

City of Cuyahoga Falls, Ohio

Notice

**Order of Business for
Regular City Council Meeting**

Notice is hereby given that the Order of Business for Regular City Council Meetings shall be observed at the City Council Meeting held on Monday, September 14, 2020, at 6:30 p.m. for the following purposes:

1. To introduce, assign to committee, discuss, and vote on the following ordinances:

Finance Committee:

Temp. Ord. A-49

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,225,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING VARIOUS MUNICIPAL PUBLIC INFRASTRUCTURE PROJECTS IN THE PROPOSED WOODLANDS SUBDIVISION INCLUDING SOUREK TRAIL, SAND HILL DRIVE, KUBIC DRIVE, WEST WOODLAND DRIVE, EAST WOODLAND DRIVE AND SOUTH WOODLAND DRIVE BETWEEN CERTAIN TERMINI, AND DECLARING AN EMERGENCY.

Temp. Ord. A-50

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,040,000, FOR THE PURPOSE OF PAYING THE COSTS OF (A) CONSTRUCTING WATERLINES IN GRAHAM ROAD, TOGETHER WITH ALL APPURTENANCES THERETO AND (B) IMPROVING THE CITY'S PUBLIC SAFETY FACILITIES BY ACQUIRING, CONSTRUCTING, RECONSTRUCTING, RENOVATING, IMPROVING, FURNISHING AND EQUIPPING A NEW FIRE STATION AND PROVIDING FOR THE DEMOLITION, RENOVATION AND REMODELING OF THE EXISTING FACILITIES,

TOGETHER WITH ALL NECESSARY AND
RELATED APPURTENANCES THERETO, AND
DECLARING AN EMERGENCY.

Temp. Ord A-51

AN ORDINANCE AUTHORIZING THE
DIRECTOR OF PUBLIC SERVICE TO ENTER
INTO A CONTRACT OR CONTRACTS,
ACCORDING TO LAW, WITH PERRIN ASPHALT
COMPANY, FOR CONCRETE PAVEMENT
REPAIRS TO A PORTION OF HOWE AVENUE,
AND PRIOR PARK DRIVE, AND DECLARING
AN EMERGENCY.

Temp. Ord. A-52

AN ORDINANCE AUTHORIZING THE PARKS
AND RECREATION BOARD TO ENTER INTO A
CONTRACT OR CONTRACTS WITHOUT
COMPETITIVE BIDDING WITH CARRIER
COMMERCIAL SERVICE, FOR THE
PURCHASE OF AN ICE RINK CHILLER, AND
DECLARING AN EMERGENCY.

2. To conduct any other business, including without limitation,
rules suspensions and executive sessions necessary to
accomplish the foregoing.

Dated at Cuyahoga Falls, Ohio this 11th day of September, 2020.

 /s/Don Walters
Mayor

CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. -2020

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,225,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING VARIOUS MUNICIPAL PUBLIC INFRASTRUCTURE PROJECTS IN THE PROPOSED WOODLANDS SUBDIVISION INCLUDING SOUREK TRAIL, SAND HILL DRIVE, KUBIC DRIVE, WEST WOODLAND DRIVE, EAST WOODLAND DRIVE AND SOUTH WOODLAND DRIVE BETWEEN CERTAIN TERMINI, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 62-2019 passed October 14, 2019, notes in anticipation of bonds in the amount of \$1,200,000 dated November 26, 2019 (the "Outstanding Notes"), were issued for the purpose stated in Section 1, as part of a consolidated issue pursuant to Section 133.30(B) of the Ohio Revised Code in the principal amount of \$6,800,000, to mature on November 19, 2020; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City and provide an additional \$25,000 for the purpose stated in Section 1; and

WHEREAS, this Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1, the estimated maximum maturity of the Bonds described in Section 1 and the maximum maturity of the Notes described in Section 3; and

WHEREAS, the Director of Finance has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is November 26, 2039 as to \$1,200,000 of the principal amount and two hundred forty (240) months as to \$25,000 of the principal amount;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, Summit County, Ohio, that:

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$1,225,000 (the "Bonds") for the purpose of paying the costs of improving the municipal public infrastructure in the proposed Woodlands Subdivision including Sourek Trail, Sand Hill Drive, Kubic Drive, West Woodland Drive, East Woodland Drive and South Woodland Drive between certain termini, including but not limited to the construction, reconstruction, installation or improving of public utility improvements, communication service facilities, stormwater and flood remediation improvements and facilities, bridges,

streets and roadways, sidewalks, lighting systems, signalization and traffic controls, storm and sanitary sewers, and water lines, streetscape and landscape improvements, and acquisition of real estate or interests therein, and all related improvements and appurtenances (the "Improvement").

Section 2. The Bonds shall be dated approximately November 1, 2021, shall bear interest at the now estimated rate of 5.50% per year, payable on June 1 and December 1 of each year, commencing June 1, 2022, until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are not more than three times the amount of those payments in any other fiscal year. The first principal installment is estimated to be December 1, 2022.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$1,225,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds for the purpose stated in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes, to provide additional money for the purpose stated in Section 1, to pay capitalized interest and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum principal amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this ordinance (the "Certificate of Award") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes, to provide additional money for the purpose stated in Section 1 and capitalized interest (if any) and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not earlier than six months from that date and not later than 12 months from that date, as shall likewise be fixed by the Director of Finance in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this ordinance.

Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank or at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "Paying Agent"). The Director of Finance is authorized, to the extent necessary or appropriate, to enter into an agreement with the Paying Agent in connection with the services to be provided by the Paying Agent after determining that the signing thereof will not endanger the funds or securities of the City.

Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully

109 registered securities (for which the Director of Finance will serve as note registrar) and in
110 book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133
111 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of
112 fully registered securities in that form will facilitate the sale and delivery of the Notes.
113 The Notes shall not have coupons attached, shall be numbered as determined by the
114 Director of Finance and shall express upon their faces the purpose, in summary terms,
115 for which they are issued and that they are issued pursuant to this ordinance. As used
116 in this section and this ordinance:
117

118 “Book entry form” or “book entry system” means a form or system under which (a)
119 the ownership of beneficial interests in the Notes and the principal of and interest on the
120 Notes may be transferred only through a book entry, and (b) a single physical Note
121 certificate in fully registered form is issued by the City and payable only to a Depository
122 or its nominee as registered owner, with the certificate deposited with and “immobilized”
123 in the custody of the Depository or its designated agent for that purpose. The book entry
124 maintained by others than the City is the record that identifies the owners of beneficial
125 interests in the Notes and that principal and interest.
126

127 “Depository” means any securities depository that is a clearing agency registered
128 pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934,
129 operating and maintaining, with its Participants or otherwise, a book entry system to
130 record ownership of beneficial interests in the Notes or the principal of and interest on
131 the Notes, and to effect transfers of the Notes, in book entry form, and includes and
132 means initially The Depository Trust Company (a limited purpose trust company), New
133 York, New York.
134

135 “Participant” means any participant contracting with a Depository under a book entry
136 system and includes securities brokers and dealers, banks and trust companies and
137 clearing corporations.
138

139 The Notes may be issued to a Depository for use in a book entry system and, if and
140 as long as a book entry system is utilized, (a) the Notes may be issued in the form of a
141 single Note made payable to the Depository or its nominee and immobilized in the custody
142 of the Depository or its agent for that purpose; (b) the beneficial owners in book entry
143 form shall have no right to receive the Notes in the form of physical securities or
144 certificates; (c) ownership of beneficial interests in book entry form shall be shown by
145 book entry on the system maintained and operated by the Depository and its Participants,
146 and transfers of the ownership of beneficial interests shall be made only by book entry
147 by the Depository and its Participants; and (d) the Notes as such shall not be transferable
148 or exchangeable, except for transfer to another Depository or to another nominee of a
149 Depository, without further action by the City.
150

151 If any Depository determines not to continue to act as a Depository for the Notes for
152 use in a book entry system, the Director of Finance may attempt to establish a securities
153 depository/book entry relationship with another qualified Depository. If the Director of
154 Finance does not or is unable to do so, the Director of Finance, after making provision
155 for notification of the beneficial owners by the then Depository and any other
156 arrangements deemed necessary, shall permit withdrawal of the Notes from the
157 Depository, and shall cause the Notes in bearer or payable form to be signed by the
158 officers authorized to sign the Notes and delivered to the assigns of the Depository or its
159 nominee, all at the cost and expense (including any costs of printing), if the event is not
160 the result of City action or inaction, of those persons requesting such issuance.
161

162 The Director of Finance is also hereby authorized and directed, to the extent necessary
163 or required, to enter into any agreements determined necessary in connection with the
164 book entry system for the Notes, after determining that the signing thereof will not
165 endanger the funds or securities of the City.
166

167 Section 6. The Notes shall be sold at not less than 97% of the par value thereof at
168 private sale by the Director of Finance in accordance with law and the provisions of this
169 ordinance, the Certificate of Award and the Note Purchase Agreement (as hereinafter
170 defined). The Director of Finance shall, in accordance with his determination of the best
171 interests of and financially advantageous to the City and its taxpayers and conditions
172 then existing in the financial market, consistently with the provisions of Sections 3 and
173 4, establish the interest rates to be borne by the Notes and their maturity, sign the
174 Certificate of Award referred to in Sections 3 and 4 evidencing those determinations,
175 cause the Notes to be prepared, and have the Notes signed and delivered, together with a
176 true transcript of proceedings with reference to the issuance of the Notes, if requested by
177 the original purchaser, to the original purchaser upon payment of the purchase price.
178 The note purchase agreement (the "Note Purchase Agreement") now on file with the Clerk
179 of Council is approved, and the Mayor and the Director of Finance are authorized to sign
180 and deliver, on behalf of the City, the Note Purchase Agreement with such changes that
181 are not inconsistent with the provisions of this ordinance, are not materially adverse to
182 the interests of the City and are approved by the Mayor and the Director of Finance. Any
183 such changes to the Note Purchase Agreement are not materially adverse to the interests
184 of the City and are approved by the Mayor and the Director of Finance shall be evidenced
185 conclusively by the signing of the Note Purchase Agreement by the Mayor and the Director
186 of Finance. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council
187 and other City officials, as appropriate, and any person serving in an interim or acting
188 capacity for any such official, are each authorized and directed to sign any transcript
189 certificates, financial statements and other documents and instruments, including any
190 paying agent agreement, and to take such actions as are necessary and appropriate to
191 consummate the transactions contemplated by this ordinance. The actions of the Mayor,
192 the Director of Finance, the Director of Law, the Clerk of Council or other City official, as
193 appropriate, in doing any and all acts necessary in connection with the issuance and sale
194 of the Notes are hereby ratified and confirmed. The Director of Finance is authorized, if
195 it is determined to be in the best interest of the City, to combine the issue of Notes with
196 one or more other note issues of the City into a consolidated note issue pursuant to
197 Section 133.30(B) of the Ohio Revised Code.
198

199 The Director of Finance is also hereby authorized to offer all or part of the Notes at
200 par and any accrued interest to the Treasury Investment Board of the City for investment
201 under Section 731.56 of the Ohio Revised Code, in accordance with law and the
202 provisions of this ordinance if, as a result of the conditions then existing in the financial
203 markets, the Director of Finance determines it is in the best financial interest of the City
204 in lieu of the private sale authorized in the preceding paragraph and which determination
205 shall be set forth in the Certificate of Award.
206

207 Section 7. The proceeds from the sale of the Notes received by the City (or withheld
208 by the original purchaser or deposited with the Paying Agent, in each case on behalf of
209 the City) shall be paid into the proper fund or funds, and those proceeds are appropriated
210 and shall be used for the purpose for which the Notes are being issued. The Certificate
211 of Award may authorize the original purchaser to (a) withhold certain proceeds from the
212 sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying
213 Agent, in each case to provide for the payment of certain financing costs on behalf of the
214 City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the
215 Paying Agent shall be authorized to create a fund in accordance with the Certificate of

Award for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the eleven-mill limitation provided by the Charter of the City, 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 Notes or the Bonds when and as the same fall due.

In each year to the extent the service payments in lieu of real property taxes (the "Service Payments") deposited into the Sourek Trail Incentive District Municipal Public Improvement Tax Increment Equivalent Fund created pursuant to Section 5709.43(A) of the Ohio Revised Code and Ordinance No. 39-2019 passed June 24, 2019 (the "TIF Ordinance") are available for the payment of the debt charges on the portion of the Notes or the Bonds issued for the component purpose described in Section 1 and are appropriated for that component purpose, the amount of the tax shall be reduced by the amount of the Service Payments so available and appropriated.

In each year to the extent net revenues from the City's water system are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent net revenues from the City's storm sewer system are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent net revenues from the City's sanitary sewer system are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the City's water system, the City's storm sewer system or the City's sanitary sewer system, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio, and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly

Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the five preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent, as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (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 Notes 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 Notes to be and remain excluded from gross income for federal income tax purposes, (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 Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (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 Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes 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 Notes as the City is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are

324 authorized to take actions with respect to those issues as they are authorized in this
325 section to take with respect to the Notes.
326

327 Section 11. The Director of Finance is authorized to request a rating for the Notes
328 from Moody's Investors Service, Inc. or S&P Global Ratings, or both, as the Director of
329 Finance determines is in the best interest of the City. The expenditure of the amounts
330 necessary to secure any such ratings as well as to pay the other financing costs (as
331 defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby
332 authorized and approved and the amounts necessary to pay those costs are hereby
333 appropriated from the proceeds of the Notes, if available, and otherwise from available
334 moneys in the General Fund.
335

336 Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance
337 to the Fiscal Officer in Summit County.
338

339 Section 13. This Council determines that all acts and conditions necessary to be done
340 or performed by the City or to have been met precedent to and in the issuing of the Notes
341 in order to make them legal, valid and binding general obligations of the City have been
342 performed and have been met, or will at the time of delivery of the Notes have been
343 performed and have been met, in regular and due form as required by law; that the full
344 faith and credit and general property taxing power (as described in Section 9) of the City
345 are pledged for the timely payment of the debt charges on the Notes; and that no statutory
346 or constitutional limitation of indebtedness or taxation will have been exceeded in the
347 issuance of the Notes.
348

349 Section 14. The legal services of the law firm of Squire Patton Boggs (US) LLP are
350 hereby retained. Those legal services shall be in the nature of legal advice and
351 recommendations as to the documents and the proceedings in connection with the
352 authorization, sale and issuance of the Notes and securities issued in renewal of the Notes
353 and rendering at delivery related legal opinions, all as set forth in the form of engagement
354 letter from that firm which is now on file in the office of the Clerk of Council. In providing
355 those legal services, as an independent contractor and in an attorney-client relationship,
356 that firm shall not exercise any administrative discretion on behalf of this City in the
357 formulation of public policy, expenditure of public funds, enforcement of laws, rules and
358 regulations of the State, any county or municipal corporation or of this City, or the
359 execution of public trusts. For those legal services, that firm shall be paid just and
360 reasonable compensation and shall be reimbursed for actual out-of-pocket expenses
361 incurred in providing those legal services. The Director of Finance is authorized and
362 directed to make appropriate certification as to the availability of funds for those fees and
363 any reimbursement and to issue an appropriate order for their timely payment as written
364 statements are submitted by that firm. The amounts necessary to pay those fees and
365 any reimbursement are hereby appropriated from the proceeds of the Notes, if available,
366 and otherwise from available moneys in the General Fund.
367

368 Section 15. The services of Baker Tilly Municipal Advisors, LLC, as municipal advisor,
369 are hereby retained. The municipal advisory services shall be in the nature of financial
370 advice and recommendations in connection with the issuance and sale of the Notes. In
371 rendering those municipal advisory services, as an independent contractor, that firm
372 shall not exercise any administrative discretion on behalf of the City in the formulation
373 of public policy, expenditure of public funds, enforcement of laws, rules and regulations
374 of the State, the City or any other political subdivision, or the execution of public trusts.
375 That firm shall be paid just and reasonable compensation for those municipal advisory
376 services and shall be reimbursed for the actual out-of-pocket expenses it incurs in
377 rendering those municipal advisory services. The Director of Finance 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. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with Chapter 107 of the City's Codified Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.

Section 17. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: _____, 2020

President of Council

Clerk of Council

Approved: _____, 2020

Mayor

9/14/20

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3
4 CITY OF CUYAHOGA FALLS, OHIO5
6 ORDINANCE NO. -2020
7
89 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
10 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
11 \$6,040,000, FOR THE PURPOSE OF PAYING THE COSTS OF (A)
12 CONSTRUCTING WATERLINES IN GRAHAM ROAD, TOGETHER
13 WITH ALL APPURTENANCES THERETO AND (B) IMPROVING THE
14 CITY'S PUBLIC SAFETY FACILITIES BY ACQUIRING,
15 CONSTRUCTING, RECONSTRUCTING, RENOVATING,
16 IMPROVING, FURNISHING AND EQUIPPING A NEW FIRE
17 STATION AND PROVIDING FOR THE DEMOLITION,
18 RENOVATION AND REMODELING OF THE EXISTING
19 FACILITIES, TOGETHER WITH ALL NECESSARY AND RELATED
20 APPURTENANCES THERETO, AND DECLARING AN
21 EMERGENCY.
22
2324 WHEREAS, pursuant to Ordinance No. 63-2019 passed October 14, 2019, notes in anticipation
25 of bonds in the aggregate principal amount of \$1,600,000, dated November 26, 2019 (the "Graham
26 Waterlines Notes"), were issued for the purpose of paying the costs of constructing waterlines in
27 Graham Road, together with all appurtenances thereto (the "Graham Waterlines Purpose"), to
28 mature on November 19, 2020; and
2930 WHEREAS, pursuant to Ordinance No. 64-2019 passed October 14, 2019, notes in anticipation
31 of bonds in the aggregate principal amount of \$4,000,000, dated November 26, 2019 (the "Fire
32 Station Notes" and collectively with the Graham Waterlines Notes, the "Outstanding Notes"), were
33 issued for the purpose of paying the costs of improving the City's public safety facilities by
34 acquiring, constructing, reconstructing, renovating, improving, furnishing and equipping a new fire
35 station and providing for the demolition, renovation and remodeling of the existing facilities,
36 together with all necessary and related appurtenances thereto (the "Fire Station Purpose" and
37 together with the Fire Station Purpose, the "Purposes"), to mature on November 19, 2020; and
3839 WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes
40 with the proceeds of the Bonds described in Section 2 and other funds available to the City and
41 provide additional moneys for the Purposes; and
4243 WHEREAS, this Council has requested that the Director of Finance, as fiscal officer of this City,
44 certify the estimated life or period of usefulness of each component Purpose of the Improvement
45 described in Section 2 and the maximum maturity of the Bonds described in Section 2; and
4647 WHEREAS, the Director of Finance has certified to this Council that the estimated life or period
48 of usefulness of each component Purpose of the Improvement is at least five (5) years and that the
49 maximum maturity of the Bonds is (a) thirty-eight (38) years with respect to the \$325,000 portion
50 of the Bonds allocable to the Graham Waterlines Purpose, (b) thirty-nine (39) years with respect to
51 the \$325,000 portion of the Bonds allocable to the Graham Waterlines Purpose, (c) forty (40) years
52 with respect to the \$825,000 portion of the Bonds allocable to the Graham Waterlines Purpose and
53 (d) twenty (20) years with respect to the \$4,565,000 portion of the Bonds allocable to the Fire
54 Station Purpose;
5556 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, Summit
57 County, Ohio, that:
58

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

61
62 “Authorized Denominations” means the minimum denomination of \$5,000 or any integral
63 multiple in excess thereof.

64
65 “Bond Proceedings” means, collectively, this Ordinance, the Certificate of Award, the
66 Continuing Disclosure Agreement, the Purchase Agreement, the Registrar Agreement and such
67 other proceedings of the City, including the Bonds, that provide collectively for, among other things,
68 the rights of holders and beneficial owners of the Bonds.

69
70 “Bond Register” means all books and records necessary for the registration, exchange and
71 transfer of Bonds as provided in Section 5.

72
73 “Bond Registrar” means a bank or trust company authorized to do business in the State of
74 Ohio and designated by the Director of Finance in the Certificate of Award pursuant to Section 4
75 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds
76 under the Registrar Agreement and until a successor Bond Registrar shall have become such
77 pursuant to the provisions of the Registrar Agreement and, thereafter, “Bond Registrar” shall mean
78 the successor Bond Registrar.

79
80 “Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as
81 such in the Certificate of Award.

82
83 “Book entry form” or “book entry system” means a form or system under which (a) the
84 ownership of beneficial interests in the Bonds and the principal of and interest and any premium
85 on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in
86 fully registered form are issued by the City and payable only to a Depository or its nominee as
87 registered owner, with the certificates deposited with and “immobilized” in the custody of the
88 Depository or its designated agent for that purpose. The book entry maintained by others than the
89 City is the record that identifies the owners of beneficial interests in the Bonds and that principal
90 and interest.

91
92 “Certificate of Award” means the certificate authorized by Section 6, to be executed by the
93 Director of Finance, setting forth and determining those terms or other matters pertaining to the
94 Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth
95 or determined therein.

96
97 “City” means the City of Cuyahoga Falls, Ohio.

98
99 “Clerk of Council” means the Clerk of Council of the City or any person serving in an interim
100 or acting capacity with respect to that office.

101
102 “Closing Date” means the date of physical delivery of, and payment of the purchase price for,
103 the Bonds.

104
105 “Code” means the Internal Revenue Code of 1986, as amended, the Regulations (whether
106 temporary or final) under that Code or the statutory predecessor of that Code, and any amendments
107 of, or successor provisions to, the foregoing and any official rulings, announcements, notices,
108 procedures and judicial determinations regarding any of the foregoing, all as and to the extent
109 applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable
110 successor section or provision and such applicable Regulations, rulings, announcements, notices,
111 procedures and determinations pertinent to that Section.

112
113 “Continuing Disclosure Agreement” means the Continuing Disclosure Agreement which shall
114 constitute the continuing disclosure agreement made by the City for the benefit of the holders and
115 beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form
116 on file with the Clerk of Council and executed by the Mayor and the Director of Finance, all in
117 accordance with Section 9(c).

118

119 “Depository” means any securities depository that is a clearing agency registered pursuant to
120 the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining,
121 with its Participants or otherwise, a book entry system to record ownership of beneficial interests
122 in the Bonds or the principal of and interest and any premium on the Bonds, and to effect transfers
123 of the Bonds, in book entry form, and includes and means initially The Depository Trust Company
124 (a limited purpose trust company), New York, New York.

125
126 “Director of Finance” means the Director of Finance of the City or any person serving in an
127 interim or acting capacity with respect to that office.

128
129 “Director of Law” means the Director of Law of the City or any person serving in an interim or
130 acting capacity with respect to that office.

131
132 “Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

133
134 “Interest Payment Dates” means, unless otherwise specified in the Certificate of Award, June 1
135 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in
136 the Certificate of Award.

137
138 “Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).

139
140 “Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in
141 Section 3(e)(i).

142
143 “Mayor” means the Mayor of the City or any person serving in an interim or acting capacity
144 with respect to that office.

145
146 “Original Purchaser” means the purchaser of the Bonds specified in the Certificate of Award.

147
148 “Participant” means any participant contracting with a Depository under a book entry system
149 and includes securities brokers and dealers, banks and trust companies and clearing corporations.

150
151 “Principal Payment Dates” means December 1, or such other date specified in the Certificate of
152 Award, in each of the years from and including 2021 to and including 2040; provided that for each
153 component Purpose, the first Principal Payment Date may be deferred up to one year and the last
154 Principal Payment Date may be deferred or advanced by such number of years as determined
155 necessary by the Director of Finance, and provided further that in no case shall the final Principal
156 Payment Date of the portion of the Bonds allocable to any component Purpose exceed the maximum
157 maturity limitation referred to in the preambles hereto for that related component Purpose, all of
158 which determinations shall be made by the Director of Finance in the Certificate of Award in such
159 manner as to be in the best interest of and financially advantageous to the City.

160
161 “Purchase Agreement” means the Bond Purchase Agreement between the City and the Original
162 Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by
163 the Mayor and the Director of Finance, all in accordance with Section 6.

164
165 “Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond
166 Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the
167 Mayor and the Director of Finance, all in accordance with Section 4.

168
169 “Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory
170 predecessor of the Code.

171
172 “Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of
173 1934.

174
175 “SEC” means the Securities and Exchange Commission.

176
177 “Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in
178 the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject
179 to mandatory sinking fund redemption.

180
181 "Term Bonds" means those Bonds designated as such and maturing on the date or dates set
182 forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and
183 subject to mandatory sinking fund redemption.
184

185 The captions and headings in this Ordinance are solely for convenience of reference and in no
186 way define, limit or describe the scope or intent of any Sections, subsections, paragraphs,
187 subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless
188 otherwise indicated.
189

190 Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council
191 determines that it is necessary and in the best interest of the City to issue bonds of this City in the
192 maximum aggregate principal amount of \$6,040,000 (the "Bonds") for the purpose of paying the
193 costs of (a) constructing waterlines in Graham Road, together with all appurtenances thereto and
194 (b) improving the City's public safety facilities by acquiring, constructing, reconstructing,
195 renovating, improving, furnishing and equipping a new fire station and providing for the demolition,
196 renovation and remodeling of the existing facilities, together with all necessary and related
197 appurtenances thereto (collectively, the "Improvement"). The Bonds shall be issued pursuant to
198 Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate
199 of Award.
200

201 The aggregate principal amount of Bonds to be issued shall not exceed the maximum aggregate
202 principal amount for each Purpose specified in this Section 2 and shall be an amount determined
203 by the Director of Finance in the Certificate of Award to be the aggregate principal amount of Bonds
204 that is required to be issued at this time for the Purposes described in this Section 2, taking into
205 account the costs of refunding the Outstanding Notes, providing additional money for the Purposes,
206 the estimates of the Financing Costs and the interest rates on the Bonds.
207

208 The proceeds from the sale of the Bonds received by the City (or withheld by the Original
209 Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds
210 are hereby appropriated and shall be used for the purpose for which the Bonds are being issued,
211 including without limitation but only to the extent not paid by others, the payment of the costs of
212 issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including
213 obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal advisor,
214 paying agent and rating agency, any fees or premiums relating to municipal bond insurance or
215 other security arrangements determined necessary by the Director of Finance, and all other
216 Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the
217 Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the
218 purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on
219 behalf of the City. Any portion of those proceeds received by the City representing premium (after
220 payment of any Financing Costs identified in the Certificate of Award, and in the Purchase
221 Agreement and/or the Registrar Agreement) and any portion of those proceeds received by the City
222 representing accrued interest shall be paid into the Bond Retirement Fund.
223

224 Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions.
225 The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized
226 Denominations, but in no case as to a particular maturity date exceeding the principal amount
227 maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided
228 that their dated date shall not be more than sixty (60) days prior to the Closing Date.
229

230 (a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per
231 year (computed on the basis of a 360-day year consisting of twelve 30-day months), as shall be
232 determined by the Director of Finance, subject to subsection (c) of this Section 3, in the Certificate
233 of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment
234 Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from
235 the most recent date to which interest has been paid or provided for or, if no interest has been paid
236 or provided for, from their date.
237

238 (b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to
239 Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal
240 amounts as shall be determined by the Director of Finance, subject to subsection (c) of this Section

3, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the Director of Finance's determination of the best interest of and financial advantages to the City, the Director of Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or 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 and (ii) the aggregate principal amount of 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 (each a "Mandatory Redemption Date") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption 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 Bonds, and the aggregate principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds issued for each component Purpose in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00%.

(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 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 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, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the 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 redemption 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 being referred to as 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 any Term 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 the 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, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th 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, 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 bearing 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, 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 bearing 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, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Finance in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Finance to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) 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 if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral 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 (A) 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 (B) 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 15th 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 Sections 3(d) and 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, 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, shall be numbered as determined by the Director of Finance in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Director of Finance is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, 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 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 shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the

424 extent paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the
425 Certificate of Award, the Purchase Agreement and/or the Registrar Agreement, from the proceeds
426 of the Bonds to the extent available and then from other money lawfully available and appropriated
427 or to be appropriated for that purpose.
428

429 No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or
430 benefit under the Bond Proceedings unless and until the certificate of authentication printed on
431 the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond
432 Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed
433 and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The
434 certificate of authentication may be signed by any authorized officer or employee of the Bond
435 Registrar or by any other person acting as an agent of the Bond Registrar and approved by the
436 Director of Finance on behalf of the City. The same person need not sign the certificate of
437 authentication on all of the Bonds.
438

439 Section 5. Registration; Transfer and Exchange; Book Entry System.
440

441 (a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the
442 Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office.
443 Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered
444 on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the
445 Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only
446 to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any
447 notice to the contrary, but the registration may be changed as provided in this Section 5. All such
448 payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond,
449 including interest, to the extent of the amount or amounts so paid.
450

451 (b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized
452 Denomination upon presentation and surrender at the designated corporate trust office of the Bond
453 Registrar, together with a request for exchange signed by the registered owner or by a person legally
454 empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only
455 on the Bond Register upon presentation and surrender of the Bond at the designated corporate
456 trust office of the Bond Registrar together with an assignment signed by the registered owner or by
457 a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange
458 or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any
459 Authorized Denomination or Denominations requested by the owner equal in the aggregate to the
460 unmatured principal amount of the Bond surrendered and bearing interest at the same rate and
461 maturing on the same date.
462

463 If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the
464 exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the
465 City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar
466 shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings.
467 The exchange or transfer shall be without charge to the owner, except that the City and Bond
468 Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge
469 required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may
470 require that those charges, if any, be paid before the procedure is begun for the exchange or
471 transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid
472 obligations of the City, evidencing the same debt, and entitled to the same security and benefit
473 under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither
474 the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds
475 then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds
476 to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or
477 in part.
478

479 (c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the
480 Director of Finance determines in the Certificate of Award that it is in the best interest of and
481 financially advantageous to the City, the Bonds may be issued in book entry form in accordance
482 with the following provisions of this Section 5.
483

The Bonds may be issued to a Depository for use in a book entry system and, if and as 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, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial 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 may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial 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 and Authorized Denominations 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 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 the Director of Finance determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds to the Original Purchaser. The Director of Finance is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Finance 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, and the provisions of this Ordinance and the Purchase Agreement. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio 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 Director of Finance 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 and the Director of Finance shall sign and deliver, in the name and on behalf of the City, 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 to, and the purchase by, the Original Purchaser of the Bonds. The Purchase 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 on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the Director of Finance, 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 actions of the Mayor, the Director of Finance, the Director of Law, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

545
546 Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City,
547 in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in
548 an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less
549 than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.
550 The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed,
551 certified, levied and extended upon the tax duplicate and collected by the same officers, in the same
552 manner and at the same time that taxes for general purposes for each of those years are certified,
553 levied, extended and collected, and shall be placed before and in preference to all other items and
554 for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement
555 Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as
556 the same fall due.
557

558 In each year to the extent net revenues from the City's water system are available for the
559 payment of the debt charges on the Bonds issued for the Graham Waterlines Purpose and are
560 appropriated for that component Purpose, the amount of the tax shall be reduced by the amount
561 of such net revenues so available and appropriated.
562

563 In each year to the extent receipts from the City's municipal income tax are available for the
564 payment of the debt charges on any application portion of the Bonds issued for the Graham
565 Waterlines Purpose and are appropriated for that component Purpose, and to the extent not paid
566 from the net revenues of the City's water system, the amount of the tax shall be reduced by the
567 amount of such receipts so available and appropriated in compliance with the following covenant.
568 To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes
569 lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of
570 the City; and the City hereby covenants, subject and pursuant to such authority, including
571 particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such
572 municipal income taxes such amount as is necessary to meet such annual debt charges.
573

574 Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the
575 full faith and credit and general property taxing power of the City to the prompt payment of the
576 debt charges on the Bonds.
577

578 Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict
579 the use and investment of, the proceeds of the Bonds in such manner and to such extent as may
580 be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds
581 under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which
582 is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds
583 will not be an item of tax preference under Section 57 of the Code.
584

585 The City further covenants that (a) it will take or cause to be taken such actions that may be
586 required of it for the interest on the Bonds to be and remain excluded from gross income for federal
587 income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely
588 affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i)
589 apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield
590 on investment property, (iii) make timely and adequate payments to the federal government, (iv)
591 maintain books and records and make calculations and reports and (v) refrain from certain uses of
592 those proceeds, and, as applicable, of property financed with such proceeds, all in such manner
593 and to the extent necessary to assure such exclusion of that interest under the Code.
594

595 The Director of Finance or any other officer of the City having responsibility for issuance of the
596 Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice,
597 consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted
598 to or required to make or give under the federal income tax laws, including, without limitation
599 thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring,
600 enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or
601 assisting compliance with requirements for that purpose, reducing the burden or expense of such
602 compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or
603 making payments of special amounts in lieu of making computations to determine, or paying,
604 excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds,

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 of the interest on and the tax status of the Bonds. The Director of Finance or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure -- Official Statement. The Mayor and the Director of Finance are each 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 in substantially the form as is now on file with the Clerk of Council, (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 those official statements and any supplements thereto as so approved, 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.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Director of Finance, 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 the Bonds, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar 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. The Director of Finance is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Director of Finance determines to be necessary in connection with the obtaining of that bond insurance.

(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 to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Mayor and the Director of Finance are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure 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 on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

666
667 The Director of Finance is further authorized and directed to establish procedures in order to
668 ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision
669 of information and notices as described above. Prior to making any filing required under the Rule,
670 the Director of Finance shall consult with and obtain legal advice from, as appropriate, the Director
671 of Law and bond or other qualified independent special counsel selected by the City. The Director
672 of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such
673 legal advice in determining whether a filing should be made. The performance by the City of its
674 Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that
675 may be necessary to perform it.
676

677 (d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs
678 in connection with the Bonds, to the extent not paid or reimbursed by the Original Purchaser
679 and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement and/or
680 the Registrar Agreement, is authorized and approved, and the Director of Finance is authorized to
681 provide for the payment of any such amounts and costs from the proceeds of the Bonds to the
682 extent available and otherwise from any other funds lawfully available that are appropriated or
683 shall be appropriated for that purpose.
684

685 Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP
686 are hereby retained. Those legal services shall be in the nature of legal advice and
687 recommendations as to the documents and the proceedings in connection with the authorization,
688 sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in
689 the form of engagement letter from that firm which is now on file in the office of the Clerk of Council.
690 In providing those legal services, as an independent contractor and in an attorney-client
691 relationship, that firm shall not exercise any administrative discretion on behalf of this City in the
692 formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations
693 of the State of Ohio, any county or municipal corporation or of this City, or the execution of public
694 trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall
695 be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The
696 Director of Finance is authorized and directed, to the extent they are not paid or reimbursed
697 pursuant to the Purchase Agreement and/or the Registrar Agreement, to make appropriate
698 certification as to the availability of funds for those fees and any reimbursement and to issue an
699 appropriate order for their timely payment as written statements are submitted by that firm. The
700 amounts necessary to pay those fees and any reimbursement are hereby appropriated from the
701 proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.
702

703 Section 11. Municipal Advisor. The services of Baker Tilly Municipal Advisors, LLC, as
704 municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of
705 financial advice and recommendations in connection with the issuance and sale of the Bonds. In
706 rendering those municipal advisory services, as an independent contractor, that firm shall not
707 exercise any administrative discretion on behalf of the City in the formulation of public policy,
708 expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the
709 City or any other political subdivision, or the execution of public trusts. That firm shall be paid
710 just and reasonable compensation for those municipal advisory services and shall be reimbursed
711 for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The
712 Director of Finance is authorized and directed, to the extent they are not paid or reimbursed
713 pursuant to the Purchase Agreement and/or the Registrar Agreement, to make appropriate
714 certification as to the availability of funds for those fees and any reimbursement and to issue an
715 appropriate order for their timely payment as written statements are submitted by that firm. The
716 amounts necessary to pay those fees and any reimbursement are hereby appropriated from the
717 proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.
718

719 Section 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of
720 Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance
721 and an executed copy of the Certificate of Award to the Fiscal Officer in Summit County, Ohio.
722

723 Section 13. Satisfaction of Conditions for Bond Issuance. This Council determines that all
724 acts and conditions necessary to be done or performed by the City or to have been met precedent
725 to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations
726 of the City have been performed and have been met, or will at the time of delivery of the Bonds have

727 been performed and have been met, in regular and due form as required by law; that the full faith
728 and credit and general property taxing power (as described in Section 7) of the City are pledged for
729 the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation
730 of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the
731 Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the
732 Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of
733 law.

734
735 Section 14. Compliance with Open Meeting Requirements. This Council finds and determines
736 that all formal actions of this Council and any of its committees concerning and relating to the
737 passage of this Ordinance were taken in an open meeting of this Council or any of its committees,
738 and that all deliberations of this Council and of any of its committees that resulted in those formal
739 actions were in meetings open to the public, all in compliance with Chapter 107 of the City's
740 Codified Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.

741
742 Section 15. Effective Date. This Ordinance is declared to be an emergency measure necessary
743 for the immediate preservation of the public peace, health and safety of the City, and for the further
744 reason that this Ordinance is required to be immediately effective in order to issue and sell the
745 Bonds, which is necessary to enable the City to timely retire the Outstanding Notes and thereby
746 preserve its credit, to meet its obligations under contracts for construction of the Improvement and
747 to coordinate the sale of the Bonds with other bonds of the City, and to provide for the health and
748 welfare of the City residents; wherefore, this Ordinance shall be in full force and effect immediately
749 upon its passage and approval by the Mayor, otherwise it shall take effect and be in force at the
750 earliest period allowed by law.

751
752
753 Passed: _____, 2020

President of Council

Clerk of Council

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755
756
757
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759 Approved: _____, 2020

Mayor

760
761
762 9/14/20

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CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. – 2020

AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION BOARD TO ENTER INTO A CONTRACT OR CONTRACTS, WITHOUT COMPETITIVE BIDDING, WITH CARRIER COMMERCIAL SERVICE, FOR THE PURCHASE OF AN ICE RINK CHILLER, AND DECLARING AN EMERGENCY.

WHEREAS, the purchase by contract of the equipment, services, materials or supplies identified herein is through participation in a contract between the vendor and Sourcewell, a cooperative purchasing group, and is thus exempt from competitive bidding requirements pursuant to Ohio Revised Code §125.04.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State of Ohio, that:

Section 1. The Parks and Recreation Board is hereby authorized to enter into a contract or contracts without competitive bidding with Carrier Commercial Service, on the basis of its proposal dated May 12, 2020, for the purchase of an ice rink chiller.

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

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

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.

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

Passed: _____

President of Council_____
Clerk of Council

Approved: _____

Mayor

9/14/20

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CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. - 2020

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS, WITHOUT COMPETITIVE BIDDING, WITH PERRIN ASPHALT COMPANY, FOR CONCRETE PAVEMENT REPAIRS TO A PORTION OF HOWE AVENUE AND PRIOR PARK DRIVE, AND DECLARING AN EMERGENCY.

WHEREAS, quotes were obtained for repairs to Howe Avenue and Prior Park Drive on August 17, 2020, and September 14, 2020, respectively; and

WHEREAS, Perrin Asphalt Company provided the lowest and best quotes for the concrete pavement repairs.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State of Ohio:

Section 1. The Director of Public Service is hereby authorized to enter into a contract or contracts, without competitive bidding, with Perrin Asphalt Company for concrete pavement repairs to a portion of Howe Avenue and Prior Park Drive.

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

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

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.

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

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

9/14/20

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