvanized service lines is a requirement of Ohio EPA in order to eliminate lead material and to maintain efficient and cost-effective operations of the system; and,

WHEREAS, the Ohio Water Supply Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; and,

WHEREAS, the Public Service Committee of the Newark City Council met on April 7, 2025 and approved submission of the legislation for full council consideration.

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

Section 1: The Director of Public Service is hereby authorized and directed to apply for a WSRLA loan, sign all documents for and enter into a Water Supply Revolving Loan Account Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of water facilities on behalf of the City of Newark, Ohio.

Section 2: That the dedicated source of repayment will be user charges.

Section 3: This resolution shall become effective at the earliest time permitted in accordance with Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____ 2025.

PRESIDENT OF COUNCIL

ATTEST:
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____

DIRECTOR OF LAW

Prepared by the Division of Water and Wastewater

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR VARIOUS CONSTRUCTION PROJECTS.

WHEREAS, it is necessary to perform various construction projects in the City of Newark to enhance the convenience, safety, and general well being of the citizens of the City; and,

WHEREAS, the Service Committee of Council considered and authorized the submittal of this legislation during its April 7, 2025, meeting; and,

WHEREAS, the Newark City Engineer is preparing specifications and estimates for cost for the proposed projects and will file the same with the Director of Public Service.

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

Section 1: The Director of Public Service is hereby authorized and directed to advertise for bids and enter into contracts, subject to the appropriation of funds, for the following projects in accordance with the specifications and cost estimates for same to be filed in the Public Service Director's office.

1. 2025 Annual Street Maintenance Project
2. Annual Concrete Maintenance – Concrete ADA Curb Ramp and Sidewalk Projects
3. River Road Culvert Replacement Project
4. Stormwater Utility – Small Drainage Projects
5. Riverside Drive Bridge Replacement
6. North 21st Street and Granville Road Intersection Upgrade
7. West Main Street Widening Project, west of Coffman Road
8. Granville Road Sanitary Sewer Relocation at Log Pond Run Diversion Channel
9. City Hall – Arcade Parking Area Project

Section 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted this _____ day of _____, 2025.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved By: _____
Law Director

Prepared by the Division of Engineering.

Resolution No.25-22

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 152 Budget Stabilization Fund, in the amount of \$300,000.00 (Cover City portion of N. 21st St. & Granville Rd. intersection. \$629k coming from OPWC)

152.100.5901335	OPT CI	300,000.00
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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 _____, 2025.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____