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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. 53 -2015

7  
8 AN ORDINANCE AUTHORIZING DECLARATIONS OF OFFICIAL INTENT  
9 UNDER U.S. TREASURY REGULATIONS WITH RESPECT TO  
10 REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF  
11 TEMPORARY ADVANCES MADE FOR PAYMENTS PRIOR TO  
12 ISSUANCE, AND RELATED MATTERS.  
13

14 WHEREAS, United States Treasury Regulations prescribe conditions under which proceeds of  
15 bonds, notes or other obligations used to reimburse advances made for certain expenditures paid  
16 before the issuance of such obligations, will be deemed to be expended (or properly allocated to  
17 expenditures) for purposes of Sections 103 and 141-150 of the Internal Revenue Code of 1986, so that  
18 upon such reimbursement the proceeds so used will not further be subject to requirements or  
19 restrictions under those sections of the Internal Revenue Code; and  
20

21 WHEREAS, certain provisions of those Regulations require that there be a Declaration of  
22 Official Intent not later than 60 days following payment of the expenditure expected to be reimbursed  
23 from proceeds of such obligations, and that the reimbursement occur within prescribed time periods  
24 after the expenditure is paid or after the property is placed in service; and  
25

26 WHEREAS, the City wishes to take steps for compliance with those Regulations;  
27

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

31 Section 1. Definitions. The following definitions apply to the terms used herein:  
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33 "*Authorized Officer*" means the Director of Finance or any person designated for the purpose by  
34 the Director of Finance.  
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36 "*Bonds*" means and includes bonds, notes, certificates and other obligations included in the  
37 meaning of "bonds" under Section 150 of the Internal Revenue Code of 1986.  
38

39 "*Declaration of Official Intent*" means a declaration of intent, in the form and manner and time  
40 contemplated in the Reimbursement Regulations, that the advances for expenditures referred to therein  
41 are reasonably expected to be reimbursed from the proceeds of Reimbursement Bonds to be issued  
42 after those expenditures are paid.  
43

44 "*Public Record*" means "public record" as defined in Section 149.43 of the Ohio Revised Code.  
45

46 "*Reimbursement*" or "*reimburse*" means the restoration to the City of money temporarily  
47 advanced from its other funds and spent for capital expenditures (and certain other types of  
48 expenditures qualifying under the Reimbursement Regulations, including any issuance costs for  
49 Reimbursement Bonds) before the issuance of the Reimbursement Bonds, evidenced in writing by an  
50 allocation on the books and records of the City that shows the use of the proceeds of the  
51 Reimbursement Bonds to restore the money advanced for the original expenditure. "Reimbursement"  
52 or "reimburse" generally does not include the refunding or retiring of Bonds previously issued and sold  
53 to, or borrowings from, unrelated entities.  
54

55 "*Reimbursement Bonds*" means Bonds the proceeds of which are to be used for reimbursement  
56 of such capital or other qualifying expenditures paid before issuance of the Bonds.  
57

58 "Reimbursement Regulations" means Treasury Regulations Section 1.150-2 and any  
59 amendments thereto or superseding regulations, whether in proposed, temporary or final form, as at  
60 the time applicable, prescribing conditions under which the proceeds of Reimbursement Bonds when  
61 allocated or applied to a reimbursement will be treated as expended for all or any purposes of Sections  
62 103 and 141 to 150 of the Internal Revenue Code.  
63

64 Section 2. Authorization and Requirement of Declarations of Official Intent. The Authorized  
65 Officer is authorized to prepare and sign Declarations of Official Intent with respect to capital and other  
66 expenditures to which the Reimbursement Regulations apply (and including any costs of issuance of  
67 the Reimbursement Bonds) to be made from money temporarily available and which are reasonably  
68 expected to be reimbursed (in accordance with applicable authorizations, policies and practices) from  
69 the proceeds of Reimbursement Bonds, to make appropriate reimbursement and timely allocations  
70 from the proceeds of the Reimbursement Bonds to reimburse such prior expenditures, and to take any  
71 other actions as may be appropriate, all at the times and in the manner required under the  
72 Reimbursement Regulations to satisfy the requirements for the reimbursement to be treated as an  
73 expenditure of such proceeds for purposes of Sections 103 and 141 to 150 of the Internal Revenue  
74 Code of 1986. No advance from any fund or account or order for payment may be made for  
75 expenditures (other than expenditures excepted from such requirement under the Reimbursement  
76 Regulations) that are to be reimbursed subsequently from proceeds of Reimbursement Bonds unless a  
77 Declaration of Official Intent with respect thereto is made within the time required by the  
78 Reimbursement Regulations. All Declarations of Official Intent heretofore made on behalf of the City  
79 are hereby ratified and adopted.  
80

81 Section 3. Public Records. Each Declaration of Official Intent shall be treated as a Public  
82 Record and made available for reasonable public inspection after the date of the Declaration of Official  
83 Intent, and shall be available for reasonable public inspection continuously during normal business  
84 hours on every business day to and including the date of issuance of the Reimbursement Bonds.  
85

86 Section 4. Compliance with Open Meeting Requirements. This Council finds and determines  
87 that all formal actions of this Council and any of its committees concerning and relating to the passage  
88 of this Ordinance were taken in an open meeting of this Council or its committees and that all  
89 deliberations of this Council and of any committees that resulted in those formal actions were in  
90 meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio  
91 Revised Code.  
92

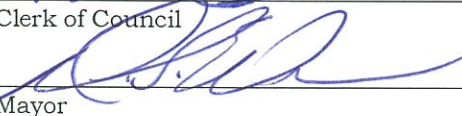
93 Section 5. Effective Date. This ordinance is declared to be an emergency measure necessary  
94 for the immediate preservation of the public peace, health and safety, and for the further reason that  
95 this ordinance is required to be immediately effective in order to allow the City to be able to get  
96 reimbursed from potential bond or note proceeds for funds advanced for capital improvement projects  
97 within the time periods provided by the Regulations; wherefore, this ordinance shall be in full force and  
98 effect immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in  
99 force at the earliest period allowed by law.

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102 Passed: 7/27/2015

  
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President of Council

  
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Clerk of Council

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108 Approved: 7-28-15

  
\_\_\_\_\_  
Mayor

109  
110 7/13/15

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