

NEW LEGISLATION

January 23, 2012

The following legislation has been temporarily assigned to the below-stated committee by the Clerk of Council:

Temp. No.	Introduced	Committee	Description
A-5	1/23/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials, supplies, and equipment for use by the Electric Division during 2012, and declaring an emergency.
A-6	1/23/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for concrete and masonry repairs to the City-owned parking garage located at 2035 Old Town Loop and known as the "Blue" Parking Deck, and declaring an emergency.
A-7	1/23/12	Fin	An ordinance amending Sections 921.01, 921.02 921.03 and 921.06 of Title Five, Part Nine of the Codified Ordinances, relating to utility accounts and customer deposits, and declaring an emergency.
A-8	1/23/12	PA	A resolution expressing support for and urging passage of Issue 10, the Woodridge Local School District tax levy, at the primary election to be held on March 6, 2012, and declaring an emergency.

CALENDAR

January 23, 2012

The following legislation will be up for passage at the Council Meeting on January 23, 2012.

Temp. No.	Introduced	Committee	Description
A-1	1/9/12	PI	A resolution declaring the necessity of and intention to appropriate certain interests in real property necessary for the improvement of State Road between Graham Road and Steels Corners Road, and declaring an emergency.
A-2	1/9/12	PI	An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts without competitive bidding with Kenmore Construction Co., Inc. for emergency repairs to the road embankment supporting Akron-Peninsula Road north of Ira Road, and declaring an emergency.
A-3	1/9/12	PA	An ordinance amending Section 1 of Ord. No. 103-2011 to approve and adopt the final council ward descriptions and ward map associated with the redistricting of City Council wards as determined therein, and declaring an emergency.
A-4	1/9/12	PA	An ordinance authorizing the Director of Public Safety to enter into an agreement with the City of Tallmadge, Ohio for the provision of prisoner confinement services, and declaring an emergency.

PENDING LEGISLATION

January 23, 2012

Temp. No.	Introduced	Committee	Description
B-70	6/27/11	PA	A resolution urging the Ohio General Assembly to promptly enact pending legislation which would regulate dangerous hallucinogenic substances that are currently being marketed as bath salts and plant food, by adding such substances to the list of controlled substances identified in Section 3719.41 of the Ohio Revised Code, and declaring an emergency.
B-72	7/11/11	Fin	An ordinance authorizing the Director of Public Service to issue an encroachment permit to the Judith Loving Trust for the purpose of installing and operating a private sanitary force main sewer in Quick Road, and declaring an emergency.
A-1	1/9/12	PI	A resolution declaring the necessity of and intention to appropriate certain interests in real property necessary for the improvement of State Road between Graham Road and Steels Corners Road, and declaring an emergency.
A-2	1/9/12	PI	An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts without competitive bidding with Kenmore Construction Co., Inc. for emergency repairs to the road embankment supporting Akron-Peninsula Road north of Ira Road, and declaring an emergency.

A-3	1/9/12	PA	An ordinance amending Section 1 of Ord. No. 103-2011 to approve and adopt the final council ward descriptions and ward map associated with the redistricting of City Council wards as determined therein, and declaring an emergency.
A-4	1/9/12	PA	An ordinance authorizing the Director of Public Safety to enter into an agreement with the City of Tallmadge, Ohio for the provision of prisoner confinement services, and declaring an emergency.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
9 CONTRACTS, ACCORDING TO LAW, FOR THE
10 PURCHASE OF CERTAIN MATERIALS, SUPPLIES,
11 AND EQUIPMENT FOR USE BY THE ELECTRIC
12 DIVISION DURING 2012, AND DECLARING AN
13 EMERGENCY.

14
15 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
16 Summit and State of Ohio, that:

17
18 Section 1. The Director of Public Service is hereby authorized to enter into a
19 contract or contracts, according to law, for the purchase of the following
20 materials, supplies, and equipment for use by the Electric Division during
21 2012:

- | | | |
|----|-----------------------------|----------------------------------|
| 22 | | |
| 23 | Transformers | Watt-hour Meters |
| 24 | Meter Sockets | Instrument Transformers |
| 25 | Lamps | Luminaries |
| 26 | Wire | Line Material |
| 27 | Underground Material | Switches |
| 28 | Hardware | Surge Arresters/Fault Indicators |
| 29 | Substation Battery | Breaker Contacts |
| 30 | Rubber Protection Equipment | |
| 31 | | |

32 Section 2. The Director of Finance is hereby authorized and directed to make
33 payment for same from the Electric Fund, line items Other Operations and
34 Capital Outlay.

35
36 Section 3. Any other ordinances or resolutions or portions of ordinances and
37 resolutions inconsistent herewith are hereby repealed, but any ordinances and
38 resolutions not inconsistent herewith and which have not previously been
39 repealed are hereby ratified and confirmed.

40
41 Section 4. It is found and determined that all formal actions of this Council
42 concerning and relating to the passage of this ordinance were taken in an open
43 meeting of this Council and that all deliberations of this Council and of any
44 committees that resulted in those formal actions were in meetings open to the
45 public, in compliance with all legal requirements including Chapter 107 of the
46 Codified Ordinances.

47
48 Section 5. This ordinance is hereby declared to be an emergency measure
49 necessary for the preservation of the public peace, health, safety, convenience
50 and welfare of the City of Cuyahoga Falls and the inhabitants thereof and
51 provided it receives the affirmative vote of two-thirds of the members elected or

1 appointed to Council, it shall take effect and be in force immediately upon its
2 passage and approval by the Mayor; otherwise it shall take effect and be in force
3 at the earliest period allowed by law.

4
5
6 Passed: _____
7 _____
8 President of Council

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10 _____
11 Clerk of Council

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14 Approved: _____
15 _____
16 Mayor

17 1/23/12

18 O:\2012ords\electric.department.annual requirements.doc

2
3 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2012

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8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR CONCRETE AND MASONRY REPAIRS
12 TO THE CITY-OWNED PARKING GARAGE LOCATED AT 2035 OLD
13 TOWN LOOP AND KNOWN AS THE "BLUE" PARKING DECK, AND
14 DECLARING AN EMERGENCY.

15
16 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State of
17 Ohio, that:

18
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
20 contracts, according to law, for concrete and masonry repairs to the City-owned parking garage
21 located at 2035 Old Town Loop and known as the "Blue" Parking Deck.

22
23 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
24 from the Capital Projects Fund, line item Capital Outlay.

25
26 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
27 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions not
28 inconsistent herewith and which have not previously been repealed are hereby ratified and
29 confirmed.

30
31 Section 4. It is found and determined that all formal actions of this Council concerning and
32 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that
33 all deliberations of this Council and of any of its committees that resulted in such formal action, were
34 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,
35 including Chapter 107 of the Codified Ordinances.

36
37 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
38 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
39 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
40 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
41 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
42 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
43 allowed by law.

44
45
46 Passed: _____

President of Council

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48
49
50
51 _____

Clerk of Council

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53
54
55 Approved: _____

Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AMENDING SECTIONS 921.01, 921.02
8 921.03 and 921.06 OF TITLE FIVE, PART NINE OF THE
9 CODIFIED ORDINANCES, RELATING TO UTILITY
10 ACCOUNTS AND CUSTOMER DEPOSITS, AND
11 DECLARING AN EMERGENCY.
12

13
14 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,
15 and State of Ohio, that:

16
17 Section 1. Sections 921.01, 921.02, 921.03 and 921.06 of the Codified Ordinances
18 of the City of Cuyahoga Falls are hereby amended to read in full as follows (new text
19 underlined; deleted text in ~~strike through~~):
20

21 921.01 PURPOSE; DEFINITIONS.

22
23 (a) This chapter governs the provision of utility billing services, including those for
24 water, sewer, electric and sanitation and any other utility services provided by
25 the City, and all matters related to operation and maintenance, including but
26 not limited to the establishment, billing, termination, disconnection, and re-
27 connection of service, and any and all other subjects as may be incident thereto.
28 The Director of Public Service is hereby authorized to promulgate rules and
29 regulations concerning the provision of utility services in accordance with
30 ~~ordinance~~ this Chapter.
31

32 (b) As used in this chapter:

33 (1) "Premises" ~~includes~~ means any lot, or other parcel, premises,
34 condominium, or any other interest in of real or personal property
35 that is serviced with City utilities, regardless of the use of said
36 premises recognized by the Summit County Fiscal Officer for tax or
37 assessment purposes, even if exempt from taxation, as well as any
38 residential, commercial or institutional units thereof that are
39 separately metered for utility service.

40 (2) "Customer" ~~or "Customers"~~ includes all means any person,
41 corporation, or other entity that:

42 (A) ~~a persons having utility~~ has established an accounts with the
43 City for the purpose of purchasing any utility service, or

44 (B) is the Owner of any Premises served by a water and/or sewer
45 connection, or

46 (C) is in lawful possession of a Premises receiving any Utility
47 Service, by lease, rental agreement, decree of foreclosure, a
48 will or probate administration, power of attorney, receivership,
49 or other means.

50 (3) "Utility Service" ~~includes~~ means any of the City's electric, water,
51 sewer, and sanitation services.

52 (4) "Owner" means the person, corporation or other entity whose name
53 appears on the Summit County tax duplicate as the owner of any
54 Premises, and any successor or transferee of such person,
55 corporation or other entity.

56 (5) An Owner who is deemed a Customer at any Premises solely by
57 operation of division (2)(B) of this subsection shall be deemed a
58 Customer only with respect to the water and sewer services used
59 there.

60
61 921.02 ESTABLISHING UTILITY SERVICE.

62
63 (a) Customers may establish a utility account service with the City by application
64 providing such information as the City determines necessary, and paying the
65 appropriate deposit as provided herein. The City shall not provide a utility
66 account to any person who has an delinquent unpaid balance on any other
67 utility account with the City, unless the same is subject to an order of relief, or
68 has been discharged, in bankruptcy.

69
70 (b) Water and sewer accounts will be established and shall remain in the name of
71 the owner of the premises served thereby, and the owner of any premises shall
72 be and remain primarily liable for water and sewer charges incurred there.
73 However, water and sewer accounts may additionally be placed in the name of a
74 tenant or other customer who agrees to be secondarily liable for water and sewer
75 charges incurred at the premises served. Water and sewer bills may be
76 combined with other utility service bills in order to produce a single combined
77 bill to be provided to a tenant or other customer who is not the owner. The
78 combination of bills in this manner shall not affect the owner's primary liability
79 for water and sewer charges. Unless otherwise requested by the payor at the
80 time of payment, payments made on a combined bill will be apportioned to the
81 various utility account balances at the City's discretion. Utility customers who
82 are renting the premises to which utilities utility services are to be provided shall
83 provide the City with a copy of a signed lease, rental agreement, or other
84 document, valid as of the date of the application, which sets forth, as between
85 landlord and tenant, their respective obligations to pay utility bills. ~~to the~~
86 premises in the customer's name. The City may require proof of ownership
87 before creating an account in the name of an owner.

88
89 (c)(b) ~~By having~~ establishing a utility account, the customer ~~assents,~~ is deemed to
90 ~~agree and commits himself~~ to all rules and regulations governing utility
91 services and to pay all lawful charges related to the furnishing of any City
92 ~~utilities~~ services to the customer's premises.

93
94 921.03 DEPOSITS, SERVICE CHARGES.

95
96 (a) Except as provided in subsection (b) of this section, Utility customers shall pay
97 the following applicable deposits indicated in the following table upon
98 application for any utility service. Except as provided in subsections (b) and (d)
99 below, once a deposit has been placed on account for any utility service at any
100 Premises, no further deposit shall be required of that customer for that account.
101 Deposits will not earn interest.

<u>Type of Premises</u>	<u>Type of Customer</u>	<u>Deposit</u>
Residential Apartment	<u>Property Owner</u> <u>Renter</u>	<u>No Deposit</u> <u>\$200.00</u>
Residential Single Family, <u>Townhouse</u> or Duplex	<u>Property Owner</u> <u>Renter</u>	<u>No Deposit</u> <u>\$250.00</u>

112	Residential All Electric	Property Owner	No Deposit
113		Renter	\$250.00
114			
115	Commercial (Small/Medium)	Owner/Renter	Lesser of 2
116	<u>(GSS and GSM electric schedules;</u>		Months usage
117	<u>water meters less than 1”)</u>		or \$1,000, but
118			<u>not less than</u>
119			<u>\$250.00</u>
120			
121	Commercial (Large/Distribution)	Owner/Renter	Lesser of 2
122	<u>(all other commercial electric schedules;</u>		Months
123	<u>water meters 1” or greater)</u>		usage or
124			\$10,000
125			

126 (b) Required deposits must be received by the Utility Billing Department before
 127 new service or a new account will be established. Notwithstanding subsection
 128 (a), but subject to subsection (d) below, the following conditions shall apply to
 129 any request to establish new service, open new account, or re-establish service
 130 after involuntary termination:

- 131
- 132 (1) A deposit will not be required of a bona fide owner-occupant of a
- 133 residential premises, unless the customer has twice been delinquent on a
- 134 utility account within the prior two years.
- 135 (2) A deposit will not be required of an Owner to secure water and sewer
- 136 accounts if a tenant or other customer has placed a deposit on the
- 137 account or is exempt from placing a deposit pursuant to subsection (b)(3)
- 138 below.
- 139 (3) A deposit will not be required of any prior customer whose immediate
- 140 past account history with the City is twenty-four (24) consecutive bills
- 141 each paid in full by the due date.
- 142

143 (c) The dDeposits will be held in trust for the customer’s account and will be
 144 applied to the account and/or refunded to the customer as follows upon:

- 145
- 146 (1) When all accounts held by a customer at a premises are voluntarily
- 147 closed, any deposit on those accounts will be applied to the final bill, and
- 148 a refund of any remaining balance will be paid to the depositing
- 149 customer. Discontinuance of utility service and settlement of charges to
- 150 the final meter reading
- 151 (2) When any utility service is involuntarily terminated, or the Premises
- 152 served by a delinquent account is vacant or abandoned, the customer’s
- 153 accounts at that premises may be closed if the customer does not
- 154 reestablish service within fourteen (14) days of termination, or bring the
- 155 account current within fourteen (14) days’ notice to do so. In that event
- 156 a final bill shall be prepared, any deposit on those accounts will be
- 157 applied to the final bill, and a refund of any remaining balance will be
- 158 paid to the depositing customer.
- 159 (3) When a customer pays each of twenty-four (24) consecutive bills at any
- 160 premises in full by the due date, the customer’s deposit on accounts at
- 161 that premises shall be refunded to the depositing customer. Said
- 162 deposits shall be due on the opening of each new account. If a customer
- 163 opens a new account and has a record with the City of paying all utility
- 164 charges in full and on time for the most recent twelve month period of
- 165 any prior account, the Director of Public Service may waive the deposit
- 166 required herein.

167 (4) The accounts of a customer who becomes a petitioner in U.S.
168 Bankruptcy Court shall be closed, with final charges prorated as of the
169 petition date. Any deposit held on the accounts will be applied to any
170 outstanding pre-petition balances of that customer, and any remaining
171 balance will be paid to the depositing customer.

172 (5) Notwithstanding divisions (1) through (4) of this subsection, a deposit
173 placed by an Owner solely to secure water and sewer accounts at a
174 tenant-occupied premises shall not be applied to settle outstanding
175 balances on any account except water and sewer accounts at that
176 premises. A deposit placed by a tenant or other customer shall not be
177 applied to settle outstanding water and sewer account balances unless
178 there are no other outstanding account balances at that premises and
179 the tenant or other customer has previously agreed to be responsible for
180 water and sewer charges. Application of tenant deposits to water and
181 sewer charges does not affect the Owner's primary liability for water and
182 sewer charges that remain unpaid.

183
184 (d) Any new account opened by a bankrupt customer or a customer that has been a
185 petitioner in bankruptcy in the previous six (6) years shall be subject to the
186 deposit requirements of Subsection (a) of this Section, without regard to the
187 deposit waiver provisions of Subsection (b). Charges on a new account opened
188 at the same location by the bankrupt customer shall be prorated forward from
189 the petition date. A bankrupt customer who does not open a new account and
190 pay a new deposit in accordance with this subsection within twenty (20) days of
191 the order for relief issued in the customer's bankruptcy case shall be subject to
192 termination of service.

193
194 **(b)(e)** The following service charges shall apply to all customers:

SERVICE	CHARGE
Connection, reconnection or disconnection of <u>any utility customer's</u> service at the request of the customer on <u>Saturdays, Sundays and holidays</u> , and after 5:00 p.m. (in addition to full payment of unpaid utility balance)	\$100.00
Connection, Reconnection or of service after disconnection of <u>any utility service at the request of the customer for nonpayment</u> on regular business days from 8:00 a.m. to 5:00 p.m. (in addition to full payment of unpaid utility balance)	\$50.00
Electric and water meter testing at the request of the customer. Should the meter be found to register more than two percent high, the fee shall be returned to the customer.	\$25.00
Late payment penalty, charged for each bill that is not paid in full by the due date shown on the bill. For purposes of this provision, a bill is considered paid when the payment is received by the City.	10% of bill

222 ~~This provision shall take effect September 1, 2007~~

223
224 Charge for NSF or Account Closed Check \$30.00

225
226 Nonrefundable Application Initiation Fee \$10.00
227 to establish Account

228

229 (f) The fees provided for under Subsection (e) shall be waived as follows:

230 (1) Connection fees shall be waived for a new customer opening a new
231 account and physically occupying the premises served.

232 (2) Disconnection fees shall be waived where an active customer requests a
233 final reading, permanently closes the account, and physically vacates the
234 premises served.

235 (3) Disconnection and reconnection fees shall be waived when, in the
236 opinion of the Director of Public Service, the request was made as a
237 result of a bona fide emergency such as fire, flood, or storm damage
238 resulting from no fault of the requesting customer.

239 (4) The nonrefundable application fee shall be waived if the customer has
240 had an active utility account within the previous twenty-four (24)
241 months, or has made an application within the previous twenty-four (24)
242 months.

243

244 921.06 TERMINATION OF SERVICE, GENERALLY.

245

246 The City may terminate utility service to any premises, in accordance with the
247 procedures set forth by ordinance and related rules and regulations, for any of the
248 following reasons

249

250 (a) Non-payment of a bill; or

251 (b) Request of the customer; or

252 (c) Tampering with a meter for the premises by the customer or consumer; or

253 (d) Failure to install remote reading meters in accordance with ordinance and
254 related rules and regulations; or

255 (e) Failure of the customer or consumer to permit the City access to the meter(s); or

256 (f) Emergency termination for repairs or for the protection of the health, safety and
257 welfare of others; or

258 (g) Failure to install meters within ten days after purchase and/or failure to have
259 the installed meter inspected; or

260 (h) Failure of a customer to place a deposit or pay a service charge required by
261 Section 921.03; or

262 (i) Failure of a bankrupt customer to open a new account and place a deposit
263 within twenty (20) days of the order for relief in the customer's bankruptcy case.

264

265 Section 2. Existing Sections 921.01, 921.02, and 921.03 of the Codified
266 Ordinances, as enacted by Ord. No. 79-2007, passed June 18, 2007, are hereby
267 repealed. Existing Section 921.06 of the Codified Ordinances, as re-enacted by Ord. No.
268 45-1998, passed March 9, 1998, is hereby repealed.

269

270 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions
271 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
272 inconsistent herewith and which have not previously been repealed are hereby ratified
273 and confirmed.

274

275 Section 4. It is found and determined that all formal actions of this Council
276 concerning and relating to the passage of this ordinance were taken in an open meeting

277 of this Council and that all deliberations of this Council and of any committees that
278 resulted in those formal actions were in meetings open to the public, in compliance with
279 all requirements including Chapter 107 of the Codified Ordinances.
280

281 Section 5. This ordinance is hereby declared to be an emergency measure necessary
282 for the preservation of the public peace, health, safety, convenience and welfare of the
283 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
284 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
285 take effect and be in force immediately upon its passage and approval by the Mayor;
286 otherwise it shall take effect and be in force at the earliest period allowed by law.
287

288
289 Passed: _____
290 _____
291 President of Council
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294 _____
295 Clerk of Council
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297 Approved _____
298 _____
299 Mayor

300 1/23/12
301 O:\2012ords\amend-921.01 et. seq. v.3.doc

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5 RESOLUTION NO. - 2012

6
7
8 A RESOLUTION EXPRESSING SUPPORT FOR AND URGING
9 PASSAGE OF ISSUE 10, THE WOODRIDGE LOCAL SCHOOL
10 DISTRICT TAX LEVY, AT THE PRIMARY ELECTION TO BE HELD
11 ON MARCH 6, 2012, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, the Woodridge Local School District has caused a proposed tax levy to be
14 placed on the March 6, 2012 primary election ballot as Issue 10, and

15
16 WHEREAS, funds generated by the five-year, 6.83-mill levy are necessary to help fund the
17 current expenses of the Woodridge Local School District, and

18
19 WHEREAS, the sustained value and appeal of housing in communities is directly related to
20 the success of the school districts, and

21
22 WHEREAS, the Woodridge Local School District has consistently provided excellent
23 academic, co-curricular and extracurricular programming for its students, and

24
25 WHEREAS, the uncertainty of state funding for public education continues to place a
26 burden on the district's ability to maintain said programs and services,

27
28 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,
29 County of Summit and State of Ohio, that:

30
31 Section 1. This Council expresses its support for the Woodridge Local School District and urges
32 the passage of Issue 10 at the March 6, 2012 primary election.

33
34 Section 2. It is found and determined that all formal actions of this Council concerning and
35 relating to the adoption of this resolution were adopted in an open meeting of this Council and that
36 all deliberations of this Council and of any of its committees that resulted in such formal action were
37 in meetings open to the public, in compliance with all legal requirements including Chapter 107 of
38 the Codified Ordinances.

39
40 Section 3. This resolution is hereby declared to be an emergency measure necessary for the
41 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
42 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the
43 members elected or appointed to Council, it shall take effect and be in force immediately upon its
44 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
45 allowed by law.

46
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48 Passed: _____

President of Council

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Clerk of Council

54
55
56 Approved _____

Mayor