

NEW LEGISLATION

September 24, 2012

Temp. No.	Introduced	Committee	Description
A-93	9/24/12	Fin	An ordinance providing for the issuance and sale of Notes in the principal amount of \$7,000,000, in anticipation of the issuance of Bonds, for the purpose of paying a portion of the costs of constructing a community recreation center and acquiring real estate and interests in real estate therefor, and declaring an emergency.
A-94	9/24/12	Fin	An ordinance providing for the issuance and sale of Notes in the principal amount of \$1,400,000, in anticipation of the issuance of Bonds, for the purpose of constructing improvements to portions of State Road and Portage Trail, including, where necessary, constructing or replacing sidewalks and curbs, installing water and sewer lines, constructing turning lanes, installing traffic signals and lighting, and all related improvements, and declaring an emergency.
A-95	9/24/12	Fin	An ordinance assigning and/or re-assigning the various job classifications of the City to appropriate established pay grades, and declaring an emergency.
A-96	9/24/12	Fin	An ordinance amending Section 2 of Ord. No. 63-2012 to designate additional sources of funding for the construction of public improvements authorized thereunder, and declaring an emergency.
A-97	9/24/12	PA	An ordinance amending Section 129.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Police Department, and declaring an emergency.

A-98	9/24/12	PA	An ordinance amending Section 131.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Fire Department, and declaring an emergency.
A-99	9/24/12	PA	An ordinance authorizing the Director of Public Service to issue an encroachment permit to Cole CK Portfolio I, LLC for the purpose of installing and operating a private sanitary force main sewer in Portage Trail Extension, and declaring an emergency.
A-100	9/24/12	PA	An ordinance authorizing the Mayor to enter into a Franchise Agreement including pole attachment rights with OneCommunity, Inc., and declaring an emergency.
A-101	9/24/12	PA	An ordinance authorizing the Park and Recreation Board to enter into a contract or contracts, according to law, for the construction of a storage and maintenance building at Brookledge Golf Course, and declaring an emergency.

CALENDAR

September 24, 2012

The following legislation will be up for passage at the Council Meeting on September 24, 2012.

Temp. No.	Introduced	Committee	Description
A-81	7/30/12	PZ	An ordinance re-zoning parcels 02-05240, 02-05241, 02-14014, 02-01811, 02-18517, 02-18768, 02-18769, 02-20436, 02-20437, 02-20439 and 02-02885 from MU-4 ("Sub-Urban Corridor") to C-1 ("Commercial District"), authorizing a corresponding amendment of the City's Official Zone Maps, and declaring an emergency.
A-86	9/10/12	Fin	An ordinance authorizing the Director of Community Development to enter into a second modification of Contract No. 6519 with SRW Environmental Services, Inc. for professional environmental assessment services related to remediation of certain real property known as 4610 State Road (Parcel No. 37-00002), and declaring an emergency.
A-87	9/10/12	PI	A resolution consenting to the improvement of Howe Avenue from Main Street to Buchholzer Boulevard within the City of Cuyahoga Falls, by the State of Ohio, authorizing financial cooperation therefor, and declaring an emergency.
A-88	9/10/12	PI	An ordinance authorizing the Director of Public Service to cooperate with the Director of the Ohio Department of Transportation in the improvement of Howe Avenue

from Main Street to Buchholzer Boulevard; to enter into a contract or contracts with the State of Ohio for the purpose of contributing the City's share of the costs therefor, to enter into a contract or contracts, according to law, for related preliminary design engineering services, and declaring an emergency.

A-89 9/10/12 PA

An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

A-90 9/10/12 PA

An ordinance authorizing the Director of Public Safety to enter into a contract or contracts without competitive bidding with Finley Fire Equipment Company, Inc. for the purchase of a "Hurst Jaws of Life" brand hydraulic rescue tool set, and declaring an emergency.

A-92 9/10/12 CD

A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning enterprise zone and community reinvestment area tax exemption agreements within the City of Cuyahoga Falls, and declaring an emergency.

PENDING LEGISLATION

September 24, 2012

Temp. No.	Introduced	Committee	Description
A-81 *	7/30/12	PZ	An ordinance re-zoning parcels 02-05240, 02-05241, 02-14014, 02-01811, 02-18517, 02-18768, 02-18769, 02-20436, 02-20437, 02-20439 and 02-02885 from MU-4 ("Sub-Urban Corridor") to C-1 ("Commercial District"), authorizing a corresponding amendment of the City's Official Zone Maps, and declaring an emergency.
A-85 **	9/10/12	PZ	An ordinance re-zoning Parcel No. 02-12047 (2307 23 rd Street) from R-4 ("Urban Density Residential") to MU-4 ("Sub-Urban Corridor"), authorizing a corresponding amendment of the City's Official Zone Maps, and declaring an emergency.
A-86	9/10/12	Fin	An ordinance authorizing the Director of Community Development to enter into a second modification of Contract No. 6519 with SRW Environmental Services, Inc. for professional environmental assessment services related to remediation of certain real property known as 4610 State Road (Parcel No. 37-00002), and declaring an emergency.
A-87	9/10/12	PI	A resolution consenting to the improvement of Howe Avenue from Main Street to Buchholzer Boulevard within the City of Cuyahoga Falls, by the State of Ohio, authorizing financial cooperation therefor, and declaring an emergency.
A-88	9/10/12	PI	An ordinance authorizing the Director of Public Service to cooperate with the Director of the Ohio Department of Transportation in the improvement of Howe Avenue from Main Street to Buchholzer Boulevard; to enter into a contract or contracts with the State of Ohio for the purpose of contributing the City's share of the costs therefor, to enter into a contract or contracts, according to law, for related preliminary design

engineering services, and declaring an emergency.

A-89	9/10/12	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
A-90	9/10/12	PA	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts without competitive bidding with Finley Fire Equipment Company, Inc. for the purchase of a "Hurst Jaws of Life" brand hydraulic rescue tool set, and declaring an emergency.
A-91	9/10/12	CD	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of buildings and removal of demolition debris at various locations in the City, certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.
A-92	9/10/12	CD	A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning enterprise zone and community reinvestment area tax exemption agreements within the City of Cuyahoga Falls, and declaring an emergency.

* Public Hearing 9/10/12

** Public Hearing 10/22/12

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. -2012

7
8
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE
10 AND SALE OF NOTES IN THE PRINCIPAL AMOUNT
11 OF \$7,000,000, IN ANTICIPATION OF THE ISSUANCE
12 OF BONDS, FOR THE PURPOSE OF PAYING A
13 PORTION OF THE COSTS OF CONSTRUCTING A
14 COMMUNITY RECREATION CENTER AND
15 ACQUIRING REAL ESTATE AND INTERESTS IN REAL
16 ESTATE THEREFOR, AND DECLARING AN
17 EMERGENCY.
18
19

20 WHEREAS, pursuant to Ordinance No. 96-2011 passed November 14, 2011,
21 notes in anticipation of bonds in the amount of \$8,000,000 dated December 7,
22 2011 (the Outstanding Notes), were issued for the purpose stated in Section 1 (the
23 Project), as part of a consolidated issue pursuant to Section 133.30(B) of the
24 Revised Code in the principal amount of \$9,685,000, to mature on December 6,
25 2012; and
26

27 WHEREAS, this Council finds and determines that the City should retire the
28 Outstanding Notes with the proceeds of the Notes described in Section 3 and
29 other funds available to the City; and
30

31 WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to
32 this Council that the estimated life or period of usefulness of the improvement
33 described in Section 1 is at least five years, the estimated maximum maturity of
34 the bonds described in Section 1 is 24 years, as the Project costs funded by the
35 Notes are allocated entirely to building costs, and the maximum maturity of the
36 notes described in Section 3, to be issued in anticipation of the bonds, is
37 December 18, 2022;
38

39 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
40 Falls, Summit County, Ohio, that:
41

42 Section 1. It is necessary to issue bonds of this City in the principal amount of
43 \$7,000,000 (the Bonds) for the purpose of paying a portion of the costs of
44 constructing a community recreation center and acquiring real estate and
45 interests in real estate therefor.
46

47 Section 2. The Bonds shall be dated approximately December 1, 2013, shall
48 bear interest at the now estimated rate of 5.5% per year, payable on June 1 and
49 December 1 of each year, commencing June 1, 2014, until the principal amount
50 is paid, and are estimated to mature in twenty-four annual principal installments
51 that are in such amounts that the total principal and interest payments on the
52 Bonds in any fiscal year in which principal is payable are not more than three

53 times the amount of those payments in any other fiscal year. The first principal
54 installment is estimated to be December 1, 2014.
55

56 Section 3. It is necessary to issue and this Council determines that notes in
57 the aggregate principal amount of \$7,000,000 (the Notes) shall be issued in
58 anticipation of the issuance of the Bonds and to retire, together with other funds
59 available to the City, the Outstanding Notes. The Notes shall bear interest at a
60 rate or rates not to exceed 6.0% per year (computed on the basis of a 360-day
61 year consisting of twelve 30-day months), payable at maturity and until the
62 principal amount is paid or payment is provided for. The rate or rates of interest
63 on the Notes shall be determined by the Director of Finance in the certificate
64 awarding the Notes (the "Certificate of Award") in accordance with Section 6 of
65 this ordinance.
66

67 Section 4. The debt charges on the Notes shall be payable in Federal Reserve
68 funds of the United States of America, and shall be payable, without deduction for
69 services of the City's paying agent, at the main office of The Huntington National
70 Bank, Columbus, Ohio or at the office of a bank or trust company designated by
71 the Director of Finance in the Certificate of Award after determining that the
72 payment at that bank or trust company will not endanger the funds or securities
73 of the City and that proper procedures and safeguards are available for that
74 purpose or at the office of the Director of Finance if agreed to by the Director of
75 Finance and the Original Purchaser (the Paying Agent). The Notes shall be dated
76 the date of issuance and shall mature not earlier than six months from that date
77 and not later than twelve months from that date, as shall likewise be fixed by the
78 Director of Finance in the Certificate of Award.
79

80 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in
81 the name of the City and in their official capacities, provided that one of those
82 signatures may be a facsimile. The Notes shall be issued in the denominations
83 and numbers as requested by the Original Purchaser, as described in Section 6
84 hereof, and approved by the Director of Finance, provided that unless the City
85 distributes an official statement, as described in Section 6 hereof, no Note shall be
86 issued in a denomination less than \$100,000. The entire principal amount may
87 be represented by a single note and may be issued as fully registered securities
88 (for which the Director of Finance will serve as note registrar) and in book entry or
89 other uncertificated form in accordance with Section 9.96 and Chapter 133 of the
90 Revised Code if it is determined by the Director of Finance that issuance of fully
91 registered securities in that form will facilitate the sale and delivery of the Notes.
92 The Notes shall not have coupons attached, shall be numbered as determined by
93 the Director of Finance and shall express upon their faces the purpose, in
94 summary terms, for which they are issued and that they are issued pursuant to
95 this Ordinance. As used in this section and this ordinance:
96

97 "Book entry form" or "book entry system" means a form or system under
98 which (i) the ownership of beneficial interests in the Notes and the principal of,
99 and interest on, the Notes may be transferred only through a book entry, and (ii) a
100 single physical Note certificate is issued by the City and payable only to a
101 Depository or its nominee, with such Notes "immobilized" in the custody of the
102 Depository or its agent for that purpose. The book entry maintained by others
103 than the City is the record that identifies the owners of beneficial interests in the
104 Notes and that principal and interest.
105

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

112
113 “Participant” means any participant contracting with a Depository under a
114 book entry system and includes security brokers and dealers, banks and trust
115 companies, and clearing corporations.

116
117 The Notes may be issued to a Depository for use in a book entry system and, if
118 and as long as a book entry system is utilized, (i) the Notes may be issued in the
119 form of a single Note made payable to the Depository or its nominee and
120 immobilized in the custody of the Depository or its agent for that purpose; (ii) the
121 beneficial owners in book entry form shall have no right to receive the Notes in the
122 form of physical securities or certificates; (iii) ownership of beneficial interests in
123 book entry form shall be shown by book entry on the system maintained and
124 operated by the Depository and its Participants, and transfers of the ownership of
125 beneficial interests shall be made only by book entry by the Depository and its
126 Participants; and (iv) the Notes as such shall not be transferable or exchangeable,
127 except for transfer to another Depository or to another nominee of a Depository,
128 without further action by the City.

129
130 If any Depository determines not to continue to act as a Depository for the
131 Notes for use in a book entry system, the Director of Finance may attempt to
132 establish a securities depository/book entry relationship with another qualified
133 Depository. If the Director of Finance does not or is unable to do so, the Director
134 of Finance, after making provision for notification of the beneficial owners by the
135 then Depository and any other arrangements deemed necessary, shall permit
136 withdrawal of the Notes from the Depository, and shall cause the Notes in bearer
137 or payable form to be signed by the officers authorized to sign the Notes and
138 delivered to the assigns of the Depository or its nominee, all at the cost and
139 expense (including any costs of printing), if the event is not the result of City
140 action or inaction, of those persons requesting such issuance.

141
142 The Director of Finance is also hereby authorized and directed, to the extent
143 necessary or required, to enter into any agreements determined necessary in
144 connection with the book entry system for the Notes, after determining that the
145 signing thereof will not endanger the funds or securities of the City.

146
147 Section 6. The Notes shall be sold at not less than 97% of the par value
148 thereof at private sale by the Director of Finance in accordance with law and the
149 provisions of this ordinance. The Director of Finance shall, in accordance with his
150 determination of the best interests of and financial advantages to the City and its
151 taxpayers and conditions then existing in the financial market, consistently with
152 the provisions of Sections 3 and 4, establish the interest rates to be borne by the
153 Notes and their maturity, sign the Certificate of Award referred to in Sections 3
154 and 4 evidencing those determinations, cause the Notes to be prepared, and have
155 the Notes, signed and delivered, together with a true transcript of proceedings
156 with reference to the issuance of the Notes, if requested by the Original Purchaser
157 or Purchasers (collectively, the “Original Purchaser”), to the Original Purchaser
158 upon payment of the purchase price. The Mayor and the Director of Finance are

159 also authorized, if requested by the Original Purchaser as a condition of such
160 sale, to execute, on behalf of the City, a Note Purchase Agreement between the
161 City and such Original Purchaser relating to the sale of such Notes, or the sale of
162 any consolidated issue of which the Notes are a part, substantially in the form
163 now on file with the Clerk of Council in Council File No. _____, which Note
164 Purchase Agreement is hereby approved, together with any changes or
165 amendments not inconsistent with this ordinance and not substantially adverse
166 to the City and that are approved by the Mayor and the Director of Finance on
167 behalf of the City, all of which shall be conclusively evidenced by the signing of the
168 Note Purchase Agreement or any amendments thereto by the Mayor and the
169 Director of Finance. The Mayor, the Director of Finance, the Clerk of Council and
170 other City officials, as appropriate, are each authorized and directed to sign any
171 transcript certificates, financial statements, continuing disclosure agreement and
172 other documents and instruments and to take such actions as are necessary and
173 appropriate to consummate the transactions contemplated by this ordinance.
174 The Director of Finance is authorized, if it is determined to be in the best interest
175 of the City, to combine the issue of Notes with one or more other note issues of the
176 City into a consolidated note issue pursuant to Section 133.30(B) of the Revised
177 Code.

178
179 The Director of Finance is hereby authorized to offer all or part of the Notes at
180 par and any accrued interest to the Treasury Investment Board of the City for
181 investment under Section 731.56 of the Revised Code, in accordance with law and
182 the provisions of this ordinance if, as a result of the conditions then existing in the
183 financial markets, the Director of Finance determines it is in the best financial
184 interest of the City in lieu of the private sale authorized in the preceding
185 paragraph.

186
187 If the Mayor or the Director of Finance determines it to be in the best interests
188 of and financially advantageous to the City, either or both of those officers are
189 authorized, on behalf of the City, to apply for a rating on the Notes from one or
190 more nationally-recognized rating organizations.

191
192 If in the judgment of the Mayor or the Director of Finance a disclosure
193 document in the form of an official statement (including within such term, but not
194 limited to, an annual information statement) is appropriate or necessary relating
195 to the original issuance of the Notes, either or both of those officers, on behalf of
196 the City and in their official capacities, are authorized to (i) prepare or cause to be
197 prepared, and make or authorize modifications, completions or changes of or
198 supplements to, such an official statement, (ii) determine, and to certify or
199 otherwise represent, when the official statement is to be "deemed final" (except for
200 permitted omissions) by the City as of its date or is a final official statement for
201 purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or
202 authorize the use and distribution of those official statements and any
203 supplements thereto in connection with the original issuance of the Notes, and
204 (iv) complete and sign those official statements as so approved together with such
205 certificates, statements or other documents in connection with the finality,
206 accuracy and completeness of those official statements.

207
208 As used in this Section and this ordinance:
209

210 “Note proceedings” means, collectively, this ordinance and the other
211 proceedings of the City, including the Notes, that collectively provide for, among
212 other things, the rights of holders and beneficial owners of the Notes.
213

214 “Rule” means Rule 15c2-12 prescribed by the Securities and Exchange
215 Commission pursuant to the Securities Exchange Act of 1934.
216

217 “Specified Events” means the occurrence of any of the following events, within
218 the meaning of the Rule, with respect to the Notes as applicable: principal and
219 interest payment delinquencies; non-payment related defaults; unscheduled
220 draws on debt service reserves reflecting financial difficulties; unscheduled draws
221 on credit enhancements reflecting financial difficulties; substitution of credit or
222 liquidity providers, or their failure to perform; adverse tax opinions or events
223 affecting the tax-exempt status of the Notes; modifications to rights of holders or
224 beneficial owners of the Notes; Note calls; defeasances; release, substitution or
225 sale of property securing repayment of the Notes; and rating changes. The City
226 has not obtained or provided, and does not expect to obtain or provide, any debt
227 service reserves, credit enhancements or credit or liquidity providers for the Notes,
228 the Notes are not subject to call for redemption prior to maturity, and repayment
229 of the Notes is not secured by a lien on any property capable of release or sale or
230 for which other property may be substituted.
231

232 If the City prepares and causes the distribution of an official statement for the
233 Notes, for the benefit of the holders and beneficial owners from time to time of the
234 Notes, the City agrees, as the only obligated person with respect to the Notes
235 under the Rule, to provide or cause to be provided such notices, in such manner,
236 as may be required for purposes of paragraph (b)(5)(i)(C) of the Rule, including
237 specifically notice to the Municipal Securities Rulemaking Board (MSRB) through
238 its Electronic Municipal Market Access (EMMA) system, in a timely manner, of the
239 occurrence of any Specified Event, if that event is material. (The City’s agreement
240 in this paragraph is herein referred to as the Continuing Disclosure Agreement).
241

242 The Director of Finance is further authorized and directed to establish
243 procedures to ensure compliance by the City with the Continuing Disclosure
244 Agreement, including timely provision of notices as described above. Prior to
245 providing notice of the occurrence of any Specified Event or of any other events,
246 the Director of Finance shall consult with and obtain legal advice from, as
247 appropriate, the Director of Law and bond or other qualified independent special
248 counsel selected by the City. The Director of Finance, acting in the name and on
249 behalf of the City, shall be entitled to rely upon any such legal advice in
250 determining whether a notice should be provided.
251

252 The City reserves the right to amend the Continuing Disclosure Agreement,
253 and to obtain the waiver of noncompliance with any provision of that Agreement,
254 as may be necessary or appropriate to achieve its compliance with any applicable
255 federal securities law or rule, to cure any ambiguity, inconsistency or formal
256 defect or omission, and to address any change in circumstances arising from a
257 change in legal requirements, change in law, or change in the identity, nature or
258 status of the City, or type of business conducted by the City. Any such
259 amendment or waiver will not be effective unless the Agreement (as amended or
260 taking into account such waiver) would have complied with the requirements of
261 the Rule at the time of the primary offering of the Notes, after taking into account
262 any applicable amendments to or official interpretations of the Rule, as well as

263 any change in circumstances, and until the City shall have received: either (i) a
264 written opinion of bond or other qualified independent special counsel selected by
265 the City that the amendment or waiver would not materially impair the interests
266 of holders or beneficial owners of the Notes or (ii) the written consent to the
267 amendment or waiver of the holders of at least a majority of the principal amount
268 of the Notes then outstanding.
269

270 The Continuing Disclosure Agreement shall be solely for the benefit of the
271 holders and beneficial owners from time to time of the Notes. The exclusive
272 remedy for any breach of the Agreement by the City shall be limited, to the extent
273 permitted by law, to a right of holders and beneficial owners to institute and
274 maintain, or to cause to be instituted and maintained, such proceedings as may
275 be authorized at law or in equity to obtain the specific performance by the City of
276 its obligations under the Agreement. Any individual holder or beneficial owner
277 may institute and maintain, or cause to be instituted and maintained, such
278 proceedings to require the City to provide or cause to be provided a pertinent filing
279 if such a filing is due and has not been made. Any such proceedings to require
280 the City to perform any other obligation under the Agreement (including any
281 proceedings that contest the sufficiency of any pertinent filing) shall be instituted
282 and maintained only (i) by a trustee appointed by the holders and beneficial
283 owners of not less than 25% in principal amount of the Notes then outstanding or
284 (ii) by holders and beneficial owners of not less than 10% in principal amount of
285 the Notes then outstanding, in accordance with Section 133.25(B)(4)(b) or (C)(1) of
286 the Revised Code, as applicable (or any like or comparable successor provisions).
287

288 The performance by the City of the Continuing Disclosure Agreement shall be
289 subject to the annual appropriation of any funds that may be necessary to
290 perform it.
291

292 The Continuing Disclosure Agreement shall remain in effect only for such
293 period that the Notes are outstanding in accordance with their terms and the City
294 remains an obligated person with respect to the Notes within the meaning of the
295 Rule. The obligation of the City to provide the notices of the Specified Events shall
296 terminate, if and when the City no longer remains such an obligated person.
297

298 Section 7. The proceeds from the sale of the Notes, except any premium and
299 accrued interest, shall be paid into the proper fund or funds and those proceeds
300 are appropriated and shall be used for the purpose for which the Notes are being
301 issued. Any portion of those proceeds representing premium and accrued interest
302 shall be paid into the Bond Retirement Fund.
303

304 Section 8. The par value to be received from the sale of the Bonds or of any
305 renewal notes and any excess funds resulting from the issuance of the Notes
306 shall, to the extent necessary, be used to pay the debt charges on the Notes at
307 maturity and are pledged for that purpose.
308

309 Section 9. During the year or years in which the Notes are outstanding, there
310 shall be levied on all the taxable property in the City, in addition to all other taxes,
311 the same tax that would have been levied if the Bonds had been issued without
312 the prior issuance of the Notes. The tax shall be within the eleven mill limitation
313 provided by the Charter of the City, shall be and is ordered computed, certified,
314 levied and extended upon the tax duplicate and collected by the same officers, in
315 the same manner, and at the same time that taxes for general purposes for each

316 of those years are certified, levied, extended and collected, and shall be placed
317 before and in preference to all other items and for the full amount thereof. The
318 proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is
319 irrevocably pledged for the payment of the debt charges on the Notes or the Bonds
320 when and as the same fall due. In each year to the extent money from the City's
321 recreation system or from municipal income tax, as provided below, is available
322 for the payment of the debt charges on the Notes and Bonds and is appropriated
323 for that purpose, the amount of the tax shall be reduced by the amount of the
324 money so available and appropriated in compliance with the covenant hereinafter
325 set forth. To the extent not provided for by the revenues from the City's recreation
326 system, the debt charges on the Notes and Bonds shall be paid from municipal
327 income taxes lawfully available therefor under the Constitution and laws of the
328 State of Ohio; and the City hereby covenants, subject and pursuant to such
329 authority, including particularly Section 133.05(B)(7), Revised Code, to
330 appropriate annually from such municipal income taxes such amount as is
331 necessary to meet such annual debt charges. Nothing in this paragraph in any
332 way diminishes the pledge of the full faith and credit and property taxing power of
333 the City to the prompt payment of the debt charges on the Notes.
334

335 Section 10. The City covenants that it will use, and will restrict the use and
336 investment of, the proceeds of the Notes in such manner and to such extent, as
337 may be necessary so that (a) the Notes will not (i) constitute private activity bonds,
338 arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal
339 Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as
340 bonds to which Section 103 of the Code applies, and (b) the interest on the Notes
341 will not be treated as an item of tax preference under Section 57 of the Code.
342

343 The City further covenants that (a) it will take or cause to be taken such
344 actions that may be required of it for the interest on the Notes to be and remain
345 excluded from gross income for federal income tax purposes, (b) it will not take or
346 authorize to be taken any actions that would adversely affect that exclusion, and
347 (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the
348 proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict
349 the yield on investment property, (iii) make timely and adequate payments to the
350 federal government, (iv) maintain books and records and make calculations and
351 reports and (v) refrain from certain uses of those proceeds, and, as applicable, of
352 property financed with such proceeds, all in such manner and to the extent
353 necessary to assure such exclusion of that interest under the Code.
354

355 The City hereby represents that the Outstanding Notes (the Refunded
356 Obligation) were designated or deemed designated, and qualified, as a "qualified
357 tax-exempt obligation" under Section 265(b)(3) of the Code. The City hereby
358 covenants that it will redeem the Refunded Obligation from proceeds of, and
359 within 90 days after issuance of, the Notes, and represents that all other
360 conditions are met for treating the amount of the Notes not in excess of the
361 principal amount of the Refunded Obligation outstanding immediately prior to the
362 redemption of the Refunded Obligation as "qualified tax-exempt obligations"
363 without necessity for further designation and as not to be taken into account
364 under subparagraph (D) of Section 265(b)(3) of the Code pursuant to
365 subparagraph (D)(ii) of Section 265(b)(3) of the Code.
366

367 The amount of the Notes (such amount being the issue price of the Notes less
368 accrued interest, if any, as determined under the Code) in excess of the principal

369 amount of the Refunded Obligation that is outstanding immediately prior to the
370 redemption of the Refunded Obligation is hereby designated as “qualified
371 tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. In that
372 connection, the City hereby represents and covenants that it, together with all its
373 subordinate entities or entities that issue obligations on its behalf, or on behalf of
374 which it issues obligations, in or during the calendar year in which the Notes are
375 issued, (i) have not issued and will not issue tax-exempt obligations designated as
376 “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code,
377 including the aforesaid amount of the Notes, in an aggregate amount in excess of
378 \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and
379 will not issue, tax-exempt obligations (including the aforesaid amount of the
380 Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined
381 in Section 145 of the Code, that are private activity bonds as defined in Section
382 141 of the Code and excluding refunding obligations that are not advance
383 refunding obligations as defined in Section 149(d)(5) of the Code to the extent that
384 the amount of the refunding obligations does not exceed the outstanding principal
385 amount of the refunded obligations) in an aggregate amount exceeding
386 \$10,000,000, unless the City first obtains a written opinion of nationally
387 recognized bond counsel that such designation or issuance, as applicable, will not
388 adversely affect the status of the Notes as “qualified tax-exempt obligations”.
389

390 Further, the City represents and covenants that, during any time or in any
391 manner as might affect the status of the Notes as “qualified tax exempt
392 obligations,” it has not formed or participated in the formation of, or benefitted
393 from or availed itself of, any entity in order to avoid the purposes of subparagraph
394 (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the
395 formation of, or benefit from or avail itself of, any such entity. The City further
396 represents that the Notes are not being issued as part of a direct or indirect
397 composite issue that combines issues or lots of tax exempt obligations of different
398 issuers.
399

400 The Director of Finance, as the fiscal officer, or any other officer of the City
401 having responsibility for issuance of the Notes is hereby authorized (a) to make or
402 effect any election, selection, designation, choice, consent, approval, or waiver on
403 behalf of the City with respect to the Notes as the City is permitted to or required
404 to make or give under the federal income tax laws, for the purpose of assuring,
405 enhancing or protecting favorable tax treatment or status of the Notes or interest
406 thereon or assisting compliance with requirements for that purpose, reducing the
407 burden or expense of such compliance, reducing the rebate amount or payments
408 or penalties, or making payments of special amounts in lieu of making
409 computations to determine, or paying, excess earnings as rebate, or obviating
410 those amounts or payments, as determined by that officer, which action shall be
411 in writing and signed by the officer, (b) to take any and all other actions, make or
412 obtain calculations, make payments, and make or give reports, covenants and
413 certifications of and on behalf of the City, as may be appropriate to assure the
414 exclusion of interest from gross income and the intended tax status of the Notes,
415 and (c) to give one or more appropriate certificates of the City, for inclusion in the
416 transcript of proceedings for the Notes, setting forth the reasonable expectations
417 of the City regarding the amount and use of all the proceeds of the Notes, the
418 facts, circumstances and estimates on which they are based, and other facts and
419 circumstances relevant to the tax treatment of the interest on and the tax status
420 of the Notes.
421

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

430
431 Section 11. The Clerk of Council is directed to deliver a certified copy of this
432 ordinance to the Fiscal Officer in Summit County.
433

434 Section 12. This Council determines that all acts and conditions necessary to
435 be done or performed by the City or to have been met precedent to and in the
436 issuing of the Notes in order to make them legal, valid and binding general
437 obligations of the City have been performed and have been met, or will at the time
438 of delivery of the Notes have been performed and have been met, in regular and
439 due form as required by law; that the full faith and credit and general property
440 taxing power (as described in Section 9) of the City are pledged for the timely
441 payment of the debt charges on the Notes; and that no statutory or constitutional
442 limitation of indebtedness or taxation will have been exceeded in the issuance of
443 the Notes.
444

445 Section 13. The Director of Law is authorized to engage the legal services of
446 the law firm of Squire Sanders (US) LLP, which legal services are to be in the
447 nature of legal advice and recommendations as to the documents and the
448 proceedings, and rendering an approving legal opinion, in connection with the
449 issuance and sale of the Notes. In rendering those legal services, as an
450 independent contractor and in an attorney-client relationship, that Firm shall not
451 exercise any administrative discretion on behalf of this City in the formulation of
452 public policy, expenditure of public funds, enforcement of laws rules and
453 regulations of the State, any county, or cities or of this City, or the execution of
454 public trusts. For those legal services that Firm shall be paid fees now estimated
455 at \$6,800, assuming there will be no official statement, and in addition shall be
456 reimbursed for actual out-of-pocket expenses (including, but not limited to, travel,
457 long-distance telephone, fax and duplicating expenses) incurred in rendering
458 those legal services. The Director of Finance is authorized and directed to make
459 appropriate certification as to the availability of funds for that fee and any
460 reimbursement and to issue an appropriate order for their payment as they
461 become payable.
462

463 Section 14. This Council finds and determines that all formal actions of this
464 Council and of any of its committees concerning and relating to the passage of
465 this ordinance were taken in an open meeting and that all deliberations of this
466 Council and of any committees that resulted in those formal actions were held, in
467 meetings open to the public, in compliance with Chapter 107 of the City's Codified
468 Ordinances.
469

470 Section 15. This ordinance is declared to be an emergency measure necessary
471 for the immediate preservation of the public peace, health and safety of the City,
472 and for the further reason that this ordinance is required to be immediately
473 effective in order to issue and sell the Notes, which is necessary to enable the City
474 to timely retire the Outstanding Notes and thereby preserve its credit; wherefore,

475 this ordinance shall be in full force and effect immediately upon its passage and
476 approval by the Mayor.

477

478

479 Passed: _____

480

President of Council

481

482

483

484

Clerk of Council

485

486

487 Approved: _____

488

Mayor

489

490 9/24/12

491 O:\2012ords\Ordinance_-_Natatorium.doc

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. -2012

7
8
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE
10 AND SALE OF NOTES IN THE PRINCIPAL AMOUNT
11 OF \$1,400,000, IN ANTICIPATION OF THE ISSUANCE
12 OF BONDS, FOR THE PURPOSE OF CONSTRUCTING
13 IMPROVEMENTS TO PORTIONS OF STATE ROAD
14 AND PORTAGE TRAIL, INCLUDING, WHERE
15 NECESSARY, CONSTRUCTING OR REPLACING
16 SIDEWALKS AND CURBS, INSTALLING WATER AND
17 SEWER LINES, CONSTRUCTING TURNING LANES,
18 INSTALLING TRAFFIC SIGNALS AND LIGHTING, AND
19 ALL RELATED IMPROVEMENTS, AND DECLARING
20 AN EMERGENCY.
21

22
23 WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to
24 this Council that the estimated life or period of usefulness of the improvement
25 described in Section 1 is at least five years, the estimated maximum maturity of
26 the bonds described in Section 1 is 20 years, and the maximum maturity of the
27 notes described in Section 3, to be issued in anticipation of the bonds, is 20 years;
28

29 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
30 Falls, Summit County, Ohio, that:
31

32 Section 1. It is necessary to issue bonds of this City in the principal amount of
33 \$1,400,000 (the Bonds) for the purpose of constructing improvements to portions
34 of State Road and Portage Trail, including, where necessary, constructing or
35 replacing sidewalks and curbs, installing water and sewer lines, constructing
36 turning lanes, installing traffic signals and lighting, and all related improvements.
37

38 Section 2. The Bonds shall be dated approximately December 1, 2013, shall
39 bear interest at the now estimated rate of 5.5% per year, payable on June 1 and
40 December 1 of each year, commencing June 1, 2014, until the principal amount
41 is paid, and are estimated to mature in twenty annual principal installments that
42 are in such amounts that the total principal and interest payments on the Bonds
43 in any fiscal year in which principal is payable are not more than three times the
44 amount of those payments in any other fiscal year. The first principal installment
45 is estimated to be December 1, 2014.
46

47 Section 3. It is necessary to issue and this Council determines that notes in
48 the aggregate principal amount of \$1,400,000 (the Notes) shall be issued in
49 anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate
50 or rates not to exceed 6.0% per year (computed on the basis of a 360-day year
51 consisting of twelve 30-day months), payable at maturity and until the principal
52 amount is paid or payment is provided for. The rate or rates of interest on the
53 Notes shall be determined by the Director of Finance in the certificate awarding

54 the Notes (the "Certificate of Award") in accordance with Section 6 of this
55 ordinance.
56

57 Section 4. The debt charges on the Notes shall be payable in Federal Reserve
58 funds of the United States of America, and shall be payable, without deduction for
59 services of the City's paying agent, at the main office of The Huntington National
60 Bank, Columbus, Ohio or at the office of a bank or trust company designated by
61 the Director of Finance in the Certificate of Award after determining that the
62 payment at that bank or trust company will not endanger the funds or securities
63 of the City and that proper procedures and safeguards are available for that
64 purpose or at the office of the Director of Finance if agreed to by the Director of
65 Finance and the Original Purchaser (the Paying Agent). The Notes shall be dated
66 the date of issuance and shall mature not earlier than six months from that date
67 and not later than twelve months from that date, as shall likewise be fixed by the
68 Director of Finance in the Certificate of Award.
69

70 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in
71 the name of the City and in their official capacities, provided that one of those
72 signatures may be a facsimile. The Notes shall be issued in the denominations
73 and numbers as requested by the Original Purchaser, as described in Section 6
74 hereof, and approved by the Director of Finance, provided that unless the City
75 distributes an official statement, as described in Section 6 hereof, no Note shall be
76 issued in a denomination less than \$100,000. The entire principal amount may
77 be represented by a single note and may be issued as fully registered securities
78 (for which the Director of Finance will serve as note registrar) and in book entry or
79 other uncertificated form in accordance with Section 9.96 and Chapter 133 of the
80 Revised Code if it is determined by the Director of Finance that issuance of fully
81 registered securities in that form will facilitate the sale and delivery of the Notes.
82 The Notes shall not have coupons attached, shall be numbered as determined by
83 the Director of Finance and shall express upon their faces the purpose, in
84 summary terms, for which they are issued and that they are issued pursuant to
85 this Ordinance. As used in this section and this ordinance:
86

87 "Book entry form" or "book entry system" means a form or system under
88 which (i) the ownership of beneficial interests in the Notes and the principal of,
89 and interest on, the Notes may be transferred only through a book entry, and (ii) a
90 single physical Note certificate is issued by the City and payable only to a
91 Depository or its nominee, with such Notes "immobilized" in the custody of the
92 Depository or its agent for that purpose. The book entry maintained by others
93 than the City is the record that identifies the owners of beneficial interests in the
94 Notes and that principal and interest.
95

96 "Depository" means any securities depository that is a clearing agency under
97 federal law operating and maintaining, with its Participants or otherwise, a book
98 entry system to record ownership of beneficial interests in the Notes or the
99 principal of, and interest on, the Notes and to effect transfers of the Notes, in book
100 entry form, and includes and means initially The Depository Trust Company (a
101 limited purpose trust company), New York, New York.
102

103 "Participant" means any participant contracting with a Depository under a
104 book entry system and includes security brokers and dealers, banks and trust
105 companies, and clearing corporations.
106

107 The Notes may be issued to a Depository for use in a book entry system and, if
108 and as long as a book entry system is utilized, (i) the Notes may be issued in the
109 form of a single Note made payable to the Depository or its nominee and
110 immobilized in the custody of the Depository or its agent for that purpose; (ii) the
111 beneficial owners in book entry form shall have no right to receive the Notes in the
112 form of physical securities or certificates; (iii) ownership of beneficial interests in
113 book entry form shall be shown by book entry on the system maintained and
114 operated by the Depository and its Participants, and transfers of the ownership of
115 beneficial interests shall be made only by book entry by the Depository and its
116 Participants; and (iv) the Notes as such shall not be transferable or exchangeable,
117 except for transfer to another Depository or to another nominee of a Depository,
118 without further action by the City.
119

120 If any Depository determines not to continue to act as a Depository for the
121 Notes for use in a book entry system, the Director of Finance may attempt to
122 establish a securities depository/book entry relationship with another qualified
123 Depository. If the Director of Finance does not or is unable to do so, the Director
124 of Finance, after making provision for notification of the beneficial owners by the
125 then Depository and any other arrangements deemed necessary, shall permit
126 withdrawal of the Notes from the Depository, and shall cause the Notes in bearer
127 or payable form to be signed by the officers authorized to sign the Notes and
128 delivered to the assigns of the Depository or its nominee, all at the cost and
129 expense (including any costs of printing), if the event is not the result of City
130 action or inaction, of those persons requesting such issuance.
131

132 The Director of Finance is also hereby authorized and directed, to the extent
133 necessary or required, to enter into any agreements determined necessary in
134 connection with the book entry system for the Notes, after determining that the
135 signing thereof will not endanger the funds or securities of the City.
136

137 Section 6. The Notes shall be sold at not less than 97% of the par value
138 thereof at private sale by the Director of Finance in accordance with law and the
139 provisions of this ordinance. The Director of Finance shall, in accordance with his
140 determination of the best interests of and financial advantages to the City and its
141 taxpayers and conditions then existing in the financial market, consistently with
142 the provisions of Sections 3 and 4, establish the interest rates to be borne by the
143 Notes and their maturity, sign the Certificate of Award referred to in Sections 3
144 and 4 evidencing those determinations, cause the Notes to be prepared, and have
145 the Notes, signed and delivered, together with a true transcript of proceedings
146 with reference to the issuance of the Notes, if requested by the Original Purchaser
147 or Purchasers (collectively, the "Original Purchaser"), to the Original Purchaser
148 upon payment of the purchase price. The Mayor and the Director of Finance are
149 also authorized, if requested by the Original Purchaser as a condition of such
150 sale, to execute, on behalf of the City, a Note Purchase Agreement between the
151 City and such Original Purchaser relating to the sale of such Notes, or the sale of
152 any consolidated issue of which the Notes are a part, substantially in the form
153 now on file with the Clerk of Council in Council File No. _____, which Note
154 Purchase Agreement is hereby approved, together with any changes or
155 amendments not inconsistent with this ordinance and not substantially adverse
156 to the City and that are approved by the Mayor and the Director of Finance on
157 behalf of the City, all of which shall be conclusively evidenced by the signing of the
158 Note Purchase Agreement or any amendments thereto by the Mayor and the
159 Director of Finance. The Mayor, the Director of Finance, the Clerk of Council and

160 other City officials, as appropriate, are each authorized and directed to sign any
161 transcript certificates, financial statements, continuing disclosure agreement and
162 other documents and instruments and to take such actions as are necessary and
163 appropriate to consummate the transactions contemplated by this ordinance.
164 The Director of Finance is authorized, if it is determined to be in the best interest
165 of the City, to combine the issue of Notes with one or more other note issues of the
166 City into a consolidated note issue pursuant to Section 133.30(B) of the Revised
167 Code.

168
169 The Director of Finance is hereby authorized to offer all or part of the Notes at
170 par and any accrued interest to the Treasury Investment Board of the City for
171 investment under Section 731.56 of the Revised Code, in accordance with law and
172 the provisions of this ordinance if, as a result of the conditions then existing in the
173 financial markets, the Director of Finance determines it is in the best financial
174 interest of the City in lieu of the private sale authorized in the preceding
175 paragraph.

176
177 If the Mayor or the Director of Finance determines it to be in the best interests
178 of and financially advantageous to the City, either or both of those officers are
179 authorized, on behalf of the City, to apply for a rating on the Notes from one or
180 more nationally-recognized rating organizations.

181
182 If in the judgment of the Mayor or the Director of Finance a disclosure
183 document in the form of an official statement (including within such term, but not
184 limited to, an annual information statement) is appropriate or necessary relating
185 to the original issuance of the Notes, either or both of those officers, on behalf of
186 the City and in their official capacities, are authorized to (i) prepare or cause to be
187 prepared, and make or authorize modifications, completions or changes of or
188 supplements to, such an official statement, (ii) determine, and to certify or
189 otherwise represent, when the official statement is to be “deemed final” (except for
190 permitted omissions) by the City as of its date or is a final official statement for
191 purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or
192 authorize the use and distribution of those official statements and any
193 supplements thereto in connection with the original issuance of the Notes, and
194 (iv) complete and sign those official statements as so approved together with such
195 certificates, statements or other documents in connection with the finality,
196 accuracy and completeness of those official statements.

197
198 As used in this Section and this ordinance:

199
200 “Note proceedings” means, collectively, this ordinance and the other
201 proceedings of the City, including the Notes, that collectively provide for, among
202 other things, the rights of holders and beneficial owners of the Notes.

203
204 “Rule” means Rule 15c2-12 prescribed by the Securities and Exchange
205 Commission pursuant to the Securities Exchange Act of 1934.

206
207 “Specified Events” means the occurrence of any of the following events, within
208 the meaning of the Rule, with respect to the Notes as applicable: principal and
209 interest payment delinquencies; non-payment related defaults; unscheduled
210 draws on debt service reserves reflecting financial difficulties; unscheduled draws
211 on credit enhancements reflecting financial difficulties; substitution of credit or
212 liquidity providers, or their failure to perform; adverse tax opinions or events

213 affecting the tax-exempt status of the Notes; modifications to rights of holders or
214 beneficial owners of the Notes; Note calls; defeasances; release, substitution or
215 sale of property securing repayment of the Notes; and rating changes. The City
216 has not obtained or provided, and does not expect to obtain or provide, any debt
217 service reserves, credit enhancements or credit or liquidity providers for the Notes,
218 the Notes are not subject to call for redemption prior to maturity, and repayment
219 of the Notes is not secured by a lien on any property capable of release or sale or
220 for which other property may be substituted.
221

222 If the City prepares and causes the distribution of an official statement for the
223 Notes, for the benefit of the holders and beneficial owners from time to time of the
224 Notes, the City agrees, as the only obligated person with respect to the Notes
225 under the Rule, to provide or cause to be provided such notices, in such manner,
226 as may be required for purposes of paragraph (b)(5)(i)(C) of the Rule, including
227 specifically notice to the Municipal Securities Rulemaking Board (MSRB) through
228 its Electronic Municipal Market Access (EMMA) system, in a timely manner, of the
229 occurrence of any Specified Event, if that event is material. (The City's agreement
230 in this paragraph is herein referred to as the Continuing Disclosure Agreement).
231

232 The Director of Finance is further authorized and directed to establish
233 procedures to ensure compliance by the City with the Continuing Disclosure
234 Agreement, including timely provision of notices as described above. Prior to
235 providing notice of the occurrence of any Specified Event or of any other events,
236 the Director of Finance shall consult with and obtain legal advice from, as
237 appropriate, the Director of Law and bond or other qualified independent special
238 counsel selected by the City. The Director of Finance, acting in the name and on
239 behalf of the City, shall be entitled to rely upon any such legal advice in
240 determining whether a notice should be provided.
241

242 The City reserves the right to amend the Continuing Disclosure Agreement,
243 and to obtain the waiver of noncompliance with any provision of that Agreement,
244 as may be necessary or appropriate to achieve its compliance with any applicable
245 federal securities law or rule, to cure any ambiguity, inconsistency or formal
246 defect or omission, and to address any change in circumstances arising from a
247 change in legal requirements, change in law, or change in the identity, nature or
248 status of the City, or type of business conducted by the City. Any such
249 amendment or waiver will not be effective unless the Agreement (as amended or
250 taking into account such waiver) would have complied with the requirements of
251 the Rule at the time of the primary offering of the Notes, after taking into account
252 any applicable amendments to or official interpretations of the Rule, as well as
253 any change in circumstances, and until the City shall have received: either (i) a
254 written opinion of bond or other qualified independent special counsel selected by
255 the City that the amendment or waiver would not materially impair the interests
256 of holders or beneficial owners of the Notes or (ii) the written consent to the
257 amendment or waiver of the holders of at least a majority of the principal amount
258 of the Notes then outstanding.
259

260 The Continuing Disclosure Agreement shall be solely for the benefit of the
261 holders and beneficial owners from time to time of the Notes. The exclusive
262 remedy for any breach of the Agreement by the City shall be limited, to the extent
263 permitted by law, to a right of holders and beneficial owners to institute and
264 maintain, or to cause to be instituted and maintained, such proceedings as may
265 be authorized at law or in equity to obtain the specific performance by the City of

266 its obligations under the Agreement. Any individual holder or beneficial owner
267 may institute and maintain, or cause to be instituted and maintained, such
268 proceedings to require the City to provide or cause to be provided a pertinent filing
269 if such a filing is due and has not been made. Any such proceedings to require
270 the City to perform any other obligation under the Agreement (including any
271 proceedings that contest the sufficiency of any pertinent filing) shall be instituted
272 and maintained only (i) by a trustee appointed by the holders and beneficial
273 owners of not less than 25% in principal amount of the Notes then outstanding or
274 (ii) by holders and beneficial owners of not less than 10% in principal amount of
275 the Notes then outstanding, in accordance with Section 133.25(B)(4)(b) or (C)(1) of
276 the Revised Code, as applicable (or any like or comparable successor provisions).
277

278 The performance by the City of the Continuing Disclosure Agreement shall be
279 subject to the annual appropriation of any funds that may be necessary to
280 perform it.
281

282 The Continuing Disclosure Agreement shall remain in effect only for such
283 period that the Notes are outstanding in accordance with their terms and the City
284 remains an obligated person with respect to the Notes within the meaning of the
285 Rule. The obligation of the City to provide the notices of the Specified Events shall
286 terminate, if and when the City no longer remains such an obligated person.
287

288 Section 7. The proceeds from the sale of the Notes, except any premium and
289 accrued interest, shall be paid into the proper fund or funds and those proceeds
290 are appropriated and shall be used for the purpose for which the Notes are being
291 issued. Any portion of those proceeds representing premium and accrued interest
292 shall be paid into the Bond Retirement Fund.
293

294 Section 8. The par value to be received from the sale of the Bonds or of any
295 renewal notes and any excess funds resulting from the issuance of the Notes
296 shall, to the extent necessary, be used to pay the debt charges on the Notes at
297 maturity and are pledged for that purpose.
298

299 Section 9. During the year or years in which the Notes are outstanding, there
300 shall be levied on all the taxable property in the City, in addition to all other taxes,
301 the same tax that would have been levied if the Bonds had been issued without
302 the prior issuance of the Notes. The tax shall be within the eleven mill limitation
303 provided by the Charter of the City, shall be and is ordered computed, certified,
304 levied and extended upon the tax duplicate and collected by the same officers, in
305 the same manner, and at the same time that taxes for general purposes for each
306 of those years are certified, levied, extended and collected, and shall be placed
307 before and in preference to all other items and for the full amount thereof. The
308 proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is
309 irrevocably pledged for the payment of the debt charges on the Notes or the Bonds
310 when and as the same fall due. In each year to the extent money from municipal
311 income tax, as provided below, is available for the payment of the debt charges on
312 the Notes and Bonds and is appropriated for that purpose, the amount of the tax
313 shall be reduced by the amount of the money so available and appropriated in
314 compliance with the covenant hereinafter set forth. The debt charges on the
315 Notes and Bonds shall be paid from municipal income taxes lawfully available
316 therefor under the Constitution and laws of the State of Ohio; and the City hereby
317 covenants, subject and pursuant to such authority, including particularly Section
318 133.05(B)(7), Revised Code, to appropriate annually from such municipal income

319 taxes such amount as is necessary to meet such annual debt charges. Nothing in
320 this paragraph in any way diminishes the pledge of the full faith and credit and
321 property taxing power of the City to the prompt payment of the debt charges on
322 the Notes.
323

324 Section 10. The City covenants that it will use, and will restrict the use and
325 investment of, the proceeds of the Notes in such manner and to such extent, as
326 may be necessary so that (a) the Notes will not (i) constitute private activity bonds,
327 arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal
328 Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as
329 bonds to which Section 103 of the Code applies, and (b) the interest on the Notes
330 will not be treated as an item of tax preference under Section 57 of the Code.
331

332 The City further covenants that (a) it will take or cause to be taken such
333 actions that may be required of it for the interest on the Notes to be and remain
334 excluded from gross income for federal income tax purposes, (b) it will not take or
335 authorize to be taken any actions that would adversely affect that exclusion, and
336 (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the
337 proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict
338 the yield on investment property, (iii) make timely and adequate payments to the
339 federal government, (iv) maintain books and records and make calculations and
340 reports and (v) refrain from certain uses of those proceeds, and, as applicable, of
341 property financed with such proceeds, all in such manner and to the extent
342 necessary to assure such exclusion of that interest under the Code.
343

344 The Notes are hereby designated as “qualified tax-exempt obligations” for
345 purposes of Section 265(b)(3) of the Code. In that connection, the City hereby
346 represents and covenants that it, together with all its subordinate entities or
347 entities that issue obligations on its behalf, or on behalf of which it issues
348 obligations, in or during the calendar year in which the Notes are issued, (i) have
349 not issued and will not issue tax-exempt obligations designated as “qualified
350 tax-exempt obligations” for purposes of Section 265(b)(3) of the Code, including
351 the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not
352 issued, do not reasonably anticipate issuing, and will not issue, tax-exempt
353 obligations (including the aforesaid amount of the Notes, but excluding
354 obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the
355 Code, that are private activity bonds as defined in Section 141 of the Code and
356 excluding refunding obligations that are not advance refunding obligations as
357 defined in Section 149(d)(5) of the Code to the extent that the amount of the
358 refunding obligations does not exceed the outstanding principal amount of the
359 refunded obligations) in an aggregate amount exceeding \$10,000,000, unless the
360 City first obtains a written opinion of nationally recognized bond counsel that
361 such designation or issuance, as applicable, will not adversely affect the status of
362 the Notes as “qualified tax-exempt obligations”.
363

364 Further, the City represents and covenants that, during any time or in any
365 manner as might affect the status of the Notes as “qualified tax exempt
366 obligations,” it has not formed or participated in the formation of, or benefitted
367 from or availed itself of, any entity in order to avoid the purposes of subparagraph
368 (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the
369 formation of, or benefit from or avail itself of, any such entity. The City further
370 represents that the Notes are not being issued as part of a direct or indirect

371 composite issue that combines issues or lots of tax exempt obligations of different
372 issuers.

373
374 The Director of Finance, as the fiscal officer, or any other officer of the City
375 having responsibility for issuance of the Notes is hereby authorized (a) to make or
376 effect any election, selection, designation, choice, consent, approval, or waiver on
377 behalf of the City with respect to the Notes as the City is permitted to or required
378 to make or give under the federal income tax laws, for the purpose of assuring,
379 enhancing or protecting favorable tax treatment or status of the Notes or interest
380 thereon or assisting compliance with requirements for that purpose, reducing the
381 burden or expense of such compliance, reducing the rebate amount or payments
382 or penalties, or making payments of special amounts in lieu of making
383 computations to determine, or paying, excess earnings as rebate, or obviating
384 those amounts or payments, as determined by that officer, which action shall be
385 in writing and signed by the officer, (b) to take any and all other actions, make or
386 obtain calculations, make payments, and make or give reports, covenants and
387 certifications of and on behalf of the City, as may be appropriate to assure the
388 exclusion of interest from gross income and the intended tax status of the Notes,
389 and (c) to give one or more appropriate certificates of the City, for inclusion in the
390 transcript of proceedings for the Notes, setting forth the reasonable expectations
391 of the City regarding the amount and use of all the proceeds of the Notes, the
392 facts, circumstances and estimates on which they are based, and other facts and
393 circumstances relevant to the tax treatment of the interest on and the tax status
394 of the Notes.

395
396 Section 11. The Clerk of Council is directed to deliver a certified copy of this
397 ordinance to the Fiscal Officer in Summit County.

398
399 Section 12. This Council determines that all acts and conditions necessary to
400 be done or performed by the City or to have been met precedent to and in the
401 issuing of the Notes in order to make them legal, valid and binding general
402 obligations of the City have been performed and have been met, or will at the time
403 of delivery of the Notes have been performed and have been met, in regular and
404 due form as required by law; that the full faith and credit and general property
405 taxing power (as described in Section 9) of the City are pledged for the timely
406 payment of the debt charges on the Notes; and that no statutory or constitutional
407 limitation of indebtedness or taxation will have been exceeded in the issuance of
408 the Notes.

409
410 Section 13. The Director of Law is authorized to engage the legal services of
411 the law firm of Squire Sanders (US) LLP, which legal services are to be in the
412 nature of legal advice and recommendations as to the documents and the
413 proceedings, and rendering an approving legal opinion, in connection with the
414 issuance and sale of the Notes. In rendering those legal services, as an
415 independent contractor and in an attorney-client relationship, that Firm shall not
416 exercise any administrative discretion on behalf of this City in the formulation of
417 public policy, expenditure of public funds, enforcement of laws rules and
418 regulations of the State, any county, or cities or of this City, or the execution of
419 public trusts. For those legal services that Firm shall be paid fees now estimated
420 at \$5,200, assuming there will be no official statement, and in addition shall be
421 reimbursed for actual out-of-pocket expenses (including, but not limited to, travel,
422 long-distance telephone, fax and duplicating expenses) incurred in rendering
423 those legal services. The Director of Finance is authorized and directed to make

424 appropriate certification as to the availability of funds for that fee and any
425 reimbursement and to issue an appropriate order for their payment as they
426 become payable.
427

428 Section 14. This Council finds and determines that all formal actions of this
429 Council and of any of its committees concerning and relating to the passage of
430 this ordinance were taken in an open meeting and that all deliberations of this
431 Council and of any committees that resulted in those formal actions were held, in
432 meetings open to the public, in compliance with Chapter 107 of the City's Codified
433 Ordinances.
434

435 Section 15. This ordinance is declared to be an emergency measure necessary
436 for the immediate preservation of the public peace, health and safety of the City,
437 and for the further reason that this ordinance is required to be immediately
438 effective in order to issue and sell the Notes, which is necessary among other
439 reasons, to eliminate hazards to vehicular and pedestrian traffic; wherefore, this
440 ordinance shall be in full force and effect immediately upon its passage and
441 approval by the Mayor.
442

443
444 Passed: _____
445 _____
446 President of Council

447 _____
448 Clerk of Council

449
450 Approved: _____
451 _____
452 Mayor

453 9/24/12
454 O:\2012ords\Ordinance_-_Portage_Trail_State_Rd.doc
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2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE ASSIGNING AND/OR RE-ASSIGNING VARIOUS
8 JOB CLASSIFICATIONS OF THE CITY TO APPROPRIATE
9 ESTABLISHED PAY GRADES, AND DECLARING AN
10 EMERGENCY.

11
12 WHEREAS, this Council established compensation levels for full-time non-bargaining job
13 classifications in Ord. No. 6-2009, as amended by Ord. Nos. 99-2009, 119-2009, 70-2010 and
14 132-2010; and

15
16 WHEREAS, the Civil Service Commission has created new classifications and modified
17 existing job classifications since the passage of Ord. No. 6-2009; and

18
19 WHEREAS, changes in job classifications has made it necessary and desirable to assign new
20 job classifications to appropriate pay grades and to re-assign modified classifications to
21 appropriate pay grades,

22
23 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
24 of Summit, and State of Ohio, that:

25
26 Section 1. The full-time non-bargaining positions classified as reflected on the list attached
27 hereto as Exhibit "A" are and shall be compensated in accordance with the pay grade associated
28 with each respective position as shown on Exhibit "A," which is incorporated as if fully rewritten
29 herein.

30
31 Section 2. Any ordinances or resolutions or portions of ordinances and resolutions
32 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
33 herewith and which have not previously been repealed are hereby ratified and confirmed.

34
35 Section 3. It is found and determined that all formal actions of this Council concerning and
36 relating to the passage of this ordinance were taken in an open meeting of this Council and that
37 all deliberations of this Council and of any committees that resulted in those formal actions were
38 in meetings open to the public, in compliance with all legal requirements including Chapter 107
39 of the Codified Ordinances.

40
41 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
42 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
43 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
44 members elected or appointed to Council, it shall take effect and be in force immediately upon its
45 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
46 period allowed by law.

47
48
49 Passed: _____
50 _____
51 President of Council

52
53 _____
54 Clerk of Council

55
56
57 Approved: _____
58 _____
59 Mayor

**CITY OF CUYAHOGA FALLS
FULL-TIME NON-BARGAINING POSITION & PAY GRADE CLASSIFICATIONS
AS OF SEPTEMBER 20, 2012**

Position Title	Grade
ACCOUNTANT	N25
ADMINISTRATIVE ASSISTANT	N31
ADMINISTRATIVE SERVICES SUPV	N25
ADMINISTRATIVE SPECIALIST	N21
APPLICATION SUPPORT COORD.	N23
AQUATIC SUPERVISOR	N25
ASSISTANT CITY ENGINEER	N32
ASSISTANT TO THE MAYOR	N24
ASST ELECTRIC UTILITY SUPT	N32
ASST FIRE CHIEF	N32
ASST GOLF COURSE SUPV.	N24
ASST PARKS & REC. SUPT	N32
AUXILIARY SERVICES MANAGER	N28
BLDG & GRNDS MAINT SUPT	N29
BUSINESS SYSTEM COORDINATOR	N21
CDBG/ENTITLEMENT ADMINISTRATOR	N27
CHIEF CODE ENFORCEMENT OFFICER	N27
CITY ENGINEER	N34
CLERK TYPIST II	N19
COLLECTION SPECIALIST	N19
DEPUTY DIRECTOR OF COMM. DEV.	N31
DEPUTY FINANCE DIRECTOR	N33
DEPUTY LAW DIRECTOR	N33
DEPUTY SERVICE DIRECTOR	N31
DIRECTOR OF COMMUNITY DEVELOP	ESG
DIRECTOR OF IT SERVICES	N33
DIVISION OF PLANNING DIRECTOR	N33
ELECTRIC METER/SUBSTATION FOREMAN	N29
ELECTRIC TECHNOLOGY MANAGER	N29
ELECTRIC UTILITY SUPT	N34
FACILITY DIRECTOR	N32
FINANCE DIRECTOR	ESG
FIRE CHIEF	N34
FOREMAN (Street/Sanitation/Bldg. Grounds)	N27
GENERAL MGR OF GOLF OPERATIONS	N29
GOLF COURSE MAINT SUPV	N25
HUMAN RESOURCES COORDINATOR	N22
HUMAN RESOURCES DIRECTOR/RECORDS CLERK	N29
HUMAN RESOURCES TECHNICIAN	N20
INFORMATION SERV PROGRAMMER	N25
INFORMATION SERVICES MGR	N29
INVENTORY CONTROL MANAGER	N27
JUVENILE DIVERSION CASEWORKER	N19

Position Title	Grade
LAW DEPT OFFICE MANAGER	N23
LAW DIRECTOR	ESG
LINE FOREMAN	N29
MAINTENANCE SUPERVISOR	N25
MAYOR	MSG
MAYOR'S COURT CLERK	N25
NETWORK SPECIALIST	N27
OFFICE MANAGER	N22
OPERATIONS SUPERVISOR	N25
PARK SUPERVISOR	N26
PARKS & RECREATION SUPT	N34
PAYROLL ADMINISTRATOR	N25
POLICE CAPTAIN	N32
POLICE CHIEF	N34
PROGRAM SUPERVISOR	N25
PROSECUTOR	N29
PUBLIC UTILITY CUST ADVOCATE	N24
RECREATION PROGRAM SUPV	N25
RIVERFRONT CENTRE DIST MANAGER	N28
SECRETARY I (EXEMPT)	N20
SECRETARY II (EXEMPT)	N21
SENIOR ADULT PROGRAM SUPV	N25
SENIOR PLANNER	N26
SERVICE DIRECTOR	ESG
SEWER COLLECTIONS MANAGER	N28
STREET & SANTIATION SUPERINTENDENT	N32
SUPT MOTOR VEHICLES	N29
TREASURER	N29
UTILITIES BILLING MANAGER	N31
WATER DISTRIBUTION MANAGER	N28
WATER TREATMENT PLANT MANAGER	N28
WATER UTILITIES SUPT	N34
WEB DEVELOPER	N25

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2012

6
7
8 AN ORDINANCE AMENDING SECTION 2 OF ORD. NO. 63-2012
9 TO DESIGNATE ADDITIONAL SOURCES OF FUNDING FOR THE
10 CONSTRUCTION OF PUBLIC IMPROVEMENTS AUTHORIZED
11 THEREUNDER, AND DECLARING AN EMERGENCY.
12

13 WHEREAS, in Ord. No. 63-2012, passed June 25, 2012, this Council authorized a contract or
14 contracts for the construction of certain public improvements in State Road, Portage Trail, and
15 Lillis Drive; and
16

17 WHEREAS, in Ord. No. 76-2012, passed September 10, 2012, this Council made
18 supplemental appropriations of money to the Community Development Block Grant ("CDBG")
19 Fund in part for the purpose of authorizing payment therefrom for costs incurred under the
20 contract or contracts authorized by Ord. No. 63-2012,
21

22 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
23 of Summit, and State of Ohio, that:
24

25 Section 1. Section 2 of Ord. No. 63-2012, passed June 25, 2012, is hereby amended to read
26 in its entirety as follows:
27

28 The Director of Finance is hereby authorized and directed to make
29 payment for same from the Capital Projects Fund, line item Capital
30 Outlay, and from the CDBG Fund, line item Capital Outlay.
31

32 Section 2. Any ordinances or resolutions or portions of ordinances and resolutions
33 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
34 herewith and which have not previously been repealed are hereby ratified and confirmed.
35

36 Section 3. It is found and determined that all formal actions of this Council concerning and
37 relating to the passage of this ordinance were taken in an open meeting of this Council and that
38 all deliberations of this Council and of any committees that resulted in those formal actions were
39 in meetings open to the public, in compliance with all legal requirements including Chapter 107
40 of the Codified Ordinances.
41

42 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
43 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
44 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
45 members elected or appointed to Council, it shall take effect and be in force immediately upon its
46 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
47 period allowed by law.
48

49
50 Passed: _____

President of Council

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54 _____
Clerk of Council

55
56
57
58 Approved _____

Mayor

59
60 9/24/12

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AMENDING SECTION 129.01 OF TITLE
8 FIVE, PART ONE OF THE CODIFIED ORDINANCES,
9 RELATING TO AUTHORIZED STAFFING OF THE POLICE
10 DEPARTMENT, AND DECLARING AN EMERGENCY.

11
12 WHEREAS, Article III, Section 7 of the City Charter authorizes this Council to
13 provide for the authorized staffing of officers and employees in the Police Department;
14 and

15
16 WHEREAS, under Article XVIII, Section 3 of the Ohio Constitution, exercise of the
17 City's discretion in appointments and promotions within the classified service of the
18 City is a matter of local self-government (*State ex rel. Bednar v. City of North Canton*
19 (1994) 69 Ohio St. 3d 278); and

20
21 WHEREAS, Article VII, Section 2 of the City Charter expressly authorizes this
22 Council to enact ordinances with respect to appointments and promotions that will
23 prevail over state statutory provisions in case of conflict,

24
25 NOW, THEREFORE, BE IT ORDAINED by the City of Cuyahoga Falls, County of
26 Summit and State of Ohio that:

27
28 Section 1. Section 129.01 of the Codified Ordinances of the City of Cuyahoga Falls
29 is hereby amended to read in full as follows (new text underlined; deleted text in
30 ~~strikethrough~~):

31
32 129.01 COMPOSITION.

33 (a) Subject to the sufficiency of annual or supplemental appropriations therefor,
34 The Police Department shall be composed of the Chief of Police and such additional
35 sworn officers and other personnel as established by ordinance of Council. not to
36 exceed the following:

37
38 Sworn Officers:

- 39 1 Chief
- 40 1 Captain
- 41 5 Lieutenants
- 42 8 Sergeants
- 43 56 Patrol Officers

44
45 Civilian Employees

- 46 1 Community Service Officer
- 47 1 Secretary II
- 48 1 Secretary I
- 49 1 Clerk Typist II
- 50 6 Regular Part-Time Laborers
- 51 1 Juvenile Diversion Caseworker

52
53 (b) The actual number of positions shall be determined by the Director of Public
54 Safety in accordance with the annual appropriations made by the Council for personnel
55 expenditures in the Police Department. The actual number of positions shall be

56 reported to Council in the Annual Report on Staffing required under Section 123.07 of
57 these Ordinances. Establishment or abolishment of positions within the limits set forth
58 in subsection (a) above shall be deemed effected upon submission of the Annual Report
59 on Staffing or supplements thereto. Vacancies in classified positions shall be filled only
60 upon request of the Director of Public Safety for a certified list of candidates from the
61 Civil Service Commission, or as otherwise provided in the rules of the Commission. The
62 Director of Public Safety is authorized to leave positions vacant for a period not to
63 exceed one year, due to lack of sufficient appropriations, changes in the organizational
64 structure of the Department, or for other managerial or fiscal reasons.

65
66 Section 2. Existing Section 129.01 of the Codified Ordinances, as re-enacted by
67 Ord. No. 45-1998, passed March 9, 1998, is hereby repealed.

68
69 Section 3. Ordinance No. 90-2010, passed July 26, 2010, is hereby repealed.

70
71 Section 4. Any other ordinances and resolutions or portions of ordinances and
72 resolutions inconsistent herewith are hereby repealed but any ordinances and
73 resolutions or portions of ordinances and resolutions not inconsistent herewith and
74 which have not previously been repealed are hereby ratified and confirmed.

75
76 Section 5. It is found and determined that all formal actions of this Council
77 concerning and relating to the adoption of this ordinance were adopted in an open
78 meeting of this Council and all deliberations of this Council and any of its committees
79 that resulted in such formal action were in meetings open to the public, in compliance
80 with all legal requirements including Chapter 107 of the Codified Ordinances.

81
82 Section 6. This ordinance is hereby declared to be an emergency measure necessary
83 for the preservation of the public peace, health, safety, convenience and welfare of the
84 City of Cuyahoga Falls and the inhabitants thereof and provided it receives the
85 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
86 take effect and be in force immediately upon its passage and approval by the Mayor;
87 otherwise it shall take effect and be in force at the earliest period allowed by law.

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89
90 Passed _____

President of Council

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95 _____
Clerk of Council

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97
98 Approved: _____

Mayor

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102 9/24/12

103 O:\2012ords\amend-129.01 police composition v.2.doc

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AMENDING SECTION 131.01 OF TITLE
8 FIVE, PART ONE OF THE CODIFIED ORDINANCES,
9 RELATING TO AUTHORIZED STAFFING OF THE FIRE
10 DEPARTMENT, AND DECLARING AN EMERGENCY.

11
12 WHEREAS, Article III, Section 7 of the City Charter authorizes this Council to
13 provide for the authorized staffing of officers and employees in the Fire Department; and

14
15 WHEREAS, under Article XVIII, Section 3 of the Ohio Constitution, exercise of the
16 City's discretion in appointments and promotions within the classified service of the
17 City is a matter of local self-government (*State ex rel. Bednar v. City of North Canton*
18 (1994) 69 Ohio St. 3d 278); and

19
20 WHEREAS, Article VII, Section 2 of the City Charter expressly authorizes this
21 Council to enact ordinances with respect to appointments and promotions that will
22 prevail over state statutory provisions in case of conflict,

23
24 NOW, THEREFORE, BE IT ORDAINED by the City of Cuyahoga Falls, County of
25 Summit and State of Ohio that:

26
27 Section 1. Section 131.01 of the Codified Ordinances of the City of Cuyahoga Falls
28 is hereby amended to read in full as follows (new text underlined; deleted text in
29 ~~strikethrough~~):

30
31 131.01 CREATION AND COMPOSITION.

32 (a) There is hereby created the Fire Department of the City, ~~consisting of the~~
33 ~~Fire Chief and such additional officers and personnel as provided by ordinance of~~
34 ~~Council.~~ Subject to the sufficiency of annual or supplemental appropriations therefor,
35 the Fire Department shall be composed of officers and other personnel not to exceed the
36 following:

37
38 Officers:

- 39 1 Chief
- 40 1 Assistant Chief
- 41 3 Captains
- 42 16 Lieutenants
- 43 52 Firefighters

44
45 Other Personnel:

- 46 1 Office Manager
- 47 1 Secretary I
- 48 1 Regular Part-Time Laborer
- 49 1 Temporary Part-Time Laborer

50
51
52 (b) The actual number of positions shall be determined by the Director of Public
53 Safety in accordance with the annual appropriations made by the Council for personnel
54 expenditures in the Fire Department. The actual number of positions shall be reported
55 to Council in the Annual Report on Staffing required under Section 123.07 of these
56 Ordinances. Establishment or abolishment of positions within the limits set forth in

57 subsection (a) above shall be deemed effected upon submission of the Annual Report on
58 Staffing or supplements thereto. Vacancies in classified positions shall be filled only
59 upon request of the Director of Public Safety for a certified list of candidates from the
60 Civil Service Commission, or as otherwise provided in the rules of the Commission. The
61 Director of Public Safety is authorized to leave positions vacant for a period not to
62 exceed one year, due to lack of sufficient appropriations, changes in the organizational
63 structure of the Department, or for other managerial or fiscal reasons.

64
65 Section 2. Existing Section 131.01 of the Codified Ordinances, as re-enacted by
66 Ord. No. 45-1998, passed March 9, 1998, is hereby repealed.

67
68 Section 3. Ordinance No. 178-2004, passed December 29, 2004, is hereby repealed.

69
70 Section 4. Any other ordinances and resolutions or portions of ordinances and
71 resolutions inconsistent herewith are hereby repealed but any ordinances and
72 resolutions or portions of ordinances and resolutions not inconsistent herewith and
73 which have not previously been repealed are hereby ratified and confirmed.

74
75 Section 5. It is found and determined that all formal actions of this Council
76 concerning and relating to the adoption of this ordinance were adopted in an open
77 meeting of this Council and all deliberations of this Council and any of its committees
78 that resulted in such formal action were in meetings open to the public, in compliance
79 with all legal requirements including Chapter 107 of the Codified Ordinances.

80
81 Section 6. This ordinance is hereby declared to be an emergency measure necessary
82 for the preservation of the public peace, health, safety, convenience and welfare of the
83 City of Cuyahoga Falls and the inhabitants thereof and provided it receives the
84 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
85 take effect and be in force immediately upon its passage and approval by the Mayor;
86 otherwise it shall take effect and be in force at the earliest period allowed by law.

87
88
89 Passed _____

President of Council

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94 _____
Clerk of Council

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96
97 Approved: _____

Mayor

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101 9/24/12

102 O:\2012ords\amend-131.01 fire composition v.2.doc

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ISSUE AN ENCROACHMENT PERMIT TO COLE CK
9 PORTFOLIO I, LLC FOR THE PURPOSE OF INSTALLING AND
10 OPERATING A PRIVATE SANITARY FORCE MAIN SEWER IN
11 PORTAGE TRAIL EXTENSION, AND DECLARING AN
12 EMERGENCY.

13
14 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State
15 of Ohio, that:

16
17 Section 1. The Director of Public Service is hereby authorized to issue an encroachment
18 permit, revocable at the will of Council, to Cole CK Portfolio I, LLC, for the purpose of installing
19 and operating a 1.5-inch diameter private sanitary force main sewer within the public right-of-
20 way of Portage Trail Extension, from 461 Portage Trail Extension to the westerly corporation line
21 approximately 400 feet west. The permit shall be substantially in the form now on file with the
22 Clerk in Council File No. ____ and shall contain such terms and conditions as are necessary in
23 the opinion of the Director of Law to protect the public interest.

24
25 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions
26 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
27 ordinances and resolutions not inconsistent herewith and which have not previously been
28 repealed are hereby ratified and confirmed.

29
30 Section 3. It is found and determined that all formal actions of this Council concerning and
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
32 that all deliberations of this Council and of any of its committees that resulted in such formal
33 action were in meetings open to the public, in compliance with all legal requirements including
34 Chapter 107 of the Codified Ordinances.

35
36 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
37 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
38 Falls, and provided it receives the affirmative vote of two-thirds of the members elected or
39 appointed to Council, it shall take effect and be in force immediately upon its passage and
40 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
41 by law.

42
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44 Passed: _____
45 _____
46 President of Council

47
48 _____
49 Clerk of Council

50
51
52 Approved: _____
53 _____
54 Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
8 INTO A FRANCHISE AGREEMENT INCLUDING POLE
9 ATTACHMENT RIGHTS WITH ONECOMMUNITY, INC.,
10 AND DECLARING AN EMERGENCY.

11
12 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit
13 and State of Ohio, that:

14
15 Section 1. The Mayor is hereby authorized to enter into a Franchise Agreement with
16 OneCommunity, Inc., authorizing OneCommunity to use and occupy the City’s public
17 rights-of-way by installation and operation of various infrastructure for the purpose of
18 providing wireline data transmission, data storage, and Internet access services to
19 customers within the city, including pole attachment rights, substantially in the form of
20 agreement now on file with the Clerk in Council File No. _____.

21
22 Section 2. Any other ordinances and resolutions or portions of ordinances and
23 resolutions inconsistent herewith are hereby repealed, but any ordinances and
24 resolutions or portions of ordinances and resolutions not inconsistent herewith and
25 which have not previously been repealed are hereby ratified and confirmed.

26
27 Section 3. It is found and determined that all formal actions of this Council
28 concerning and relating to the adoption of this ordinance were adopted in an open
29 meeting of this Council and that all deliberations of this Council and of any of its
30 committees that resulted in such formal action were in meetings open to the public, in
31 compliance with all legal requirements including Chapter 107 of the Codified
32 Ordinances.

33
34 Section 4. This ordinance is hereby declared to be an emergency measure necessary
35 for the preservation of the public peace, health, safety, convenience and welfare of the
36 City of Cuyahoga Falls, and provided it receives the affirmative vote of two-thirds of the
37 members elected or appointed to Council, it shall take effect and be in force
38 immediately upon its passage and approval by the Mayor; otherwise it shall take effect
39 and be in force at the earliest period allowed by law.

40
41
42 Passed: _____

President of Council

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47 _____
48 Clerk of Council

49
50 Approved: _____

Mayor

51
52 9/24/12

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2012

8
9 AN ORDINANCE AUTHORIZING THE PARK AND RECREATION
10 BOARD TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR THE CONSTRUCTION OF A STORAGE
12 AND MAINTENANCE BUILDING AT BROOKLEDGE GOLF COURSE,
13 AND DECLARING AN EMERGENCY.
14

15
16 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State of
17 Ohio, that::

18
19 Section 1. The Park and Recreation Board is hereby authorized to enter into a contract or
20 contracts, according to law, for the construction of an approximately 6,050 square foot storage and
21 maintenance building at Brookledge Golf Course.
22

23 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
24 from the Leisure Time Fund, line item Capital Outlay.
25

26 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
27 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
28 herewith and which have not previously been repealed are hereby ratified and confirmed.
29

30 Section 4. It is found and determined that all formal actions of this Council concerning and
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that
32 all deliberations of this Council and of any of its committees that resulted in such formal action, were
33 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,
34 including Chapter 107 of the Codified Ordinances.
35

36 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
37 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
38 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
39 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
40 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
41 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
42 allowed by law.
43

44
45 Passed: _____

President of Council

Clerk of Council

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53 Approved: _____

Mayor

54 9/24/12