

**RESOLUTION NO: 2017-R76**  
**SPONSOR: MAYOR NEUGEBAUER**  
**INTRODUCED: DECEMBER 12, 2017 ASSIGNED TO: \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A DEPOSITORY AGREEMENT FOR DEPOSIT OF PUBLIC FUNDS (ACTIVE DEPOSITS, INACTIVE AND/OR INTERIM DEPOSITS) WITH PNC BANK, AND DECLARING AN EMERGENCY.**

WHEREAS, Resolutions 2014-R56 and 2014-R57 authorized the City to enter into a Memorandum of Agreement for the Deposit of Public Funds (Active, Inactive and/or Interim Deposits) with PNC Bank (“Bank”) for the period beginning January 1, 2015, and ending December 31, 2019 (which period of time is called the Term of Designation”); and

WHEREAS, as a result of HB 49, the Ohio Treasurer of State developed a new program for the pledging of pooled collateral for public deposits, effective as of September 29, 2017, referred to as the Ohio Pooled Collateral Program (“OPCP”); and

WHEREAS, the program was implemented to allow financial institutions to pool collateral for public deposits, and centralize collateral monitoring and shift the administrative burden to the Treasurer’s Office; and

WHEREAS, PNC Bank has elected to participate in the OPCP; and

WHEREAS, it is necessary to replace the prior depository agreement to include the provisions under which the Bank will assure its performance; and

WHEREAS, the City of Green (“Depositor”) agrees to accept the proposal of the Bank and has selected the Bank as one of its depositories for the Term of Designation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, STATE OF OHIO, THAT:**

**SECTION ONE:**

The Bank agrees to receive Active Deposits, Inactive Deposits and/or Interim Deposits from the Depositor during the Term of Designation.

**SECTION TWO:**

The Bank agrees to, as required by the laws of the State of Ohio, collateralize the uninsured public deposits of the Depositor and has elected to do so through the OPCP, as prescribed in section 135.182 of the Ohio Revised Code (“ORC”). The Bank currently collateralizes the Depositor’s funds at one hundred and five percent (105%). Effective on or about December 31, 2017, the collateral floor rate will change to one hundred and two percent (102%). The Bank will apply for a reduced collateral floor rate for public deposits under ORC Section 135.182(B)(1)(b) and the Ohio State Treasurer will thereafter assign a new collateral floor rate. The Depositor is to be notified of any changes to the collateral rate on it deposits on the OPCP portal.

**SECTION THREE:**

The Bank shall be required to furnish collateral to cover only those deposits in excess of the respective portion insured by the Federal Deposit Insurance Corporation, or any other corporation hereafter organized by the United States, the State of Ohio, or agency thereof for the purpose of insuring deposits, as calculated for collateral purposes by the Ohio State Treasurer.

**SECTION FOUR:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION FIVE:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green and for the further reason that it must be effective no later than December 31, 2017. Provided that this legislation receives the affirmative vote of three-fourths ( $\frac{3}{4}$ ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Molly Kapeluck, Clerk

\_\_\_\_\_  
Chris Humphrey, Council President

APPROVED: \_\_\_\_\_, 2017

\_\_\_\_\_  
Gerard Neugebauer, Mayor

ENACTED EFFECTIVE: \_\_\_\_\_, 2017

ON ROLL CALL:    Ahlstrom       Dyer       Knodel       Humphrey  
                         Speight       Summerville       Young

*Suburbanite* publication on \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_  
Molly Kapeluck, Clerk