

4:30pm Finance Committee

Shelby City Council Agenda
Monday, July 18, 2011
COUNCIL CHAMBERS
5 WATER STREET
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Dispense with Reading of Journal from July 5, 2011

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Public Comment

Joe Trolan—Richland County Mental Health & Recovery Services Board

Willia Leer—Richland County Transit

Reports from Standing and Special Committees

Finance Committee—Steve Schag

Utility Committee—Garland John Gates

Reports of City Officials

Marilyn S. John—Mayor

Robert Lafferty—Director of Finance

R. Lee Shepherd—Law Director

Joe Gies—Project Coordinator

Aaron Wiegand—Community & Economic Development Coordinator

Unfinished Business

Mickey Road Sanitary Sewer
Railroad Grade Crossing Inspections
Declaring property a nuisance
Redraw of Ward Lines—ORC 731 06

New Business

MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LEGAL MATTERS

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

MOTION TO COME OUT OF EXECUTIVE SESSION

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Legislation

**ORDINANCE NO 13-2011 PROPOSING AN AMENDMENT TO SECTION 8 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH
PROPOSED AMENDMENT TO THE ELECTORS**

3RD READING

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

AMENDED ORDINANCE NO 19-2011

**PROPOSING AN AMENDMENT TO SECTION
13 OF THE CHARTER OF THE CITY OF
SHELBY AND SUBMITTING SUCH
PROPOSED AMENDMENT TO THE
ELECTORS**

3RD READING

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

ORDINANCE NO 22-2011

**PROVIDING FOR THE ISSUANCE AND SALE OF
BONDS IN A MAXIMUM AGGREGATE PRINCIPAL
AMOUNT OF \$6,500,000 TO PROVIDE FUNDS FOR
THE PURPOSE OF CONSTRUCTING, FURNISHING
EQUIPPING AND OTHERWISE IMPROVING A
MUNICIPAL JUSTICE CENTER HOUSING POLICE
AND COURT FACILITIES AND ACQUIRING;
IMPROVING AND EQUIPPING ITS SITE; AND
DECLARING AN EMERGENCY**

**Motion that the rules requiring that an ordinance be read on three separate occasions be suspended
and declare an emergency**

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

RESOLUTION NO 25-2011

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2011 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO

Moved 2ND
Mr. Shepherd Mr. Shasky Mr. Gates Mr. Hoover Mr. Schag

RESOLUTION NO 26-2011

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS.

Moved 2ND
Mr. Shepherd Mr. Shasky Mr. Gates Mr. Hoover Mr. Schag

RESOLUTION NO 27-2011

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PROVISION OF UTILITY SERVICE TO THE LUST SUBDIVISION ALLOTMENT.

Moved 2ND
Mr. Shepherd Mr. Shasky Mr. Gates Mr. Hoover Mr. Schag

Miscellaneous business

Date to visit Council Chambers in Willard and Ontario

Adjournment at p.m.

Moved 2ND
Mr. Shepherd Mr. Shasky Mr. Gates Mr. Hoover Mr. Schag

Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all action necessary to submit the above question to the electors of the City at the election held on November 8, 2011.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Election no later than 4:00 p m on the ninetieth day prior to the date of the election

Section 5: That the Director of Finance and Public Record shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the date of the election

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2012.

Section 7: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220 01, Ohio Revised Code Section 121 22, and the Charter of the City of Shelby, Ohio.

Section 8: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law

PASSED: _____

Steven L. Schag
Vice President of Council

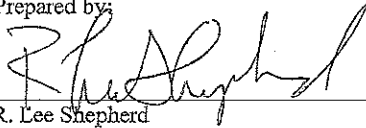
APPROVED:

ATTEST: _____

Robert A. Lafferty
Director of Finance

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

1st Reading
6/20/2011
2nd Reading
11/5/2011

AMENDED ORDINANCE NO. 19-2011
(Sponsor – Councilmember Gates, Shasky and Schag)

PROPOSING AN AMENDMENT TO SECTION 13 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

WHEREAS, under the authority of Article XVIII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective on January 1, 1922, and

WHEREAS, Section 123 of said Charter provides for the amendment thereof and the submission of proposed amendments to the electors of the City, and

WHEREAS, because the current language in Section 13 of the Charter of the City of Shelby has become obsolete over the passage of time, it is in the interest of the public, health, safety, morals, and general welfare of the citizens of Shelby that said section be amended, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That there be submitted to the electors of the City at the election to be held on Tuesday, November 8, 2011, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 13 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

Section 13: The fiscal ~~half~~ years YEAR of the city shall begin the first day of January and the first day of July, respectively. ~~On or before the thirty first day of December and the thirtieth day of June in each year, the mayor, the director of law, and the director of finance and public record shall prepare an estimate of the expense of conducting the affairs of the city for the following half year, save and except, however, that on or before the first Monday in January, 1922, the mayor, director of law, and director of finance and public record shall prepare an estimate of the expenses of conducting the affairs of the city for the first half of the year 1922, as hereinafter provided, which shall be submitted to the council and upon receipt thereof, the~~ A TEMPORARY APPROPRIATION ORDINANCE TO CONTROL EXPENDITURES PREPARED BY THE MAYOR, THE DIRECTOR OF LAW AND THE DIRECTOR OF FINANCE AND PUBLIC RECORD SHALL BE PASSED ON OR BEFORE THE THIRTY-FIRST DAY OF DECEMBER EACH YEAR. AN ANNUAL APPROPRIATION ORDINANCE MUST BE PASSED BY APRIL 1 OF EACH YEAR FOR THE PERIOD JANUARY 1 TO DECEMBER 31. THE council shall at ~~once~~ prepare an appropriation ordinance and pass the same ~~on or before the first Monday in January, 1922~~ BY APRIL 1. ~~This estimate~~ THE ESTIMATES IN THE APPROPRIATION ORDINANCE shall be compiled from detailed information obtained from the various departments on uniform blanks prepared by the director of finance and public record, and shall set forth:

- (a) ~~an itemized estimate of the expense~~ EXPENDITURES of conducting each department;
- (b) comparisons of such estimates with the corresponding items of expenditure for the last two complete fiscal years and with the expenditures of the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year;

- (c) reasons for proposed increases or decreases in such items of expenditure compared with the current fiscal year;
- (d) a separate schedule for each department showing the things necessary for the department to do during the year and which of any desirable things it ought to do if possible;
- (e) items of pay roll increases as either additional pay to present employees, or pay for more employees;
- ~~(f) an itemization of all anticipated revenue from sources other than the tax levy;~~
- (f) ~~(g)~~ the amounts required for interest on the City's debt, and for sinking funds as required by law
- (g) ~~(h)~~ the total amount of the outstanding City debt with a schedule of maturities of bond issues;
- ~~(i) a statement from the Director of Finance and public record of the total probable income of the City from taxes for the period covered by the Mayor's estimate;~~
- (h) ~~(j)~~ such other information as may be required by the Council.

Section 2: That the ballots on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose thereof.

**PROPOSED CHARTER AMENDMENT
CITY OF SHELBY**

A Majority Affirmative Vote is Necessary for Passage

The proposed amendment to Section 13 of the Shelby Charter eliminates a fiscal requirement which has become obsolete over the passage of time.

SHALL SECTION 13 OF THE SHELBY CHARTER BE AMENDED?	YES
	NO

Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all action necessary to submit the above question to the electors of the City at the election held on November 8, 2011.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Election no later than 4:00 p.m. on the ninetieth day prior to the date of election.

Section 5: That the Director of Finance and Public Record shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the date of election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2012.

Section 7: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220 01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio

Section 8: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven L. Schag
Vice President of Council

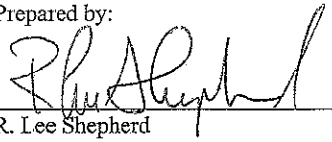
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

ORDINANCE NO. 22-2011
(Sponsor - Councilmembers Gates & Sebaq)

PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,500,000 TO PROVIDE FUNDS FOR THE PURPOSE OF CONSTRUCTING, FURNISHING EQUIPPING AND OTHERWISE IMPROVING A MUNICIPAL JUSTICE CENTER HOUSING POLICE AND COURT FACILITIES AND ACQUIRING, IMPROVING AND EQUIPPING ITS SITE; AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance and Public Record as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of each class of the improvements described in Section 2 is at least five years, and the maximum maturity of the Bonds described in Section 2 is twenty-five years;

WHEREAS, this Council has determined that this ordinance should be declared to be an emergency measure because it is necessary for the immediate preservation of the public peace, property, health and welfare of this City and for the further reason that it is required to be immediately effective to enable the City to timely enter into and meet its obligations under contracts for the improvements described in Section 2, which are urgently needed to provide for the effective and efficient administration of justice in the City and thereby to promote public safety;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, TWO-THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING, THAT:

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means (a) with respect to Capital Appreciation Bonds, if any, a denomination equal to the principal amount that, when interest is accrued and compounded thereon at the applicable compounding interest rate on each Interest Accretion Date to the stated maturity of those Bonds, will result in a Maturity Amount equal to \$5,000 or any whole multiple thereof and (b) with respect to Current Interest Bonds, a denomination of \$5,000 or any whole multiple thereof.

“Bond proceedings” means, collectively, this ordinance, the Certificate of Award, the Purchase Agreement, the Registrar Agreement, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Register” means the books and records necessary for the registration, exchange and transfer of the Bonds maintained by the Bond Registrar as provided in Section 5

“Bond Registrar” means The Bank of New York Mellon Trust Company, N.A., Cleveland, Ohio, as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Book entry form” or “book entry system” means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds deposited with and retained in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest

“Capital Appreciation Bonds” means any Bonds designated as such in the Certificate of Award, maturing on the Principal Payment Dates, being in the principal amounts and having the Maturity Amounts set forth in that Certificate, and bearing interest accrued and compounded on each Interest Accretion Date and payable at maturity.

“Certificate of Award” means the certificate to be signed by the Mayor and the Director of Finance and Public Record pursuant to subsection (a) of Section 6, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this ordinance requires or authorizes to be set forth or determined therein.

“Clerk of Council” means the City’s Director of Finance and Public Record in his role as clerk of this Council.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Compound Accreted Amount” means, with respect to any Capital Appreciation Bond, the principal amount thereof plus interest accrued and compounded on each Interest Accretion Date to the date of maturity or other date of determination. The Compound Accreted Amount per Maturity Amount of \$5,000 of the Capital Appreciation Bonds of each maturity as of each Interest Accretion Date shall be set forth in the Certificate of Award. The Compound Accreted Amount of a Capital Appreciation Bond as of any date other than an Interest Accretion Date is the sum of (a) the Compound Accreted Amount for that Bond on the immediately preceding Interest Accretion Date plus (b) the product of (i) the difference between (A) the Compound Accreted Amount of that Bond on the immediately preceding Interest Accretion Date minus (B) the Compound Accreted Amount of that Bond on the immediately succeeding Interest Accretion Date, times (ii) the ratio of (C) the number of days from the immediately preceding Interest Accretion Date to the date of determination to (D) the total number of days from that immediately preceding Interest Accretion Date to the immediately succeeding Interest Accretion Date; provided, however, that in determining the Compound Accreted Amount of a Capital Appreciation Bond as of a date prior to the first Interest Accretion Date, the Closing Date shall be deemed to be the immediately preceding Interest Accretion Date and the principal amount of that Bond shall be deemed to be the Compound Accreted Amount on the Closing Date.

“Continuing Disclosure Agreement” means the certificate to be signed by the Mayor and the Director of Finance and Public Record pursuant to subsection (c) of Section 6, to be substantially in the form on file with the Clerk of Council, and which, together with the agreements of the City set forth in that subsection and the Bonds, shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

“Current Interest Bonds” means, collectively, the Current Interest Serial Bonds and the Term Bonds.

“Current Interest Serial Bonds” means those Current Interest Bonds designated as such in the Certificate of Award, maturing on the Principal Payment Dates set forth in that Certificate, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Interest Accretion Dates” means, as to any Capital Appreciation Bonds, June 1 and December 1 of each year during which any Capital Appreciation Bonds are outstanding, commencing December 1, 2011 or such other date not later than June 1, 2012 as may be specified by the Mayor and the Director of Finance and Public Record in the Certificate of Award.

"Interest Payment Dates" means (a) as to Current Interest Bonds, June 1 and December 1 of each year during which the Current Interest Bonds are outstanding, commencing June 1, 2012 or such other date not later than June 1, 2012 as shall be specified in the Certificate of Award, and (b) as to any Capital Appreciation Bonds, their respective maturity dates.

"Maturity Amount" means, with respect to a Capital Appreciation Bond, the principal of and interest on that Bond due and payable at its stated maturity.

"Original Purchaser" means Robert W. Baird & Co Incorporated

"Participant" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations

"Principal Payment Dates" means December 1 in each of the years from 2012 through 2036

"Purchase Agreement" means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and signed by the Mayor and the Director of Finance and Public Record in accordance with Section 6

"Registrar Agreement" means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the Mayor and the Director of Finance and Public Record in accordance with Section 4.

"Rule" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934

"SEC" means the Securities and Exchange Commission.

"Term Bonds" means those Current Interest Bonds designated as such in the Certificate of Award, maturing on the Principal Payment Date or Dates set forth in that Certificate, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this ordinance unless otherwise indicated.

Section 2 Authorized Principal Amount and Purpose; Application of Proceeds. It is necessary to issue bonds of this City in a maximum aggregate principal amount of \$6,500,000 (the Bonds) to provide funds for the purpose of constructing, furnishing equipping and otherwise improving a municipal justice center housing police and court facilities and acquiring, improving and equipping its site.

Subject to the limitations set forth in this ordinance, the aggregate principal amount of the Bonds to be issued, the principal maturities of and principal payment schedule for the Bonds, the interest rate or rates that the Bonds shall bear and certain other terms and provisions of the Bonds identified in this ordinance are subject to further specification or determination by the Mayor and Director of Finance and Public Record in the Certificate of Award upon the finalization of the terms and provisions of the Bonds. The aggregate principal amount of Bonds to be issued, as so specified in the Certificate of Award, shall be the amount determined by the Mayor and the Director of Finance and Public Record to be necessary to carry out the purpose for which the Bonds are to be issued and reflect, among other matters, the terms upon which the Bonds can be marketed and sold.

The proceeds from the sale of the Bonds, except any premium and accrued interest, shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund

Section 3 Denominations; Dating; Principal and Interest Payment and Redemption Provisions The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The respective principal amounts of the Bonds to be issued as Current Interest Bonds and Capital Appreciation Bonds (if any Bonds are issued as Capital Appreciation Bonds) shall be determined by the Mayor and the Director of Finance and Public Record in the Certificate of Award, having due regard to the best interest of and financial advantages to the City. The Current Interest Bonds shall be dated as of the Closing Date, or such other date not later than June 1, 2012, as is established by the Mayor and the Director of Finance and Public Record in the Certificate of Award, and any Capital Appreciation Bonds shall be dated as of the Closing Date.

(a) Interest Rates and Payment Dates The Current Interest Bonds shall bear the rate or rates of interest per year (computed on the basis of a 360-day year consisting of twelve 30-day months), not exceeding 10% per year for any stated maturity, as shall be specified by the Mayor and the Director of Finance and Public Record (subject to the provisions of subsection (c) of this Section) in the Certificate of Award. Interest on the Current Interest Bonds shall be payable on each Interest Payment Date until the principal amount has been paid or provided for. The Current Interest Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

Any Capital Appreciation Bonds shall bear interest from the Closing Date at the compounding rate or rates of interest per year (computed on the basis of a 360-day year consisting of twelve 30-day months), not exceeding 30% per year for any stated maturity, accrued and compounded on each Interest Accretion Date and payable at maturity, which will result in the aggregate Maturity Amounts payable at maturity, as shall be specified by the Mayor and the Director of Finance and Public Record (subject to the provisions of subsection (c) of this Section) in the Certificate of Award. The total interest accrued on any Capital Appreciation Bond as of any particular date shall be an amount equal to the amount by which the Compound Accreted Amount of that Capital Appreciation Bond as of that date exceeds the principal amount of that Capital Appreciation Bond.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in the following years and principal amounts:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2012	\$135,000	2025	\$250,000
2013	180,000	2026	260,000
2014	180,000	2027	275,000
2015	185,000	2028	290,000
2016	190,000	2029	300,000
2017	190,000	2030	315,000
2018	195,000	2031	330,000
2019	200,000	2032	345,000
2020	210,000	2033	360,000
2021	215,000	2034	380,000
2022	225,000	2035	400,000
2023	230,000	2036	420,000
2024	240,000		

; provided that, subject to the limitations set forth in Sections 1 and 2 and subsection (c) of this Section, the principal amount of Bonds payable on any one or more of the Principal Payment Dates may be increased or decreased as specified by the Mayor and the Director of Finance and Public Record in the Certificate of Award.

Consistently with the foregoing and in accordance with their determination of the amount needed for the purpose set forth in Section 2 and the best interest of and financial advantages to the City, the Mayor and the Director of Finance and Public Record shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued, (ii) the aggregate principal amount of Bonds to be issued as Current Interest Bonds, (iii) the aggregate principal amount of Current

Interest Bonds to be issued as Current Interest Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, (iv) the aggregate principal amount of Current Interest Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date, and (v) the aggregate principal amount of any Bonds to be issued as Capital Appreciation Bonds and the corresponding aggregate Maturity Amount thereof, the Principal Payment Date or Dates on which any such Bonds shall be stated to mature, and the principal amount and corresponding Maturity Amount thereof that shall be payable on each such Principal Payment Date

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts The rate or rates of interest per year to be borne by the Current Interest Bonds and the compounding rate or rates of interest per year to be borne by any Capital Appreciation Bonds, and the principal amount of Current Interest Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date and the Maturity Amount of any Capital Appreciation Bonds payable on each Principal Payment Date, shall be such that the total amount of principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the total amount of those payments in any other such fiscal year and the weighted average of the rates of interest per year to be borne by the Bonds is not in excess of 6%

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Current Interest Bonds, and principal of and interest on any Capital Appreciation Bonds, shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Current Interest Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance and Public Record, in the name and on behalf of the City, in connection with the book entry system.

The City reserves the right to order the Bond Registrar to return to it any money held by the Bond Registrar for the payment of (i) checks or drafts for the payment of interest on the Bonds or (ii) principal of Bonds, which checks, drafts or Bonds have not been presented for payment within four years following the date on which payment of the interest or principal represented thereby came due. Thereafter, the registered owners shall look only to the City for payment of the interest and principal represented by those checks, drafts and Bonds.

(e) Redemption Provisions. The Capital Appreciation Bonds, if any, shall not be subject to redemption prior to stated maturity.

Except as may otherwise be provided in the Certificate of Award consistently with the determination by the Mayor and the Director of Finance and Public Record of the best interest of and financial advantages to the City, the Current Interest Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Current Interest Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts, the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on the Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided)

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Finance and Public Record, for Term Bonds stated to mature on the same Principal Payment Date and bear interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the forty-fifth day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Finance and Public Record, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bear interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Finance and Public Record, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bear interest at the same rate as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Finance and Public Record, for Term Bonds stated to mature on the same Principal Payment Date and bear interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption The Current Interest Bonds maturing on or after December 1, 2022 shall be subject to redemption, by and at the sole option of the City, either in whole or in part (in whole multiples of \$5,000), on any date on or after December 1, 2021, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date

Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Finance and Public Record to the Bond Registrar, given upon the direction of this Council by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity, and interest rate within a maturity, of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity or interest rate within a maturity are then outstanding, the Bonds

that are called shall be Bonds of the maturity or maturities and interest rate or rates within a maturity selected by the City. If fewer than all of the Bonds of a single maturity or interest rate within a maturity are to be redeemed, the selection of Bonds of that maturity or interest rate within a maturity to be redeemed, or portions thereof in amounts of \$5,000 or any whole multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of subsection (d) of Section 3 and Section 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be

held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Mayor and the Director of Finance and Public Record, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance and Public Record, shall be numbered as determined by the Director of Finance and Public Record in order to distinguish each Bond from any other Bond and to distinguish Current Interest Bonds from any Capital Appreciation Bonds, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance.

The Bank of New York Mellon Trust Company, N A , Cleveland, Ohio, is appointed to act as the initial Bond Registrar. The Mayor and the Director of Finance and Public Record shall sign and deliver, in the name and on behalf of the City and in their official capacities, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Mayor and the Director of Finance and Public Record on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Director of Finance and Public Record shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance and Public Record on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of subsection (d) of Section 3 and subsection (c) of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Subject to any inhibitions of book entry form during any period in which the Bonds are in book entry form, any Bond may be (i) exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar, and (ii) transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar, together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the

aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign or provide for signing and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part

(c) Book Entry System. Notwithstanding any other provisions of this ordinance, if the Mayor and the Director of Finance and Public Record determine in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and interest rate within a maturity and registered in the name of the Depository or its designated nominee, as registered owner, and deposited with and retained in the custody of the Depository or its agent, which may be the Bond Registrar; (ii) the owners of book entry interests in Bonds shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance and Public Record may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance and Public Record does not or is unable to do so, the Director of Finance and Public Record, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance and Public Record is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that he determines to be necessary in connection with a book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City

Section 6. Sale of the Bonds.

(a) To the Original Purchaser. The Bonds shall be awarded and sold by the Mayor and the Director of Finance and Public Record to the Original Purchaser at private sale at a purchase price not less than 97% of the aggregate principal amount thereof plus accrued interest on the Current Interest Bonds from their date to the Closing Date, as shall be determined by the Mayor and the Director of Finance and Public Record in the Certificate of Award, and with and upon such other terms as are required or authorized by this ordinance to be specified in the Certificate of Award, in accordance with law, the provisions of this ordinance and the Purchase Agreement. The Mayor and the Director of Finance and Public Record are authorized, if they determine it to be in the best interest

of the City, to combine the issue of the Bonds with one or more other unvoted general obligation bond issues of the City into a consolidated bond issue pursuant to Section 133 30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this ordinance

The Mayor and the Director of Finance and Public Record shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance and Public Record, the Director of Law, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance

The Mayor and the Director of Finance and Public Record shall sign and deliver, in the name and on behalf of the City and in their official capacities, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale of the Bonds to, and the purchase of the Bonds by, the Original Purchaser. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance or the Certificate of Award and not substantially adverse to the City and that are approved by the Mayor and the Director of Finance and Public Record on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure -- Official Statement The Mayor and the Director of Finance and Public Record are authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign the final official statement and any supplements thereto, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements as they may deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the applicable provisions of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor and the Director of Finance and Public Record, are authorized and directed to sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Agreement, in substantially the form as is now on file with the Clerk of Council, with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Mayor and the Director of Finance and Public Record on behalf of the City, all of which shall be conclusively evidenced by the signing of that Agreement or amendments to it. The agreement formed, collectively, by the Bonds, this paragraph and that Agreement, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it

(d) Application for Rating or Bond Insurance If, in the judgment of the Mayor and the Director of Finance and Public Record, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on all or a portion of the Bonds, is in the best interest of and financially advantageous to this City, the Mayor or the Director of Finance and Public Record may prepare and submit those applications. The Director of Finance and Public Record is also authorized to provide to each such agency or company such information as may be

required for the purpose. If, in their judgment, it is in the best interest of and financially advantageous to the City, the Mayor or the Director of Finance and Public Record may accept a commitment for insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds. The Mayor and the Director of Finance and Public Record are authorized to enter into any agreements, on behalf of and in the name of the City, that they determine to be necessary or required to obtain such ratings or insurance, which agreements may be included in the Registrar Agreement.

The expenditure of the amounts necessary to secure any such rating or ratings on the Bonds and any such policy and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the Purchase Agreement, is authorized and approved, and the Director of Finance and Public Record is authorized to provide for the payment of the cost of obtaining each such rating, any such policy and all such other financing costs, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 7. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year to the extent the income from the City's municipal income tax is available for the payment of debt charges on the Bonds and is appropriated for that purpose in accordance with the City's covenants herein, the amount of the tax shall be reduced by the amount of the income so available and appropriated.

The debt charges on the Bonds shall be paid from the City's lawfully available municipal income tax revenues to the extent needed to meet such debt charges. The City covenants to levy and collect, and continue to levy and collect, its municipal income tax during the period the Bonds are outstanding in amounts necessary to pay such debt charges and to apply the proceeds thereof in accordance with its covenants herein. The City further covenants to appropriate annually from its lawfully available municipal income tax revenues such amount as is necessary to meet such annual debt charges on the Bonds.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Bonds are hereby designated as "qualified tax exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which the

City issues obligations, in or during the calendar year in which the Bonds are issued, (i) has not issued and will not issue tax exempt obligations designated as "qualified tax exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Bonds, in an aggregate amount in excess of \$10,000,000, and (ii) has not issued, does not reasonably anticipate issuing, and will not issue tax exempt obligations (including the Bonds, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Bonds as "qualified tax exempt obligations". Further, the City covenants that, during any time or in any manner as might affect the status of the Bonds as "qualified tax exempt obligations", it has not formed or participated in the formation of, or benefitted from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax exempt obligations of different issuers

The Director of Finance and Public Record, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment or status of the Bonds and interest thereon

Section 9. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver to the Richland County Auditor a certified copy of this ordinance and a signed copy of the Certificate of Award as soon as each is available

Section 10. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City of Shelby have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 11. Retention of Legal Services. The legal services of the law firm of Squire, Sanders & Dempsey (US) LLP be and are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery a related legal opinion, all as set forth in the form of engagement letter dated as of July 18, 2011, now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Mayor is authorized and directed to sign and deliver the engagement letter, and, to the extent they are not

paid by the Original Purchaser in accordance with the Purchase Agreement, the Director of Finance and Public Record is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm

Section 12 Compliance with Open Meeting Requirements This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law

Section 13 Effective Date This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and welfare of this City and for the further reason that this ordinance is required to be immediately effective to enable the City to timely enter into and meet its obligations under contracts for the improvements described in Section 2, which are urgently needed to provide for the effective and efficient administration of justice in the City and thereby to promote public safety; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2011

Steven L. Schag
Vice President of Council

APPROVED:

ATTEST:

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

RESOLUTION NO. 25-2011
(Sponsor - Councilmember Shasky)

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2011 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO.

WHEREAS, plans and specifications have been completed for the 2011 Paving Project, and

WHEREAS, various residential streets within the City of Shelby are in need of paving, and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said improvements be made to said streets within the City of Shelby, and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THEREIO CONCURRING:

Section 1: That the plans and specifications for the 2011 Paving Project in the City of Shelby are hereby approved

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said paving project.

Section : That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section : That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

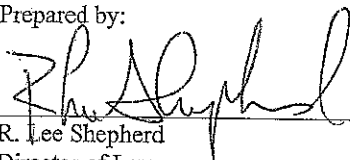
PASSED: _____

Steven L. Schag
Vice President of Council

APPROVED:

ATTEST: _____
Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:


R. Lee Shepherd
Director of Law

RESOLUTION NO. 26-2011
(Sponsor - Councilmember Schag)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS.

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with serious offenses and loss of liberty offenses in its Municipal Court, and

WHEREAS, the City in furtherance of the execution of its legal responsibilities, desires that the legal services be delivered to the City's indigent citizens and others so situated, and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety be authorized to enter into an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents, and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Safety is hereby authorized to enter an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio

Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law

PASSED: _____

Steven I. Schag
Vice President of Council

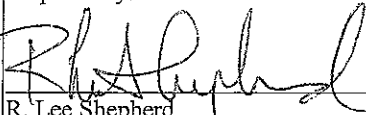
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

**AGREEMENT FOR PAYMENT OF COUNSEL FEES
FOR INDIGENT CRIMINAL DEFENDANTS**
(Pursuant to Ohio Revised Code §120.33)

THIS AGREEMENT entered into between the Board of County Commissioners, Richland County, Ohio (hereinafter referred to as "County"), and the City of Shelby, Ohio (hereinafter referred to as "City"), this 1st day of April, 2010.

WHEREAS, on December 4, 1990, pursuant to Ohio Revised Code §120.33, the County has adopted a Resolution, as found in Richland County Commissioners' Volume 45, Page 96-7, providing for the representation of indigent persons accused of crimes under a court-appointed attorneys' system, the establishment of a schedule of fees to be paid to counsel for legal services so provided, and the authority by which the County may contract with the City with respect to legal fees for counsel appointed to represent indigent persons charged with violation of ordinances of municipal corporations, and

WHEREAS, the County has adjusted the schedule of fees to be paid counsel for such legal services from time to time, and

WHEREAS, on November 17, 1997, the City enacted Resolution No. 65-97 authorizing it to enter into this Agreement, and

WHEREAS, the parties hereto are desirous of entering into a contract pursuant to Ohio Revised Code §120.33 relative to the payment of legal fees and expenses to counsel appointed by the Municipal Court of Shelby, Ohio, to represent indigent persons charged with violations of the ordinances of the City of Shelby, Ohio.

6. The County shall not assign all or any part of this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld.

7. If the County shall fail to fulfill in reasonable, timely, and proper manner, its obligations under this Agreement, or if the County shall substantially violate any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the County of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by the City shall not constitute a waiver of any other right or remedy it may have at law or in equity for breach of the Agreement by the County.

8. If the City shall fail to fulfill in reasonable, timely, and proper manner, its obligations under this Agreement, or if the City shall substantially violate any of the covenants, agreements, or stipulations of this Agreement, the County shall thereupon have the right to terminate this Agreement by giving written notice to the City of such termination and specifying an effective date thereof at least thirty (30) days before the effective date of said termination. Termination by the County shall not constitute a waiver of any other right or remedy it may have at law or in equity for breach of this Agreement by the City.

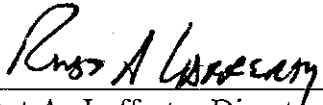
9. All appointments made hereunder shall conform with the Standards of Indigence and other rules and standards established by the Ohio Public Defender Commission.

10. All amendments to this Agreement agreed upon by the parties shall be in writing and made a part of this Agreement.

FINANCE DIRECTOR'S CERTIFICATE

I, Robert A. Lafferty, the duly elected, qualified and acting Director of Finance and Public Record of the City of Shelby, do hereby certify that there is on deposit or in the process of collection, free of prior encumbrance and appropriated to the proper account, funds to perform the attached contract during the current fiscal year.

Date: 2/18/10



Robert A. Lafferty, Director of
Finance and Public Record, City of
Shelby

RESOLUTION NO. 27-2011
(Sponsor - Councilmember Gates and Hoover)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PROVISION OF UTILITY SERVICE TO THE LUST SUBDIVISION ALLOTMENT.

WHEREAS, the Lust allotment is a residential subdivision located on Myers Road, just west of State Route 39 within Richland County, Ohio, and

WHEREAS, in order to provide for a more efficient method for the disposal of sanitary sewage from the Lust allotment, Richland County and the City of Shelby have reached an agreement which requires both government entities (county and city) to participate in the collection, transportation and disposal of the sanitary sewage from the Lust allotment, and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to enter into an agreement with the Richland County Commissioners for the provision of utility service to the Lust allotment, and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service is hereby authorized to enter into a contract with the Richland County Commissioners for the provision of utility service to the Lust allotment

Section 2: That in light of the fact that the City of Shelby will be providing sanitary sewer service to Richland County (instead of to developers or lot owners outside of the City of Shelby) the provisions of Codified Ordinance 1042 19 (Sanitary Sewer Service Outside Corporate Limits) are inapplicable to this contract

Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven L. Schag
Vice President of Council

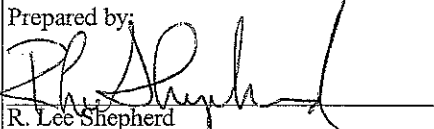
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law