

City of Johnstown
Cambria, County, Pennsylvania
ORDINANCE NO. 5269 of 2019

Bill No. 16 of 2019

Introduced in Council
April 10, 2019

AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GUARANTEED REVENUE BOND IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,535,490.00 FOR PURPOSES OF REHABILITATING THE INNER CITY SANITARY SEWER SYSTEM; FIXING THE FORM, DATES, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE BOND; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTATION WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO INCUR AND EXCLUDE ADDITIONAL DEBT OF THE GOVERNMENTAL UNIT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE BOND; PROVIDING FOR THE AUTHORIZED SIGNATORIES AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

WHEREAS, it is necessary that the indebtedness of the City of Johnstown, Cambria County, Pennsylvania (“Local Government Unit”) be increased for the purpose of rehabilitating the inner city sanitary sewer system for which such project is located within the Old Conemaugh Sanitary Storm Sewer Separation Phase areas of the City of Johnstown. The existing sanitary sewer system is more than 80 years old consisting of vitrified clay pipe collection lines that are allowing groundwater (infiltration) to enter the system through non-gasketed pipe joints and pipe failures. Additionally, surface water (inflow) enters the sanitary sewer system by way of connections between the sanitary and storm sewers that were made to alleviate storm sewer back-ups. The goal of this project is rehabilitation of the Old Conemaugh Sanitary Storm Sewer Separation lines to remove infiltration & inflow to the sanitary sewer system by rehabilitating the collection lines and eliminating interconnections between the sanitary and storm sewer systems; and

WHEREAS, the Local Government Unit has received preliminary realistic cost estimates from professional consultants indicating the sum of \$4,535,490.00, will be needed to complete the project; and

WHEREAS, the Pennsylvania Infrastructure Investment Authority (“PENNVEST”) has approved funding for the Project, subject to the approval of debt proceedings.

WHEREAS, the Local Government Unit shall file debt proceedings with the Department of Community and Economic Development to qualify the indebtedness hereafter authorized as self-liquidating debt; and

WHEREAS, provided the debt related to the project qualifies as self-liquidating, as aforesaid, the proposed increase of debt, together with the Local Governmental Unit's non-electoral indebtedness and its lease rental indebtedness presently outstanding, will not cause the limitations of the Local Governmental Unit's debt incurring power, pursuant to constitutional and statutory authority, to be exceeded.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the City of Johnstown City Council, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. It is necessary that the indebtedness of the City of Johnstown, Cambria County, Pennsylvania, be increased for the purpose of constructing the Project;

SECTION 2. The period of useful life of the improvements for which this obligation is to be issued is set forth in **EXHIBIT A**.

SECTION 3. Said indebtedness shall be incurred as non-electoral debt and shall be evidenced by one guaranteed revenue Bond, in fully registered form, in a sum not to exceed \$4,535,490.00, (the "PENNVEST Guaranteed Revenue Bond") bearing interest at a rate of 1.000% per annum for the years 1-5 during the interest only period and the first five years of principal amortization and 1.000% for the remainder of the five or more years. The form of the PENNVEST Guaranteed Revenue Bond is set forth in **EXHIBIT A**.

SECTION 4. The PENNVEST Guaranteed Revenue Bond is being issued as provided in the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978, being Act 52 of 1978 Session and known as the Local Government Unit Debt Act (the "Act"). The Authority shall begin principal amortization of the PENNVEST Bond on the earlier of: (i) three (3) months after the estimated date of completion of the Project, (ii) the first day of the calendar month following actual completion of the Project, or (iii) three (3) years from the date of settlement. Notwithstanding the foregoing, principal amortization on the PENNVEST Bond shall not be deferred beyond the later of two (2) years from the date of settlement or one (1) year after completion of the Project in accordance with Section 8142(c) of the Act. As of the date of this Ordinance, the projected estimated date of completion of the

Project is five or more years.

The Local Government Unit reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payments dates thereof, without notice or penalty.

The principal and interest of the PENNVEST Guaranteed Revenue Bond shall be payable at the office of the sinking fund depository selected for the Bond as hereinafter provided.

SECTION 5. The PENNVEST Guaranteed Revenue Bond is hereby declared to be a general obligation of the Local Government Unit. The Local Government Unit hereby covenants that it shall include the amount of debt service on the PENNVEST Guaranteed Revenue Bond for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt service; and shall duly and punctually pay or cause to be paid the principal of the PENNVEST Guaranteed Revenue Bond and the interest thereon at the dates and places and in the manner stated in the PENNVEST Guaranteed Revenue Bond according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the Local Government Unit is hereby irrevocably pledged.

In addition, the Local Government Unit grants to PENNVEST a lien and security interest in all other gross revenues or receipts of the Local Government Unit generated or produced from the Local Government Unit's sewer revenue system (the "System") as it now exists and upon completion of the Project, including but not limited to, a security interest in all existing and future accounts, contract rights and general intangibles arising out its operation of the System. The grant of a lien and security interest created hereby shall be evidenced in the Loan Documents entered into between the Local Government Unit and PENNVEST, as the registered owner of the PENNVEST Guaranteed Revenue Bond.

Further, the Local Government Unit hereby covenants to pay in each of the following fiscal years in respect to the PENNVEST Guaranteed Revenue Bond, including the principal maturity and interest are set forth and referenced herein.

SECTION 6. The PENNVEST Guaranteed Revenue Bond shall be executed in the name and under the corporate seal of the Local Government Unit by the City of Johnstown City Council and attested to by the Secretary. The City of Johnstown City Council hereby authorizes and directs the Treasurer to deliver the PENNVEST Guaranteed Revenue Bond to PENNVEST,

and receive payment therefor on behalf of the Local Government Unit. The Solicitor and the Secretary of the Local Government Unit are authorized and directed to prepare, verify and file the debt statement required by Section 8110 of the Act and to take other necessary action, including filing any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 7. First Summit Bank is hereby designated as the Sinking Fund Depository for the obligation herein authorized, and there is hereby created and established a Sinking Fund, to be known as "Sinking Fund Sewer Rental Account" for the payment of the principal and interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment of principal and interest on the obligation no later than the date upon which such payments shall become due. PENNVEST shall, as and when said payments are due, without further action by the Local Government Unit, withdraw available monies in the Sinking Fund and apply said monies to payment of principal and interest on the obligation.

SECTION 8. The City of Johnstown City Council and the Finance Director of the City of Johnstown are hereby authorized to contract with First Summit Bank for its services as Sinking Fund Depository for the PENNVEST Guaranteed Revenue Bond and paying agent for the same.

SECTION 9. In compliance with Section 8161 of the Act, the members of the governing body have determined that a private sale by negotiation rather than public sale is in the best financial interest of the Local Government Unit. Therefore, the PENNVEST Guaranteed Revenue Bond in the amount not to exceed \$4,535,490.00, herein authorized to be issued and sold is hereby awarded and sold to PENNVEST (Lender) in accordance with its proposal to purchase the PENNVEST Guaranteed Revenue Bond at par; provided it is dated the delivery thereof to the (Lender) and is in the form set forth in this Ordinance as well as **EXHIBIT A**; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act; and subject to such further terms and conditions set forth in the PENNVEST Funding Offer attached hereto and made a part hereof by reference.

SECTION 10. The action of the proper officers and the advertising of a summary of this Ordinance as required by law in the Johnstown Tribune Democrat, a newspaper of general circulation, is ratified and confirmed. The advertisement in said paper of the enactment of the ordinance is hereby directed within fifteen (15) days following the day of final enactment.

SECTION 11. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED THIS 8th day of May, 2019.

ATTEST: City of Johnstown City Council

[Signature]

[Signature]

[Signature]
[Signature]

Secretary/City Clerk Nancy J. Cushing

Approved this 8th day of MAY, 2019.

Mayor of City of Johnstown: [Signature]

PASSED FINALLY IN COUNCIL:


May 8, 2019

By the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mayor Janakovic, Rev. King. (4)

Nays: Mrs. Stanton. (1)

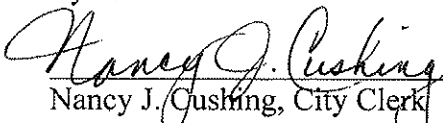
Absent: Mr. Williams, Mr. Britt. (2)



Frank J. Janakovic, Mayor
Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5269** as the same passed by City Council of the City of Johnstown, Pennsylvania.



Nancy J. Cushing, City Clerk

ORDINANCE NO. 5270

**City of Johnstown
Cambria County, Pennsylvania**

Bill 17 of 2019

**Introduced in Council on
April 10, 2019**

AN ORDINANCE AMENDING ORDINANCE NO. 5266, APPROVED FINALLY ON JANUARY 16, 2019 AND TITLED THE WAGE AND SALARY ORDINANCE. PROVIDING FOR ADDITION OF PART TIME FIREFIGHTERS , FOUR POSITIONS, WAGE RATE OF \$18.62 PER HOUR, AND APPROPRIATION OF \$76,500. THIS AMENDMENT BEING TO THE SALARIES AND WAGES TO BE PAID ALL PART-TIME FIREFIGHTERS FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA FOR THE CALENDER YEAR BEGINNING JANUARY 1, 2019

Budget Amendments:

See Budget Amendments as reflected in the attached Exhibit: Bill No. 17 of 2019 Wage and Salary Ordinance and shown herein.

Fire Department		Required Appropriation Total	1,500,000.00
<u>Part-Time Firefighter</u>	<u>4.00</u>	<u>\$18.62 per hour</u>	<u>76,500.00</u>

ORDAINED and ENACTED at a duly assembled public meeting by the City of Johnstown, Cambria County, Pennsylvania this 8th day of May, 2019.

PASSED FINALLY IN COUNCIL:

May 8, 2019

By the following vote:

Yeas: Mr. Vitovich, Mayor Janakovic, Rev. King, Mrs. Mock, Mrs. Stanton. (5)

Nays: None (0)

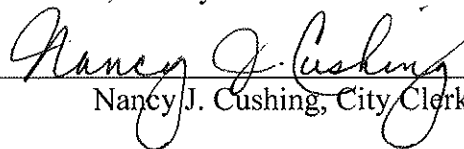
Absent: Mr. Williams, Mr. Britt. (2)



Frank J. Janakovic, Mayor
Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5270** as the same adopted by the City Council of the City of Johnstown, Pennsylvania



Nancy J. Cushing, City Clerk

CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO.

Bill No. 36 of 2018

By: Council

Introduced in Council
Nov. 1, 2018

AN ORDINANCE

FIXING THE SALARIES AND WAGES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2019.

BE IT ENACTED AND ORDAINED, by the Council of the City of Johnstown, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. All amounts in this wage and salary ordinance shall be construed as the base pay of the individuals involved. All other benefits, i.e., sick leave, longevity, vacation, overtime pay, unused sick leave pay, unused vacation pay, courtroom appearance pay, clothing allowance, etc., or other forms of compensation awarded in all legally executed contracts and/or negotiations between the City of Johnstown and its employees shall be considered separate compensation for the purpose of this ordinance.

SECTION 2. That the salaries and wages to be paid all elected officials and employees of the City of Johnstown, from January 1, 2019 through December 31, 2019 shall not be in excess of the amounts and number as set forth for the respective positions as herein authorized.

General Fund

General Government	Required Appropriation Total:	148,000.00
City Manager	1.00	85,000.00
Executive Secretary/City Clerk	1.00	40,800.00
Records Retention Clerk	1.00	15.30
	3.00	
City Council & City Clerk:	Required Appropriation Total:	16,700.00
Mayor	1.00	3,500.00
Councilpersons	6.00	2,200.00
	7.00	
Finance Department:	Required Appropriation Total:	164,640.16
Finance Director	1.00	61,550.06
Accounting Assistant	1.00	40,315.70
Human Resource/Insurance Analyst	1.00	29,432.00
Accounting Clerk	1.00	33,342.40
	4.00	
Fire Department:	Required Appropriation Total:	1,500,000.00
Fire Chief/EMA Coordinator	1.00	70,448.29
Public Safety Administrative Assistant	0.50	17,180.32
Assistant Fire Chief	4.00	55,761.04
Captain	8.00	53,166.32
Firefighter:		
Fourth Year	10.00	51,457.02

Third Year	2.00	44,857.61
Second Year	-	41,652.21
First Year	3.00	40,675.00
Parttime Firefighters	4.00	18.62 per hour
	<u>32.50</u>	

Police Department: Required Appropriation Total: 1,875,000.00

Chief	1.00	77,000.00
Captain	2.00	58,463.54
Seargent	3.00	53,325.83
Patrol Officer:		
Fourth Year	13.00	50,763.15
Third Year	4.00	45,526.30
Second Year	3.00	43,581.91
First Year	12.00	41,853.92
	<u>38.00</u>	

Police Department, Others: Required Appropriation Total: \$ 98,000.00

Public Safety Administrative Assistant	0.50	17,180.32
Records Clerk	2.00	13.46
Records Clerk	1.00	11.89
	<u>3.50</u>	

Department of Community & Economic Development: Required Appropriation Total: \$ 321,311.01

Director	1.00	66,300.00
Administrative Assistant	1.00	40,000.00
Fiscal Officer	1.00	40,808.75
Economic Development Specialist	1.00	29,814.41
Residential Coordinator	1.00	40,000.00
Codes Officer	3.00	34,795.95
	<u>8.00</u>	

Department of Public Works: Required Appropriation Total: \$ 778,331.00

Director	1.00	64,540.52
Public Works Administrater	1.00	16.50
Mechanic	1.00	19.40
Mechanic	1.00	16.33
Equipment Operator	6.00	18.71
Maintenance Man	1.00	19.39
Maintenance Man/Electrician/Team Leader	1.00	19.71
Truck Driver	3.00	18.27
Laborer	2.00	17.81
Laborer Rate (Two Tier)	1.00	11.78
Groundskeeper (Roxbury)	1.00	19.71
Events Coordinator	1.00	8,000.00
Seasonal - Winter (12 weeks)	4.00	13.00
	<u>24.00</u>	

Supervisor Stipend 1.00 3,000.00

Sewer Upgrade/Maintenance/Repair:	Required Appropriation Total:	\$	23,816.00
Laborer Rate (Two-Tier)	<u>1.00</u>		11.45
	1.00		
Recreation Fund- Point Stadium:	Required Appropriation Total:	\$	30,000.00
Laborer (Two-Tier)	1.00		11.45
Seasonal - Summer (12 weeks)	<u>5.00</u>		8.00
	6.00		
Parking Fund- On Street Parking:	Required Appropriation Total:	\$	115,000.00
Parking Meter Service Person	1.00		15.14
Clerk	1.00		11.78
Senior Meter Person	1.00		15.35
Parking Enforcement	<u>1.00</u>		11.78
	4.00		

SECTION 2. Longevity payments are authorized for those employees covered by collective bargaining agreements and current non-bargaining employees. Employees hired after January 1, 2010, and not covered by collective bargaining agreements shall not be entitled to longevity payments.

SECTION 3. Pursuant to the City of Johnstown's Fourth Amended Recovery Plan, and not deleted with the adoption of the 6th Amended Recovery Plan Ordinance No.5137, passed finally, October 28, 2013, and under provisions of the Commonwealth of Pennsylvania's Municipalities' Financial Recovery (Act #47), which states:

- a. Establishment of an employee contribution toward the most affordable coverage option available to the employee at 15 percent of cost, with employees further paying the full incremental cost of any more expensive options. Alternative contribution structures (e.g., based on a percentage of salary rather than benefit cost) be ay substituted with the approval of the Coordinator, so long as equivalent savings are achieved).
- b. Increased office visit and prescription drug copayments, coinsurance, and other cost sharing mechanisms with periodic upward adjustments for inflation and/or changing market conditions. Provisions of subsections (a); (b) shall become effective January 1, 2010.
 1. Contributions will be paid thru bi-weekly payroll deductions from gross payroll amounts prior to calculating required Federal, State and Local withholding taxes.
 2. All new hires' are provided health care coverage and shall contribute (15%) to the total monthly premium.

SECTION 4. Compliance provisions with this and any other City of Johnstown Codified Ordinance are subject to the terms set forth in Chapter 202.09 VIOLATION, REGULATIONS AND ORDERS.

Except as otherwise provided in these Codified Ordinances, no person shall violate any rule, regulation or order promulgated by any officer or agency of the City under authority vested in him, her or it by law or ordinance, or under authority of these Codified Ordinances.

SECTION 5. All ordinances or part in conflict herein are in the same are hereby repealed.

SECTION 6. This ordinance shall become effective January 1, 2019.

PASSED FINALLY IN COUNCIL:

by the following vote:

Yeas:

Nays:

Absent:

Frank Janakovic, Mayor

Marie Mock, Deputy Mayor

ATTEST: Nancy Cushing, City Clerk

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. as the same was passed finally by City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.

Nancy Cushing, City Clerk