

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 10-26

ORDINANCE NO. _____

AN ORDINANCE APPOINTING AND REAPPOINTING MEMBERS TO VARIOUS BOARDS AS REQUIRED BY THE OHIO REVISED CODE AND/OR NILES CODIFIED ORDINANCE; AND, DECLARING AN EMERGENCY.

WHEREAS, several board positions are required to be approved by the legislative authority; and

WHEREAS, the attached Exhibit A provides a list of new and reappointments to several positions of various boards necessary for compliance with Ohio Revised Code and the Niles Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the listed individuals in Exhibit A are hereby appointed to each board position as indicated.

SECTION 2: The appointment for each position is effective as of January 1, 2026 for each term as indicated for the respective board position.

SECTION 3: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare and for the reason that term for most positions commenced on January 1, 2026. As such, this Ordinance shall take effect immediately upon its passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____

Filed with the Mayor of the City of Niles, Ohio this _____ day of _____, 2026, and signed by me as such Mayor this _____ day of _____, 2026. _____.

MAYOR

The City of Niles- Board Appointments

Effective January 1, 2026

*Signifies New Appointment

**Signifies Re-Appointment

Name	Appointment	Term
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Niles Civil Service Commission- O.R.C. 124.40

(Term 6-years)

Jim Costello	Appointment**	1/1/22-12/31/27
Tom Harwood	Appointment**	1/1/26-12/31/31
Dave Nester	Appointment**	1/1/25-12/31/30
Lynn Ruberto (Clerk)	Appointment**	1/1/26-12/31/26

Niles Park Board- O.R.C. 1545.01

(Term 3-years)

Harry Salapata	Appointment**	1/1/24-12/31/26
Jaclyn Gerberry	Appointment**	1/1/25-12/31/27
Heidi Barker	Appointment**	1/1/26-12/31/28

Niles Planning Commission/Board of Zoning Appeals- O.R.C. 713.01

(Term 6-years)

Violet Miller-Gizdic	Appointment**	1/1/25-12/31/30
Sam Donadio	Appointment**	1/1/26-12/31/31
Anthony Pallante	Appointment**	1/1/26-12/31/31
Richard Hale	Appointment**	1/1/21-12/31/26
Mayor	Permanent	
Director of Public Service	Permanent	
Park Board President	Permanent	

Niles Records Commission- O.R.C. 149.39

(Term 3-years)

Mayor	Permanent	
Auditor	Permanent	
Law Director	Permanent	
Law Secretary	Permanent	
Terry Swaugger	Appointment*	1/1/24-12/31/26

Niles Housing Code Appeals Board- Niles City ORD. 1393.01

(Term 4-years)

Barbara Wike (real estate)	Appointment**	1/1/23-12/31/26
Kim Dawkins (citizen)	Appointment*	1/1/23-12/31/26
Stephanie Flanigan (local bank)	Appointment**	1/1/24-12/31/27
Jason Altobelli (chamber)	Appointment**	1/1/24-12/31/27
Fire Inspector	Permanent	

Niles Fair Housing Review Board- Niles City ORD. 515.05

(Term 3-years)

Mayor (ex-officio)	Permanent	
Amanda Griffin	Appointment**	1/1/24-12/31/26
Chris Tricomi	Appointment**	1/1/25-12/31/27
Debbie Barber	Appointment**	1/1/26-12/31/28
Matt Durno (secretary)	Appointment**	1/1/24-12/31/26

Niles Income Tax Incentive Committee- Niles City ORD. 191.22

(Term 4-years)

Mayor	Permanent	
Auditor	Permanent	
Treasurer	Permanent	
Law Director	Permanent	
Steve Ruman	Appointment*	1/1/24-12/31/27

Niles Nuisance Abatement Board- Niles City ORD. 501.14

(Term 2/3-years)

Director of Public Safety	Permanent	
Dave Bishoff	Mayor Appointment**	1/1/24-12/31/26
Linda Marchese	Mayor Appointment*	1/1/24-12/31/26
George Kuriatnyk	Council Appointment*	1/1/26-12/31/28
	Council Appointment*	1/1/26-12/31/28

Mahoning Valley Sanitary District Board- O.R.C. 6115.103

(Term 3-years)

Joe Merlo	Council Appointment**	5/1/25-5/1/28
Dr. Michael Neopolitan	Appointment**	5/1/24-5/1/27
Utilities Chair	Permanent	

Niles Nuisance Board- Niles City ORD. 1386.07

Mayor	Permanent	
Director of Public Service	Permanent	
Director of Public Safety	Permanent	
Law Director	Permanent	
Fire Chief	Permanent	

Niles Veteran Advisory Board

(Term 4-years)

Mayor	Permanent	
Norm Henninger	Appointment**	1/1/24-12/31/27
Jacqueline Whetstone	Appointment**	1/1/24-12/31/27
Scott MacMillan	Appointment**	1/1/24-12/31/27
Ryan Estes-lezzi	Appointment*	1/1/24-12/31/27
Derek Rieser	Appointment**	1/1/24-12/31/27

Trumbull County Combined Health Board

(Term 5-years)

Kathy Salapata	Appointment**	3/1/25-2/28/30
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Trumbull County Planning Commission Tax Incentive Review Council

(Term 1-year)

Mayor	Permanent	
Law Director	Appointment**	1/1/26-12/31/26

CRA Housing Council - Niles City ORD. 112-25

(Term 3-years)

Sherri Smith	Mayor Appt*	1/1/26-12/31/28
Ryan McNaughton	Mayor Appt *	1/1/26-12/31/28
Bobby Marino	Council Appt*	1/1/26-12/31/28
Dan Gerberry	Council Appt*	1/1/26-12/31/28
	Planning Appt*	
CRA Area Resident	Group Appt	
CRA Area Resident	Group Appt	

Downtown Power Incentive Program Committee- Niles City ORD. 165-19

Mayor	Permanent	
Director of Public Service	Permanent	
Law Director	Permanent	
Utility Billing Manager	Permanent	
Light Dept. Superintendent	Permanent	

Board of Building Adjustments and Appeals- Niles City ORD. 1301.11

(Term 3-years)

Licensed Builder	Appointment	1/1/24-12/31/26
Registered Engineer	Appointment	1/1/24-12/31/26
Registered Architect	Appointment	1/1/24-12/31/26
Alternate	Appointment	
Alternate	Appointment	
Alternate	Appointment	
Building Inspector (Secretary)	Permanent	

Niles Community Improvement Corporation (C.I.C.)

Mayor	Permanent	
President of Council	Permanent	
Econ. Development Chair	Permanent	
Law Director	Permanent	
Steve Sava (Chamber)	Permanent	
B. Rozenblad (City Employee)	Appointment**	
Nicole Bacak (City Employee)	Appointment**	
Pat Moro		
Giovanni Merlo		
Jason Altobelli		
Matt Krecic		
Jim Villecco		
Jim Kramer		
Steve Telego		
Rich Hale		
Dave Snyder		
Rick Leonard		
OPEN*		
Abbey LaVelle		

City of Niles, Ohio

SPONSORED BY: SAFETY
AUTHORIZED BY: JULIAN

DRAFT NO. 13-26

ORDINANCE NO. _____

AN ORDINACNE AMENDING NILES CODIFIED ORDINANCE 143.02 AUXILIARY POLICE; AND, DECLARING AN EMERGENCY.

WHEREAS, NCO 143.02 has not been updated since 1985; and

WHEREAS, amendment to this Code shall improve readiness for the safety forces by allowing for additional personnel at select times and locations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO,:

SECTION 1: NCO 143.02 Auxiliary Police shall now read:

143.02 Auxiliary Police

1. Council deems it necessary and hereby established an Auxiliary Police Unit within the Police Department of the City of Niles, Ohio, in accordance with Ohio R.C. 737.051.
2.
 1. The **Chief of Police** or his designee shall be the executive head of the Auxiliary Police Unit. All appointments to the Auxiliary Police must be of good character and be **background** checked by the regular police before they are appointed by the Safety Director.
 2. Such Unit shall consist of a membership not exceeding ten (10) persons, and who shall be subject to appointment and removal by the Director of Public Safety.
 3. The Director of Public Safety shall appoint the Chief of Police to serve as the commanding officer of the Auxiliary Unit.
 4. The **Chief of Police** shall elect an **Auxiliary Sergeant** for a four year term. **The Sergeant shall ensure continuing education compliance and ensure volunteer hours are worked.**
3. **The Chief of Police** shall prescribe regulations, training, administration and control of the Auxiliary Police personnel. All Auxiliary Police shall serve or work for one dollar (\$1.00) per year for the City and shall be covered by State Workers' Compensation and **liability insurance** only when working for the city in official capacity. **Auxiliary officers are not in the classified civil service.**
4. Prior to the performance of any duties in the Auxiliary Unit, shall be sworn in by the proper authority, and shall carry on his person a proper identification card signed by the Chief of Police.
5. The duties of the Auxiliary Police shall be that of assisting the regular police force such as at parades, or at such times the Safety Director or Chief of police feel there is a need for their services, providing however, they shall not be used when the regular police force is undermanned due to the lack of appointment of new policemen. **Auxiliary's may volunteer to work patrol but will not count for minimum patrol manning.**
6. The Chief of Police shall draw up any other necessary regulations governing the services and control of the Auxiliary Police Unit. No member shall contract special assignments without the express approval of **the Police Chief.** (Ord. 33-85. Passed 6-5-85.)

SECTION 2: That this Ordinance shall take effect at the earliest time permitted by law. .

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of
_____, 2026 and signed by me as such Mayor on the _____ day of
_____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 01-26

RESOLUTION NO. _____

A RESOLUTION ADOPTING NEW COUNCIL RULES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2026 THROUGH DECEMBER 31, 2027; AND, DECLARING AN EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the new Council Rules for the fiscal year beginning January 1, 2026 through December 31, 2027, attached hereto as Exhibit "A", is hereby adopted by the Niles City Council.

SECTION 2: This Resolution is hereby declared to be an emergency measure in the interest of the public health, safety and welfare for the City of Niles. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2026 and signed by me as such Mayor the _____ day of _____, 2026.

MAYOR

Rules of Order

The Council of the City of Niles, Ohio

Term: 2026-2027

The following Rules of Order shall govern the procedures of City Council and the conduct of council members.¹

I. Meetings

Rule 1: **Meeting- PLACE:** All meetings of City Council shall be held at the Niles Senior Center unless otherwise ordered by council.

Rule 2: **Meetings- PUBLIC:** All meetings of City Council or committees shall be public. All minutes and records of council shall be open to the public at all reasonable times. Any citizen desiring to be heard on any matter under consideration by council may address council during the public remarks sections of the order of business. Persons desiring to be heard by any committee of council on any matter under consideration, shall, by majority consent of such committee, be given the opportunity to be heard. All minutes and record of council shall be open to the public within ten (10) days of acceptance and filing by Council.

Members must abide by the Ohio Revise Code Section 121.22 (Sunshine Law) which requires public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically exempted by law.

Rule 3: **Regular Meetings:** Regular meetings of council shall be held in the council chamber located at the Niles Senior Center the first and third Wednesday of each month at 6:00 P.M. unless otherwise ordered by motion, resolution, or ordinance. Caucus will be held at 5:30 prior to the start of the regular meeting, unless otherwise noticed by Council. When any regular meetings fall on a legal holiday, such meeting shall be held on the following day, but the council may adjourn any regular or special meeting to meet at any time within ten (10) days thereafter.

Rule 4: **July/August Schedule:** Regular meetings shall be held the third Wednesday of August unless otherwise ordered by motion, resolution, or ordinance.

Rule 5: **Special Meeting(s):** Special meetings may be called at any time by the Mayor or any three members of Council upon at least twenty-four (24) hours of written notice to each member of council, served on each member pursuant to the notification requirements listed below

Notification Requirements:

- When such a meeting is ordered by three or more council members of council, the Clerk of Council is required to provide twenty-four (24) hours of notice to the local newspapers (Tribune Chronicle). The Clerk is also required to provide notice to each member of council.
- When such meetings are ordered by the Mayor, the Mayor's secretary is required to provide twenty-hour (24) hours' notice to the local newspapers (Tribune Chronicle). The Mayor's secretary is also required to provide notice to each member of council.
- Delivery to each members' City Email account and at least one phone call or text message to each Council member's number of record is effective service for purposes of all notice required by Rule 5.
- Any person may determine the time and place of any regular meetings and the time, place, and purpose of any special meetings of Council or committees, including committee as a whole, from the City of Niles website (<https://www.cityofniles.com/>). In addition, the schedule of regular meetings as identified in these rules and the time place and purpose of any special meetings are to be provided to the Tribune prior to the beginning of each term of Council, for regular meetings, and with at least 24-hour notice to the Tribune of any special meetings of Council.

¹ Any conflict between these rules and the Ohio Revised Code is unintentional unless specifically stated and provided for by home rule in the Ohio Constitution.

In addition, any person may request to receive reasonable advanced notice upon request to the Clerk of Council of any meetings discussing a specific type of public business. An agenda or notice of the meeting will be sent for no charge if an email address is provided with the request. If the request is for the agenda or notice to be mailed, and a self-addressed stamped envelope must be provided in the request.

Rule 6: **Quorum:** A majority of all members of council shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance or absent members in the manner and under such penalties as may be prescribed by ordinance.

Rule 7: **Order of Business:** The business of all regular meetings of council shall be transacted in the following order unless the council by three-fourths of its members shall suspend the rules and change the order:

1. Call to Order
2. Pledge of Allegiance
3. Nondenominational Invocation
4. Roll Call of Members
5. General Consent Agenda

a. The following shall be presented by the Clerk to Council as the General Consent Agenda and shall be passed and approved by a "Motion to accept and approve the General Consent Agenda with and all in favor, all opposed vote:

- i. Disposal of Minutes

Minutes are to be provided to council no later than 24 hours prior to the next regular meeting for review. The presiding officer shall provide the members of council with an opportunity to correct the meeting minutes. In the absence of any objection or correction, the minutes shall stand approved by a majority voice vote of council.

- ii. Reports and Communication to council
- iii. Council Committee Reports

6. Public Remarks

i. Individual (s) must first address himself/herself to President of Council, and when recognized by the chair, shall provide his/her full name.

ii. He/She must avoid and refrain from impugning or making derogatory remarks about individuals.

iii. He/She shall have no more than three (3) minutes in which to only inquire or make a statement regarding matters pertaining to City business. If necessary, he/she may be granted one extension of up to three minutes time, through a majority vote of members of council.

7. Presentation of Legislation/Legislation Consent Agenda

a. Legislation shall be presented by consent and read and voted on together at one time by each draft heading to be adopted by suspension and emergency (if applicable), unless any member of the legislative authority desires for a draft to be separated and voted on separately. Any member that desires to remove something from the legislation consent agenda shall inform the President of Council prior to or at the start of the meeting.

b. Legislation shall be presented in the following order:

i. Third Reading of Ordinances and Resolutions read and voted on together, provided no objection of any council member

ii. Second Reading of Ordinances and Resolutions read and voted on together, provided no objection of any council member

iii. Items to be passed by suspension and emergency read and voted on together on the consent agenda

c. Introduction of Ordinances and Resolutions for the first time. Prior to the Presentation of Legislation, the presiding officer may, by two-thirds of its members permit a member to introduce a resolution, ordinance or motion that was not listed on the Agenda of City Council.

8. Miscellaneous Remarks

- a. During miscellaneous remarks, the Council President shall first call upon the Mayor and members of his/her cabinet for remarks, immediately thereafter, upon each member of council.
9. Adjournment

II. OFFICERS AND EMPLOYEES OF COUNCIL

Rule 8: **Presiding Officer:** The President of Council, in his/her absence, The President Pro-Tempore, shall preside over the meeting of council. The President Pro-Tempore shall discharge all the duties and clothes with the same powers of the President of Council as such presiding officer during the President's absence. President Pro-Tempore shall retain his/her right to vote as a member of council.

The Presiding officer shall call meetings of council to order at the appointed hour and shall proceed with the order of business. The President of Council shall preserve order and decorum, prevent personalities or impugning of members' motives, confine members in debate to the question under discussion, shall decide points of order subject to an appeal of council.

Rule 9: **Vote necessary for election of Clerk and Assistant Clerk and any other employee (s) of council:** No candidate for Clerk and/or Assistant Clerk of Council shall be declared elected unless he/she has received a majority vote of all members of council. No person shall be employed by council except pursuant to a majority vote of all members of council. No vacancy which council is authorized to fill shall be filled except pursuant to a majority vote of all members of council.

Rule 10: **Clerk of Council:** The Clerk of Council shall be elected by a majority of all members of council. The council shall choose an assistant clerk and other officers and employees as may be deemed necessary and fix their compensation. The clerk shall keep the records of council. He/She shall keep a proper file of all papers and documents which are part of the transactions of the council, of the meetings of committee (s) and all orders of council. The Clerk of Council is authorized to correct, through interlineations, nonmaterial errors on ordinance and resolutions, such as typographical errors or nonintentional omissions. The Clerk shall attach a certification that any interlineations were done in compliance with this section.

Upon receipt of the minutes from the committees, he/she shall maintain the written minutes of the meetings in the Clerk of Council office. The minutes shall be in written form and made available for public inspection within 10 days of such committee meeting.

The Clerk shall ensure that all such records of Council must be made available to the public and shall serve as council designee concern Ohio's open records law.

In addition, the Clerk shall report to Council the reason (s) advanced by members for absences from council meetings; and shall perform other duties that may arise from time to time by order, rule, statute, resolution, or ordinance.

The Clerk's salary shall be determined by the authorized strength unless otherwise ordered by a majority vote of all the members of council.

Rule 11: **Assistant Clerk of Council:** The Assistant Clerk shall attend meeting in the absence of the Clerk. He/She shall perform the duties in Rule 10. The Assistant shall be responsible for keeping the records of council and transcribing the records of the council meeting (s) in which he/she attended. The rate of pay shall be \$150.00 per meeting.

Rule 12: **Sergeant- at-Arms:** The Council shall appoint a Sgt-at-Arms, who, under the direction of the President of Council, shall preserve order at the meeting.

Rule 13: **Parliamentarian:** The Council shall appoint a Parliamentarian, who will aid in interpretation of rules and questions that may arise from time to time.

III. COMMITTEES OF COUNCIL

Rule 14: **Standing Committees:** The standing committees of council shall be: Public Grounds, Neighborhood Stabilization, Community Development & Annexation, Finance, Improvements, Safety, Technology and Utilities.

Council may elect to have the President appoint Committee Chairs and members or select Chairs and members by a majority vote of all the members of council. Any member seeking a chair or membership in a committee is permitted to cast a vote for themselves. All appointments/votes shall be made in public.

The secretary of each committee shall be responsible for recording minutes of each committee meeting. In the absence of the committee secretary, the chairperson or committee member shall be responsible for meeting minutes. These minutes shall be forwarded to the Clerk of Council to be kept on file.

In the absence of the chairperson, the vice-chair shall preside until the chairperson appears and shall discharge all the duties and have all the powers of the chairperson during such absence. The President of Council shall serve as an ex-officio member of each committee.

The subject matter which shall be referred to the standing committee shall be as follows:

- A. **PUBLIC GROUNDS COMMITTEE:** to which shall be referred, except for improvements, all ordinances, resolutions, and other matter (s) pertaining to public streets, public sidewalks, public parks, public places, public recreation, public cemeteries, playgrounds, public swimming pools and buildings owned, leased and/or operated by the City of Niles. A member of Public Grounds shall also sit on the Community Engagement Committee created by the Niles City Schools Board of Education.
 - a. **Cemetery Advisory Subcommittee:** Public grounds shall also have a three member sub committee to offer input and serve in an advisory capacity only with respect to matters concerning the Niles Cemetery. The Public Grounds committee is responsible for the process of selecting the three members to sit on the committee. This committee will comply with the Ohio Sunshine Laws and public records requests.
- B. **NEIGHBORHOOD STABILIZATION, COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE:** to which shall be referred all ordinances, resolutions and other matter (s) pertaining to all stabilization, development, redevelopment, and annexation projects. The Chairperson of this committee shall also sit on the Niles Community Improvement Corporation (C.I.C.). This person shall also serve as the City representative for the Trumbull County Council of Governments.
- C. **FINANCE COMMITTEE:** to which shall be referred all ordinances, resolutions, and other subject matter (s) relating to finances, indebtedness, appropriations, the payment of moneys not provided for by previous legislation, taxation, and all subject matters pertaining to the department of finance, the standardization of salaries and wages, civil service, pensioning of employees, the sale and purchase of real estate and license. Notwithstanding the foregoing, each committee may authorize the sale and/or disposal of equipment covered by each committee.
- D. **IMPROVEMENTS COMMITTEE:** to which shall be referred all ordinances, resolutions and other matter (s) pertaining to sewer improvements, pipelines, elimination of grade crossings, waste collection, and disposal, bridges streets and sidewalks.
- E. **SAFETY COMMITTEE:** to which shall be referred all ordinances, resolutions and other matter (s) pertaining to police, fire, and traffic regulations. Civil defense, nuisances and concessions upon public streets and inspections of buildings and all matters relating to the enforcement of the building code, zoning, and matters of public safety, health, and welfare.
- F. **TECHNOLOGY COMMITTEE:** to which shall be referred all ordinances, resolutions, and other matter (s) pertaining to information technology i.e. hardware, software, IT planning.
- G. **UTILITIES COMMITTEE:** to which shall be referred all ordinances, resolutions, and other matter (s) pertaining to the city's water supply, electrical distribution, sewage disposal, and all matters relating to the department of public utilities, and all ordinances, resolutions and other matters pertaining to proposed franchises. The Chair shall also sit on the MVSD Advisory Council on behalf of the City of Niles.

Rule 15: **Council as a Whole:** Council shall meet every 2nd Wednesday of the month, in the lower conference room at 5:30 p.m. for a council roundtable. Attendance of City Officers, including the President of the legislative authority, are not required to attend. Council shall appoint a chairperson to preside, The rules of council, insofar as practical, shall be observed in the Committee as a Whole, except that no limit shall be placed on the

frequency of speaking, the yeas and nays shall not be taken and that a motion to speak shall always be in order requested and shall be decided upon without debate.

IV. DUTIES, PRIVILEGES & DECORUM OF MEMBERS

Rule 16: **Duty to Vote:** Every member present shall vote on all questions upon the call of yeas and nays, unless excused by the unanimous consent of council members; except that no member shall vote on any question which involves private rights or matters subject to the rules, policies, and regulations of the Ohio Ethics Commission. Any member present, unless excused, or excepted above, whom refuses to vote upon any question relating to the legislation of city council or city government, upon which he/she may vote, when the yeas and nays are being taken, shall be guilty of contempt of council and may, for such contempt, be censured by a majority vote of council or may be expelled from the city council by a vote of two-thirds of all the members of council.

Pursuant to ORC 731.45 Council members are required to attend council meetings and act in conformance with the rules of council. The council may punish or expel any member for disorderly conduct or violation of its rules, including violations of ORC 731.02, or declare his seat vacant for absence without valid excuse, where such absence has continued for two months.

No expulsion shall take place without the concurrence of two thirds of all the members of Council, and until the delinquent member has been notified of the charge against him and has had an opportunity to be heard.

If the qualifications of any council member are in question pursuant to ORC 731.02 and ORC 731.44, Council shall hold a hearing at the next regular meeting provided two-thirds of the current members of the legislative authority vote to hold such hearing. Except that Council may extend the hearing pending the results of an investigation if so, ordered by two-thirds of the current members of the legislative authority. Council shall also have full authority over the process, including but not limited to, issuing subpoenas, compelling the attendance of persons and production of documents. No Council member may be removed unless by a two-thirds vote of the current members of the legislative authority.

Rule 17: **Yea and Nays:** On the passage of every ordinance or resolution and on the appointment of every officer, the vote shall be taken by Yeas and Nays and entered upon the record by the Clerk of Council. On any other question, the Yeas and Nays shall be entered upon the record on the request of any member and seconded by another member.

Upon the call of Yeas and Nays, the Clerk shall call the names of the Ward 1 Member, Ward 2 Member, Ward 3 Member, Ward 4 Member, and At-Large Members in alphabetical order. Once the roll call for Yeas and Nays has begun, voting shall not be interrupted.

For the purposes of order, the seating arrangements shall be as follows from left to right as the public faces the panel: 1st Ward, 2nd Ward, 3rd Ward, 4th Ward and Council-At-Large representatives shall be seated in alphabetical order by last name.

Rule 18: **Change of Vote:** Before the announcement of the vote on any measure, the Clerk shall read the Yeas and Nays, at which time, any member (s) may, on account of error, may change, his/her vote; but no council member shall be permitted to change his/her vote as recorded after the President of Council has verified the result and declared the disposition of the measure.

Rule 19: **Right to the Floor:** When any member is about to address council, he/she must first address himself/herself to the President of Council, and once recognized by the Chair, shall confine himself/herself, to the question under discussion, avoid personalities and refrain from impugning the motives of any other members argument (s) or vote.

Rule 20: **Time Limitation of Speaking:** No member of council shall be permitted to speak for a longer time than fifteen (15) minutes at any one time without the permission of council. No member shall speak more than once on the same motion until every other council member desiring to speak on the motion has had an opportunity to go so. Nor shall the Mayor or any director speak for longer than fifteen (15) minutes upon the same motion, ordinance, resolution, or question without the consent of Council.

Rule 21: **Member call to Order:** If any member, while speaking or otherwise, transgresses the rules of council, said members shall be called to order by the President of Council. Any member raising a point of order may call attention to such transgressions to the President of Council. The point of order shall be decided upon by the President without debate.

Rule 22: **Right of Appeal:** Any member may appeal to the council a ruling by the presiding officer, and if such appeal is seconded, the member making the appeal may briefly state his/her reason, and the presiding officer may explain his/her ruling, but there shall be no debate on the appeal and no member shall participate in the discussion. The presiding officer shall then put the question to a vote;

“Shall the decision of the chair be sustained?”

If a majority of members present to vote, vote Yea, the ruling of the chair is sustained, otherwise, the decision is over-turned.

Rule 23: **Member may read from a book, etc...:** Any member while discussing a question, may read from a book, paper, document, or any other material pertinent to the subject matter under construction.

Rule 24: **Division of Question(s):** If the question under consideration contains two or more divisible propositions, the presiding officer may, and/or upon the request of a member, shall divide the same, but a motion to strike out a provision and insert a substitute is not dividable.

Rule 25: **Personal Privilege:** Any member may be recognized by the chair in order to explain a matter of personal privilege, he/she shall not discuss the question or issue in such explanation. Such explanation shall not consume more than five (5) minutes of time unless additional time is extended by a majority vote of all the members of council present. Matters of personal privilege shall yield only to a motion to recess or adjourn.

Rule 26: **Recording of Vote of Council:** No person other than the Clerk and/or Assistant Clerk shall be permitted at the clerk's desk while the Yeas and Nays are being recorded.

V. MOTIONS

Rule 27: **Purpose and Form:** Motions shall be used only to expedite the orderly transaction of the business of council and shall not be substituted for resolutions or ordinances. The form of all motions shall be "***I move that...***" followed by the substance (s) of the motion. Upon demand of any member, any motion shall be reduced to written form by the Clerk. Any such motion shall be rescinded by the maker with the consent of the member who seconded the motion before it has been amended or acted upon.

Rule 28: **Precedence of Motions:** When a question is before council, with the exception of a motion to suspend the rules, no motion shall be entertained except the following:

- a. To adjourn
- b. To fix the hour of adjournment
- c. For the previous question
- d. To table
- e. To postpone to a day certain
- f. To postpone indefinitely
- g. Reconsideration
- h. To refer to a committee
- i. To amend

These motions shall have precedence in the order indicated. The motion to adjourn and the motion for the previous question shall be put a vote without debate, the motion to fix the hour of adjournment shall be debated only as to the time of such adjournment and all other motions shall be debatable.

Rule 29: **The previous question:** The motion for the previous question shall require a majority vote of all members of council, shall be considered only once, may be renewed after intervening business, shall take precedence over all debatable questions and shall be in order to prevent amendment of undebatable questions. When the previous question is moved and seconded by one member it shall be put as follows: ***“Shall the main question now be put?”*** There shall be no further debate or amendment; but pending amendments

shall be put in their order before the main question: If the main question, “***Shall the main question now be put?***” be decided in the negative, the main question remains before council.

Rule 30: **Motion to Table:** The motion to table shall not dispose of the legislation against which it is invoked unless it is not brought back before council by a motion to take from the table by the end of the Council term it was introduced. A motion to table shall require a majority vote of all members present.

Rule 31: **Motion to postpone to a day certain:** A motion to postpone to a day certain shall require a majority vote of the members present; shall be subject to reconsideration, may be renewed after intervening business; shall be debatable as to the propriety of postponement, but not upon the merits of legislation, and may be amended by changing the date. Upon arrival of the date to which postponed legislation shall be considered in the regular order of business that day.

Rule 32: **Motion to postpone indefinitely:** The motion to postpone indefinitely shall have the same effect as a motion to table and shall require a majority vote of all members of council present. Motion to postpone indefinitely shall not be considered; shall be debatable and shall open the legislation to debate; may be renewed after intervening business and may not be amended or laid on the table and shall be subject to the previous question.

Rule 33: **Reconsideration:** After the decision of any question, any member who voted with the majority may move to reconsider any action at the same or next succeeding meeting, provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require the same number of votes as if acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the members present. Notwithstanding the foregoing, no motion for reconsideration may be considered once legislation is concluded and Council has begun miscellaneous remarks.

VI. Ordinances & Resolutions

Rule 34: **Form of Ordinances:** The enacting clause of all ordinances shall be “***Be it ordained by the Council of the City of Niles...***” except those submitted by initiative petition which shall be “***Be it ordained by the citizens of the City of Niles...***” All ordinances or resolutions shall be submitted in a typed format. No ordinance, resolution, or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution, or section revised or amended, and the original ordinance, resolution or sections so amended shall be repealed.

Rule 35: **Emergency Ordinance:** If an emergency ordinance or resolution fails to receive two-thirds (YEAS) votes of the current members of the legislative authority, such measure shall cease to be before council as an emergency measure and shall have the standing that a measure would have if it had not been read as an emergency measure. The vote of suspension shall be called by roll and the Yeas and Nays shall be recorded.

Rule 36: **Referral to Committee:** All ordinances or resolutions shall be read by caption during the meeting when introduced unless it is declared to be read as an emergency measure and unless otherwise ordered by council, shall be referred by the presiding officer to the appropriate committee, which reference shall be announced forthwith by the clerk. The committee (s) to which the referral shall, after due consideration, report the same back with or without amendments and with recommendations for approval or disapproval. When so reported, such ordinances or resolution shall, unless otherwise ordered, be read a second time by title only and laid over until the next meeting of council, when the same shall be read a third time in full and a vote taken thereon.

Rule 37: **Three Readings:** No ordinance or resolution shall be passed until it has been read on three consecutive meeting days unless the reading on three separate days has been dispensed with by a suspension of the rules with three-fourths of the current members of the legislative authority. In the event an Ordinance or Resolution that has received its first or second reading is inadvertently not presented in the next regular council meeting immediately following a reading, absent objection, it will be read at the next available regular meeting. In the event the Ordinance or Resolution is not presented at the next available regular meeting then it will be considered tabled.

Rule 38: **Appropriation Ordinances:** Ordinances making appropriations shall be confined to the subject of appropriation. No money shall be appropriated except by ordinance. All ordinances for fixing a tax rate, the appropriation of money, the issuance of bonds, the transfer of money to any fund, or the payment of claims; and all resolutions and ordinance whereby the city shall become liable for the payment of money, shall only be sponsored by the finance committee by either the chairperson of the committee, the majority of the other members of the finance committee, or upon four members of council representing council as a whole.

Rule 39: **Amendments:** Prior to adoption of a resolution or ordinance, it shall be in order to amend a resolution or ordinance at any time when a motion is made by a member of council and seconded by another member. A majority vote of all members of council shall be necessary for the adoption of an amendment to any legislation.

Rule 40: **Adoption:** All resolutions and ordinances shall require for passage or adoption a majority vote of all members of council, unless required by law. The vote on adoption shall be taken by roll call and Yeas and Nays shall be recorded by the clerk and entered into the record of the meeting. The presiding officer shall affirm the passage or failure of such measure.

Rule 41: **Signing of Ordinances- Resolutions:** All ordinances and resolutions adopted by council shall be signed by the President of Council, the Clerk of Council and presented to the Mayor by the Clerk for his/her signature. The clerk is required to present all legislation to the Mayor within twenty-four (24) hours of passage of such measures.

Rule 42: **Action on Mayor's Veto:** When the Mayor refuses to sign an ordinance or resolution, or part thereof and returns such ordinance or resolution to the council, the Mayor must provide, in writing to the respective committee chairperson, his/her objection (s) to such measure, the council shall at the next meeting following the meeting at which such vetoed ordinance or resolution is returned, if such meeting shall occur not less than fourteen (14) days after receipt of such ordinance or resolution, proceed to reconsider the same. After adoption of the motion so to reconsider, the question shall be stated:
“Shall ordinance #____ (Resolution #____) be adopted notwithstanding the veto of the Mayor?”
The presiding officer shall call:
“Those voting Yea to override the Mayor’s veto. Will the Clerk please call the roll.”
If two-thirds of all members of council vote Yea, such ordinance or resolution vetoed by the Mayor shall take effect with his signature.

Rule 43: **Status of Pending Measures:** The Clerk of Council shall keep the members of council informed regarding the status of pending measures by preparing a typed agenda for each meeting, listing the status of pending measures, which will include the following information:

- a. Number, sponsoring committee, committee members requesting member (s). All sponsoring member (s) of each measure shall have his/her name listed on the resolution/ordinance under sponsoring committee.
- b. All ordinances and resolutions to be acted upon by council shall be delivered (emailed) no later than 4:00 P.M. on the Monday preceding the first and third Wednesday of each month. The Clerk of Council shall provide a final agenda to the media and Council no later than 24 hours prior to the meeting.
- c. All ordinances and resolutions requested by a member of council must be submitted to the Clerk or Law Director by 4:00 p.m. on the Friday prior to the regularly scheduled meeting. Ordinances and resolutions may be requested by the Chairperson of the committee or two members of the committee or four members of council from various committees as council as a whole. Sponsoring members shall have their names affixed to the ordinance or resolution.
- d. Sponsoring member (s) of a Pending Measure may have the draft removed from the tentative agenda by contacting the Clerk of Council no later than twenty-four (24) hours prior to the pending council meeting. Otherwise, the draft may be removed by amendment of the agenda prior to the presentation of legislation.

Rule 44: **Publication requirements of Council:** (O.R.C. 731.21) After passage of all legislation, and the affixing of signatures by the President of Council, Clerk of Council, Mayor or an Override of a Mayoral Veto, this legislation shall be forwarded to the Law Director's

Office by the Clerk of Council, no later than ten (10) days from the date of the council meeting. The Law Director's Office shall be responsible for completion of summaries and submission to the local newspaper for publication.

VII. ADMINISTRATIVE OFFICERS

Rule 45: **Attendance Required:** Pursuant to ORC 733.06, The Mayor, Service Director, Safety Director, the Chief of Police, the Fire Chief, the Auditor, the Treasurer, and the Law Director are required to attend the regular meetings of council. All department supervisors are not required to attend regular meetings unless specifically requested by the Legislative Authority through the Mayor to answer questions relating to the affairs of the City under their respective supervision and control as may be put to them by any members of council. The Mayor shall be entitled to take part in the discussion on all questions before council. The Department Supervisors shall be entitled to take part in discussions on all questions relating only to their respective department. Should a Department Supervisor wish to be excused, he/she must contact the Clerk of Council prior to the meeting.

Excusal from council meetings shall be made by motions and acted upon by council. A majority vote of members present is necessary for approval.

Rule 46: **Reports of City Officers:** All ordinances, resolution and communications pertaining to matters that come under the supervision and control of the Mayor and Department Supervisors shall in addition to being referred to the proper committees, be also referred to such respective administrative officers for recommendation and report. Every such officer to whom any such matter is referred shall report to council. All reports from city officers suggesting or recommending action by council shall, unless otherwise ordered by council, be referred to the appropriate committee for consideration, which shall be made, without delay.

VIII. MISCELLANEOUS

Council elect: Following the certification of the general election in November prior to commencement of each Council term, any Council elect shall be entitled to attend any committee or regular meetings of council and participate, with the exception of voting, as any other Council member may participate as determined by the Chair of the committee. Additionally, Council Elects are entitled to participate and vote on sponsorship for committee assignments and rule changes at any meeting of Council to determine such matters.

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 02-26

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE FIRST STREET & BROWN STREET WATERLINE REPLACEMENT PROJECT; AND, DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the Service Director is hereby authorized to advertise for bids and enter into a contract for the First Street & Brown Street Waterline Replacement Project.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare and to allow the bidding process to commence at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2026 and signed by me as such Mayor on the _____ day of _____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 03-26

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE LEAD SERVICE LINE IDENTIFICATION POTHOLING PROJECT; AND, DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the Service Director is hereby authorized to advertise for bids and enter into a contract for the Lead Service Line Identification Potholing Project.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare and to allow the bidding process to commence at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2026 and signed by me as such Mayor on the _____ day of _____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: JOHNSTONE

DRAFT NO. 04-26

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING APPROPRIATION BUDGET TRANSFERS;
AND, DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the following appropriation budget transfer from various funds as outlined in the following:

APPROPRIATION BUDGET TRANSFERS 2025			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
Fund 266	266-6666-51010	Wages	\$172.68
Fund 266	266-6666-52050	Workmens Comp	(\$172.68)

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the reason that these funds are immediately needed for the appropriation budget transfers. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of
_____, 2026 and signed by me as such Mayor this _____ day of
_____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: JOHNSTONE

DRAFT NO. 05-26

ORDINANCE NO. _____

A ORDINANCE AUTHORIZING THE TREASURER TO CONTRACT WITH THE OHIO AUDITOR OF STATE FOR ASSISTANCE WITH RECONCILIATION AS NEEDED; AND, DECLARING AN EMERGENCY.

WHEREAS, the City of Niles Treasury Department needs assistance with reconciliation as needed and the Ohio Auditor of State will provide said assistance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the Treasurer to contract with the Ohio Auditor of State for assistance with reconciliation as needed.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare to allow the City to engage the Ohio State Auditor as needed for reconciliation, at the earliest possible date as reconciliation is completed monthly. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2026 and signed by me as such Mayor on the _____ day of _____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINACNE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 06-26

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE ITEMS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY.

WHEREAS, the City throughout the year will determine it is in possession of personal property that has become obsolete, unneeded, and/or unfit for use by the City, including but not limited to, vehicles in the impound lot; and

WHEREAS, the City has chosen GovDeals, as the vendor to implement an internet auction, to dispose of unneeded, obsolete and/or unfit personal property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That pursuant to Ohio Revised Code Section 721.15, the City is authorized to sell or dispose of property that is unneeded, obsolete, or unfit for municipal purposes by internet auction.

SECTION 2: That the Safety Director and Service Director are hereby authorized to retain the services of GovDeals to effectuate the sale of such obsolete property by internet auction through an appropriate user agreement between the City and GovDeals, and is further authorized and directed to execute all documents and perform all acts required to complete the sale of such obsolete and unneeded property by public internet auction.

SECTION 3: That the public internet auction will be conducted through GovDeals in accordance with its rules, regulations, and procedures, and in compliance with Ohio law, including listing of the obsolete and unneeded property for sale by auction to the public on the internet. That as required by law, the property will be listed for ten (10) days, including Saturdays, Sundays, and legal holidays.

SECTION 4: That the Clerk of Council shall cause this resolution to be published twice in a newspaper of general circulation as required by R.C. 721.15.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure in the interests of the public health, safety, and welfare for the reason that the immediate sale of obsolete municipal property is necessary. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Received by the Mayor of the City of Niles this _____ day of _____, 2026,
and approved by me as such Mayor this _____ day of _____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 07-26

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF NILES TO PARTICIPATE IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM; AND, DECLARING AN EMERGENCY.

WHEREAS, Ohio's Cooperative Purchasing Act (AM Sub. H.B. No. 100) ("Co-op") was signed into law on December 4, 1986; and

WHEREAS, effective March 6, 1986, Ohio's Cooperative Purchasing Act provides the opportunity for counties, townships, municipal corporations, regional transit authorities, regional airport authorities or port authorities and school districts, conservancy districts, township park districts and park districts and other authorities to participate in contracts distributed by the State of Ohio, Department of Administrative Services, Office of Cooperative Purchasing for the purchase of supplies, services, equipment and certain materials.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the Safety Director and Service Director hereby request authority in the name of the City of Niles to participate in state contracts which the Department of Administrative Services, Office of State Purchasing has entered into and the Office of Cooperative Purchasing has distributed for the purchase of supplies, services, equipment, and certain other materials pursuant to Revised Code Section 125.04.

SECTION 2: That the Safety Director and Service Director are hereby authorized to agree in the name of the City of Niles to be bound by all contract terms and conditions as the Department of Administrative Services, Office of Cooperative Purchasing prescribes. Such terms and conditions may include a reasonable annual membership fee to cover the administrative costs which the Department of Administrative Services incurs as a result of the City of Niles participation in the contract. Further, that the Safety Director and Service Director do hereby agree to be bound by all such terms and conditions and to not cause or assist in any way the misuse of such contracts or make contract disclosures to non-members of the Co-op for the purpose of avoiding the requirements of ORC 125.04.

SECTION 3: That the Safety Director and Service Director are hereby authorized to agree in the name of the City of Niles to directly pay the vendor under each state contract in which it participates for items it receives pursuant to the contract, and the Safety Director and Service Director do hereby agree to directly pay the vendor.

SECTION 4: All purchases to be made by the Safety Director and Service Director under this program in excess of the dollar amount established by the City's Purchasing Policy, must first be approved by City Council.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the reason that the City will realize immediate cost savings in its acquisition of materials, equipment, etc., needed for City operations. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PRESIDENT OF COUNCIL

PASSED: _____
ATTEST: _____

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2026 and signed by me as such Mayor on the _____ day of _____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 08-26

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF NILES TO APPLY FOR THE OHIO DEPARTMENT OF DEVELOPMENT'S RESIDENTIAL ECONOMIC DEVELOPMENT DISTRICT PROGRAM GRANT FUNDING, AWARDED TO SUPPORT THE CREATION OF WORKFORCE HOUSING NEAR MAJOR ECONOMIC DEVELOPMENT PROJECTS ACROSS THE STATE.

THIS RESOLUTION ALSO AUTHORIZES THE CITY OF NILES TO ACCEPT THE GRANT IF AWARDED. PUBLISH AN RFP AND SELECT CONTRACTOR(S) FOR WORK OUTLINED IN THE GRANT TAKING PLACE AT EACH DEVELOPMENT.

THIS RESOLUTION ALSO AUTHORIZES (IF AWARDED THE GRANT) A 50% REDUCTION ALL PERMIT, PLAN REVIEW, AND INSPECTION FEES FOR PROJECTS SUBMITTED IN THE GRANT APPLICATION; AND, DECLARING AN EMERGENCY.

WHEREAS, funds were appropriated through the Ohio House Bill 96 (Ohio Revised Code Section 122.636 Workforce housing project grants) of the 136th General Assembly. A total of \$10,000,000 was appropriated for the Residential Economic Development District Fiscal Year 2026 administered by the Ohio Department of Development, to be used to offer grant to individual county, township, or municipality that is fully or partially located within a residential economic development district, as defined by Ohio Revised Code 122.636, seeking to award funds to "Major Workforce Housing projects (100 units +)" within a county, township or municipality whom has Pro-housing development policies. And of which said county, township or municipality is located within a 20-mile radius of a "Major Economic Development project (creates at least 700 new permanent jobs and/or at \$700,000,000 in private investments are committed; and

WHEREAS, said Request Grant Fund Amount will be Two Million and Five Hundred Thousand (\$250,000,000) to cover the cost of establishing Surveying & Engineering, Site Work, and Installation of Water and Sewer Utilities in the above-mentioned developments; and

WHEREAS, this grant is a reimbursable grant, meaning the City must first pay for contractor services and submit for the state to reimburse monthly. Payment to the City of Niles of the Grant Funds (\$2,500,000) shall be made upon the timely submission to the Ohio Department of Development of a reimbursement request along with meeting Quarterly Report deadlines and work outlined in the application being completed. All expenditures shall be supported by contracts, invoices, vouchers, and other data as appropriate, including quarterly Status Reports and a Final Performance Report; and

WHEREAS, all grant activities must be completed by January 31, 2027; and

WHEREAS, the City of Niles agrees to be responsible and comply with all Ohio Department of Development Residential Economic Development District program requirements. Co-applicant developers will also submit with the application letters of commitment that they will also follow program requirements; and

WHEREAS, if award the grant, the City of Niles seeks to include 90.24 acres of proposed annexed property in the economic development project and seeks to permit a 50% reduction to all permit, planning, reviewing, and inspection fees for projects submitted in the grant application (Carnegie Heights Phase II, Stillwagon Estates, Niles Heights, etc.)

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That Authorization is given to the Mayor to apply for the Ohio Department of Development Residential Economic Development District Program award, and if awarded publish an RFP to obtain contractor(s) for each development's work and enter into contract with said contractor(s).

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Niles and the inhabitants thereof, for the reason that it is to apply for this funding within the next 30 days, and provided that it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2026 and
signed by me as such Mayor on this _____ day of _____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 09-26

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO 2026 DODGE DURANGO PURSUIT VEHICLES THROUGH STATE PURCHASING FOR THE 2026 CALENDAR YEAR; AND, DECLARING AN EMERGENCY.

WHEREAS, the Police Department seeks authority for the purchase of two fully equipped 2026 Dodge Durango Pursuit SUV's from Greve Chrysler Jeep Dodge for a total of \$62,390.00 (Quotes attached as Exhibit A); and

WHEREAS, Council desires to authorize the acquisition of the above vehicles through the Ohio Cooperative Purchasing Program for the 2026 calendar year, when funds are available in the appropriate accounts or otherwise permitted by law.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the purchase of Two (2) 2026 Dodge Durango Pursuit SUV's through the Ohio Cooperative Purchasing Program for the 2026 calendar year, in the total amount of \$62,390.00 from Greve Chrysler Jeep Dodge.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that the vehicles can be purchased at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2026 and signed by me as such Mayor this _____ day of _____, 2026.

MAYOR

Sales Representative Name		Steve Rick		Reference Number	251544SR	Number Of Vehicles		1	
Greve Chrysler Jeep Dodge 756 W. Ervin Road Van Wert, Ohio 45891		Revision Level				Quote Or Package Number:			
		Date	10/20/2025		Utility Quote Or Package Number				
		Vehicle	2026 Durango		Durango Quote Or Package Number		Durango Ohio Soundoff		
		Status	Quote Valid 30 Days		F-150 Quote Or Package Number				
Customer Billing Information					Tahoe Quote Or Package Number				
Purchaser Name	Niles Police Department					Title Information Or Customer Shipping Information			
Contact Name	Chief Jay Holland					Lienholder			
Contact Email	JHolland@CityofNiles.com					Company Name			
Contact Number	330-652-9944 ext 2101					Attention To			
Mailing Address	15 East State Street					Street Address			
City, State & Zip	Niles, Ohio 44446					City, State & Zip			
Lightbar Color:	Half Red And Half Blue	Exterior Lighting:	Half Red And Half Blue			Special Instructions			
Custom Description:						Purchase Order Number			
Warranty Statement:	Installation And Wiring Are Covered Under A Lifetime Warranty And Emergency Products Are Covered During The Period Of The Manufacturers Warranty. Parts And Labor Warranty Are Subject To An Inspection								
QTY	Manufacturer	Part Number	Part Description			Unit Price	Extended Price	PO	Notes:
1	Dodge	EZH	Upgrade To 5.7L Hemi Engine			\$3,240.00	\$ 3,240.00		
						\$	-		
						\$	-		
						\$	-		
1	Greve	Ready For Patrol	2026 Durango Stock Program From Greve Dodge			\$56,180.00	\$ 56,180.00		
1	Dodge	Durango-White	Dodge Durango, 3.6L V6 Engine			\$	-		
1	Dodge	GUK	Heated Mirrors			\$	-		
1	Dodge	CW6	Power Windows And Locks Inoperative			\$	-		
1	Dodge	Driver Side Spotlight	Driver Side LED Spotlight			\$	-		
1	Dodge	GXF	Single Key Code			\$	-		
1		Delivery	Delivery To Your Department			\$	-		
			The Following Equipment Is Included In Package Price:			\$	-		
			Tall Man Recessed Partition With Center Sliding Window			\$	-		
			Expanded Metal Rear Partition			\$	-		
			Replacement Seat With Outboard Seat Belts			\$	-		
			Vertical Steel Window Guards			\$	-		
			Dual Weapon Mount With Universal Locks			\$	-		

<u>Customer</u>	<i>Niles Police Department</i>	<u>Reference Number</u>	<i>251544SR</i>	<u>Revision Level</u>		<u>Sales Representative Name</u>	<i>Steve Rick</i>							
Labor And Materials Section:														
Equipment To Be Supplied Loose By Customer. (Customer Is Responsible To Supply Cables And Bracketry)														
	<u>Radio #1</u>		<u>Radio #2</u>		<u>Radio #3</u>									
	1 Piece Radio		No		No									
<u>Comments</u>	<u>Scanner</u>		<u>Repeater</u>		<u>Preemption</u>									
	No		No		No									
<u>Comments</u>	<u>Camera System</u>		<u>Single Antenna Radar</u>		<u>Dual Antenna Radar</u>									
	No		No		Yes									
<u>Comments</u>	<u>Computer System</u>		<u>Computer Power Supply</u>		<u>Modem With Antenna</u>									
	Yes		Yes		No									
<u>Comments</u>	<u>Printer</u>		<u>Flashlight</u>		<u>Miscellaneous</u>									
	Yes		No		No									
<u>Comments</u>	Brother PocketJet													
Notes Section:														
Customer is Responsible for Supplying New Radar Brackets														
<u>Special Quote</u>				<u>SubTotal</u>	\$61,740.00									
	<u>QTY</u>	1	<u>Installation Per Unit</u>	\$650.00	Installation	\$650.00								
	<input type="checkbox"/>	Check if Actual Shipping is to be Charged			Shipping									
<input type="checkbox"/>	Split Bill Between SFL/Greve/ECT With SEP			<u>Tax Rate</u>		\$-								
<input type="checkbox"/>	Equipment To Be Shipped Loose			<u>Total</u>	\$62,390.00									

Color Of Vehicle: _____

Customer Signature: _____

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 11-26

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF NILES TO ENTER INTO AN AGREEMENT WITH EASTERN POWER AND GAS LLC TO BE THE NATURAL GAS SUPPLIER FOR THE CITY AGGREGATION PROGRAM; AND, DECLARING AN EMERGENCY.

WHEREAS, pursuant to an agreement with Buckeye Energy for the City of Niles enacted the Governmental Aggregation Program, offering negotiated natural gas rates to residents and businesses; and

WHEREAS, Eastern Power and Gas, LLC, a Public Utilities Commission of Ohio, is the approved provider to supply natural gas and related services to residential, commercial, industrial, and other organizational customers; and

WHEREAS, The City of Niles has chosen Eastern Power and Gas as its preferred natural gas supplier and in return Eastern PNG agrees to offer program-eligible City residents and businesses discounted natural gas rates during the initial enrollment period compared to their standard individual offerings on the open market;

WHEREAS, Council seeks authorization that the Mayor enter into an agreement with Eastern Power and Gas as the natural gas supplier for the City Aggregation Program, see attached.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the Mayor is hereby authorized and directed to enter into an agreement with Eastern Power and Gas, LLC for discounted natural gas services to program-eligible City residents.

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

SECTION 3: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, thereof, for the reason that it is immediately necessary to enter into the contract at the earliest time allowable, and provided it receives the necessary affirmative votes as required by the passage and be in force at the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of
_____, 2026 and signed by me as such Mayor on this _____ day of
_____, 2026.

MAYOR



Agreement of Endorsement

This Agreement of Endorsement (the "Agreement") is made and entered into as of the signature date below ("Effective Date") by and between the City of Niles, Ohio ("City"), and Eastern Power and Gas, LLC ("Eastern PNG"). The City and Eastern PNG are each referred to herein as a "Party" and collectively as the "Parties."

Whereas:

- A. The City of Niles, having secured all requisite approvals and enacted pertinent legislation, hereby establishes the Endorsement Program, offering negotiated natural gas rates to residents and businesses.
- B. Eastern Power and Gas, LLC (Eastern PNG), a Public Utilities Commission of Ohio (PUCO) approved provider, actively supplies natural gas and related services to residential, commercial, industrial, and other organizational customers.
- C. The City has chosen Eastern PNG as its preferred natural gas supplier for the Program ("City's Preferred Supplier"). In return, Eastern PNG agrees to offer Program-eligible City residents and businesses ("Eligible Consumers") discounted natural gas rates compared to Eastern PNG's standard individual offerings on the open market ("Standard Rates"). These discounted rates will be available during the Initial Enrollment Period ("Enrollment Period").
- D. Both the City and Eastern PNG acknowledge the time-sensitive nature and potential limitations of government endorsement programs like this one. Therefore, they are committed to taking all necessary and commercially sound actions within their means to secure the desired gas prices for participating customers.

Now, therefore, in consideration of the mutual premises and promises of the parties, the adequacy and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. DEFINITIONS: Capitalized terms not explicitly defined within this Agreement shall assume the meanings ascribed to them herein. For the purposes of this Agreement, except where the context expressly suggests otherwise, singular terms shall encompass their plural forms and vice versa. Additionally, any defined term, regardless of its initial part of speech or grammatical form, will maintain its designated meaning across different grammatical variations.

"Customer" refers to any Eligible Consumer who has formally accepted Eastern PNG's offer for natural gas supply in accordance with this Agreement, by entering into a Customer Agreement with Eastern PNG.

"Customer Agreement" signifies (i) a legally binding natural gas choice contract between Eastern PNG and an Eligible Consumer, or (ii) a verbal contract established through telephone communication between an Eligible Consumer and Eastern PNG, where the agreement directly results from Eastern PNG's gas supply offer pursuant to this Agreement.

"EGO" denotes Enbridge Gas Company, the key local distribution company tasked with owning, controlling, and maintaining the necessary infrastructure to deliver natural gas to Eligible Consumers.

"Eligible Consumers" are defined as residents and businesses within the City that have been authorized to participate in the EGO Choice Program.

"Initial Enrollment Period" refers to a specified time frame, agreed upon by Eastern PNG and the City, during which Eligible Consumers can opt into Eastern PNG's service under this Agreement. This period shall not extend beyond forty-five (45) days.

"Law" encompasses all applicable laws, rules, regulations, ordinances, statutes, judicial decisions, administrative orders, and directives from relevant authorities such as public utilities commissions, public service commissions, independent system operators, regional transmission organizations, or similar state commissions, agencies, or entities that regulate the parties, natural gas transactions, or natural gas distribution systems.

"NYMEX" is the New York Mercantile Exchange, or any entity that succeeds it.

"PUCO" stands for the Public Utilities Commission of Ohio, the regulatory body overseeing utilities within Ohio.

"Trigger" is a mechanism initiated by the City, requesting Eastern PNG to secure the NYMEX component's price for the Customers under the Customer Agreements for the remaining duration of those agreements.

2. CITY'S PREFERENCE FOR EASTERN PNG AS THE EXCLUSIVE NATURAL GAS SUPPLIER: The City commits to promoting and supporting Eastern PNG as the recommended natural gas provider to Eligible Consumers throughout the duration of the Agreement. The City shall refrain from backing any other natural gas suppliers for the length of this term. Additionally, the City is not liable for any financial risks associated with non-payment by any Participant in the Program.

3. DURATION OF AGREEMENT: The effective period of this Agreement begins on the Effective Date and will last for nineteen months (the "Term") unless earlier termination occurs as specified within this Agreement. During the Term, the City is entitled to initiate discussions with Eastern PNG and other natural gas suppliers to guarantee a smooth transition and ongoing participation in the Program upon the Term's conclusion. Should the City opt for a different supplier during the Term as the preferred provider for a subsequent period, Eastern PNG is required to collaborate with both the City and the new supplier promptly, providing a roster of current Program participants as per Eastern PNG's records at the time of such request. Furthermore, the City retains the authority to select a new supplier within the Term, applicable



only to natural gas services for the subsequent term.

4. RESPONSIBILITIES OF EASTERN PNG:

- (a) **Eligible Consumer List Acquisition:** Eastern PNG will acquire a list of Eligible Consumers from EGO and/or any other sources it considers appropriate. The City will assist in compiling and validating this list and will use its resources to reduce the costs associated with this process. This includes notifying the previous supplier about the switch to Eastern PNG and retrieving the list of current Program participants from them. The list must be approved by both the City and Eastern PNG before being used for any communications.
- (b) **Initial Enrollment and Communication:** Eastern PNG will organize an Initial Enrollment Period for Eligible Consumers, during which it will create and distribute all related program announcements and enrollment materials at its own expense. These materials, including a Program enrollment notice approved by the City and a standard natural gas choice agreement, along with a toll-free information number and other agreed-upon details, will be sent to potential participants.
- (c) **Direct Contracts with Consumers:** Eastern PNG will directly engage with Eligible Consumers agreeing to Eastern PNG's offer for an initial term of 19 (nineteen) months. The enrollment process will be facilitated through mail, web, or telephone.
- (d) **Customer Addition Post-Enrollment:** Post the Initial Enrollment Period, Eastern PNG holds the exclusive right to add Customers. Those relocating within the City can maintain their Eastern PNG contract by notifying Eastern PNG of the move and providing necessary verification details.
- (e) **Switching Fees:** Eastern PNG is accountable for any EGO-imposed switching fees when a Customer opts for Eastern PNG's gas supply as per this Agreement.
- (f) **PUCO Requests:** Should PUCO request Program-related information or documents from the City, Eastern PNG will assist in gathering such data, provided it is accessible to them.
- (g) **Opt-Out Aggregation Collaboration:** If the City decides to pursue opt-out aggregation, both parties will collaborate to establish a mutually acceptable opt-out aggregation program for all Eligible Consumers. Upon agreement, the City will solely endorse Eastern PNG for this program.

5. NATURAL GAS SUPPLY PROPOSAL BY EASTERN PNG: The City of Niles, OH price program ("City Price Program"), aimed at Eligible Consumers, will be made available by Eastern PNG during the Initial Enrollment Period. Set to last 19 (nineteen) months, from March 2026 (April 2026 billing) through September 2027 (October 2027 billing), the program offers a fixed monthly charge of \$4.70 per Mcf, detached from the fluctuations of NYMEX. The City confirms its role in representing the interests of all participants regarding the pricing within the City Price Program, committing to a uniform rate for the span of the Customer Agreements. Furthermore, Eastern PNG and the City have the flexibility to negotiate further natural gas supply agreements throughout the duration of this Agreement, ensuring they match the new terms of duration and fixed rate.

6. PROVISION OF NATURAL GAS SUPPLY: Eastern PNG commits to delivering natural gas to Customers under the terms outlined in the Customer Agreements. Integral to these agreements is Exhibit A, the standard natural gas choice agreement form, which Eastern PNG will present to Eligible Consumers for their execution during the Initial Enrollment Period. This service provision aligns with the comprehensive regulatory framework, including applicable rules from PUCO and DGO.

7. AUTHORIZATION FOR USE OF CITY'S BRAND: The City grants Eastern PNG permission to incorporate the City's name and logo in various enrollment communications, including digital platforms and press releases, for promotional or marketing activities. Prior to dissemination, the City retains the right to inspect and sanction any content featuring its name or logo. Furthermore, the City permits Eastern PNG to declare itself as the sole retail natural gas supplier for the City throughout the duration of this Agreement.

8. TERMINATION PROCEDURE IN RESPONSE TO REGULATORY EVENTS: In the event of a Regulatory Event, the party adversely affected must inform the other party of its occurrence. Following such notice, both parties will negotiate modifications or a new agreement to compensate the affected party, aiming to restore their economic position to what it would have been without the Regulatory Event. If no agreement on amendments is reached within ten (10) days, the impacted party has the right to end this Agreement with a fifteen (15) day written notification. A "Regulatory Event" is defined by the following:

- (i) **Illegality:** Should any law change or a new interpretation by a relevant judicial or government authority render it illegal for a party to fulfill its obligations under this Agreement.
- (ii) **Adverse Government Action:** Occurs if (a) a regulatory body or court overseeing this Agreement mandates a significant alteration of its terms, detrimentally affecting one of the parties materially, or (b) any regulatory or judicial action that negatively influences a party's ability to meet its Agreement obligations.

9. APPLICABLE LAW: The validity, interpretation, and enforcement of this Agreement shall be governed by the laws of the State of Ohio, excluding its conflict of laws rules. The terms of this Agreement are subject to all Federal, state and local laws and regulations, and such laws and regulations shall control if the same are contrary to the terms contained herein.



10. TRANSFER OF AGREEMENT: This agreement is personal. No party may transfer its rights or duties under this Agreement without the written approval of the other, except that Eastern PNG is permitted to assign its rights and obligations to an Affiliate, or to a successor of all or the majority of its assets, business, or the specific division or region related to this Agreement, through merger, consolidation, reorganization, or similar transaction, without requiring consent. This is conditional upon the successor entity's agreement to adhere to the terms of this Agreement.

11. COMPLETENESS OF AGREEMENT AND MODIFICATION REQUIREMENTS: This Agreement constitutes the complete and exclusive understanding between the parties, nullifying all previous agreements and understandings, both written and oral, concerning this Agreement's subject matter. It cannot be overridden by any prior or simultaneous agreements, whether oral or written. A faxed or electronic (such as DocuSign) signature of any party will be treated as an original for all intents and purposes under this Agreement, with original signatures to be provided upon request. Amendments to this Agreement are only valid and enforceable if signed by both parties. Any changes, additions, or deletions made by the Association to the preprinted terms of this Agreement are null and void. The section titles within this Agreement are solely for convenience and have no legal or contractual effect.

12. FORBEARANCE AND DIVISIBILITY: The omission to declare or act upon any breach of this Agreement shall not be deemed a waiver of such breach or future breaches, whether similar or dissimilar. Should any part of this Agreement be found invalid or unenforceable by a court of law, the remaining portions shall continue in full force and effect, maintaining the Agreement's validity and enforceability to the greatest extent possible under law. In place of any invalid provision, a suitable provision that closely mirrors the original intent of the Parties, in accordance with applicable law, will be considered as part of this Agreement.

13. NOTIFICATION REQUIREMENTS. Notices under this Agreement are deemed valid only if they are in written form and delivered either by hand, through first-class mail with prepaid postage, or via express delivery services to the specified addresses below. A Party may update its address for receiving notices by providing a written notification of such change following these guidelines.

Eastern PNG:

Eastern Power and Gas, LLC.
Attn: Legal Department
2119 Avenue U
Brooklyn, New York, 11229
Phone: 877-799-3637

City:

City of Niles, OH
Steven Mientkiewicz,
Mayor
34 West State Street
Niles, OH 44446
330-544-9000 Ext. 1101
smientkiewicz@thecityofniles.com

14. JOINT DECLARATIONS AND GUARANTEES: Each party to this agreement certifies to the other that it is fully established and legally compliant within its place of incorporation, holds all necessary business authorizations for jurisdictions relevant to this agreement's execution, and that its engagement in this agreement has been fully authorized, not conflicting with any of its foundational documents, existing contracts, or applicable laws. Furthermore, both parties affirm that there are no existing circumstances or binding agreements that could undermine their ability to carry out the commitments made herein or result in a conflict of interest involving the City, any qualified consumers, or Eastern PNG.



15. ADDITIONAL WARRANTIES AND COVENANTS BY EACH PARTY: Eastern PNG confirms its certification as a competitive retail natural gas supplier by the PUCO. Concurrently, the City assures, from the Effective Date, that its engagement and execution of this Agreement, alongside its fulfillment of associated duties, are consistent with and do not contravene the municipal objectives outlined in its authorizing legislation and regulations. Furthermore, the City has acquired all necessary consents to validly enact this Agreement. It has also completed all required procedures and received all essential approvals to act effectively as an agent for Customers participating in the Program concerning natural gas pricing, in a manner that adheres to the City's organizing statutes and regulations.

16. DEFINITION OF DEFAULT AND CONDITIONS FOR TERMINATION DUE TO DEFAULT: An "Event of Default" encompasses any of the following circumstances: (a) any material assertion or guarantee provided by a Party within this Agreement is discovered to have been inaccurate, false, or misleading at the time it was made, or it fails to remain accurate throughout the Agreement's duration, with such discrepancy not rectified within five business days following a written notification from the opposing Party; or (b) a Party's violation of any term of this Agreement or its failure to fulfill any specified duty herein, which, if capable of correction, is not remedied within five (5) business days subsequent to receiving written notice from the other Party (no notice of opportunity to cure is required if the breach or failure is deemed incurable). Upon the occurrence of an Event of Default, the Party not at fault has the right, at its own discretion, to conclude this Agreement by issuing a written termination notice to the Party in default.

17. RESTRICTION OF LIABILITY: Despite any provisions in this Agreement suggesting otherwise, the full liability of each Party for any claims arising out of or connected to this Agreement is restricted to actual, proximate and direct damages alone. This limitation is subject to a mandatory duty for the claimant Party to mitigate its losses. **NEITHER PARTY SHALL BE HELD LIABLE FOR ANY FORM OF SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY, CONSEQUENTIAL, OR PUNITIVE DAMAGES, REGARDLESS OF THE LEGAL THEORY THEY ARE BASED ON, INCLUDING CONTRACT, WARRANTY, NEGLIGENCE, OR STRICT LIABILITY.** The terms outlined in this section remain in effect even after the Agreement is terminated or expires.

18. EXCLUSIVITY OF BENEFITS: This Agreement is crafted exclusively for the benefit of the Parties involved, and no third party shall possess any rights or benefits under this Agreement.

19. NATURE OF THE PARTIES' RELATIONSHIP: Under this Agreement, Eastern PNG acts as an independent contractor. Nothing within this Agreement should be interpreted as establishing an employer -employee or principal- agent relationship between the Parties.

20. AGREEMENT VALIDATION: *This Agreement becomes legally binding and enforceable against Eastern PNG only after it has been signed by a duly authorized representative of Eastern PNG.*

The Parties affirm the execution of this Agreement by their authorized representatives, effective from the stated date.

City of Niles:

By: _____

Name: _____

Title: _____

Date: _____

Eastern Power and Gas, LLC:

By: _____

Name: _____

Title: _____

Date: _____

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 12-26

RESOLUTION NO. _____

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX IN EXCESS OF THE TEN MILL LIMITATION; AND, DECLARING AN EMERGENCY.

WHEREAS, on December 18, 2025, this Council adopted Resolution No. 46-25 determining to submit to the electors of the City the question of levying a replacement tax in excess of the ten-mill limitation, as described below, a copy of which Resolution was certified to the Auditor of Trumbull County; and

WHEREAS, the County Auditor has certified to this Council that a 1.0 mill annual tax levy will produce the annual amount of \$266,849.00, calculated in the manner provided by law, being 1.0 mill for each dollar of valuation, which is the same rate as the existing levy, and which amounts to \$0.10 for each one hundred dollars of valuation, as set forth in said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO, AT LEAST TWO-THIRDS OF THE MEMBERS CONCURRING:

SECTION 1: That this Council determines to proceed with the submission to the electors at the primary election to be held on May 5, 2026, pursuant to Ohio Revised Code Sections 5705.03, 5705.19 (H) and 5705.192, of the question of levying a replacement tax in excess of the ten mill limitation for the purpose of supporting the programs, facilities and equipment of the City of Niles Department of Park and Recreation at the annual tax rate of 1.0 mill for each one dollar of valuation, which is the same rate as the existing levy, which amounts to \$0.10 for each one hundred dollars of valuation, for a five year period of time, commencing in 2026, first due in calendar year 2027.

SECTION 2: That the Clerk of Council is authorized, and she is hereby directed to certify immediately a copy of this Resolution and the prior Resolution and Certificate of the County Auditor referred to in the Preamble hereto to the Board of Elections, Trumbull County, Ohio, on or before 4:00 p.m., February 4, 2026 and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

SECTION 3: That this Resolution be and hereby is declared an emergency measure in the interest of the public health, welfare, and safety to allow ample time to file the necessary documents with the Board of Elections. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall take effect from and after the earliest time provided by law.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of
_____, 2026 and signed by me as such Mayor on the _____ day of
_____, 2026.

MAYOR