

NEW LEGISLATION

September 28, 2015

Temp. No.	Introduced	Committee	Description
B-78	9/28/15	Fin	An ordinance authorizing the Director of Finance to increase appropriations in the Street Construction, Maintenance and Repair Fund and General Fund, and declaring an emergency.
B-79	9/28/15	Fin	An ordinance providing for supplemental and/or amended appropriations of money for current operating expenses and capital expenditures of the City of Cuyahoga Falls, and authorizing the transfer of appropriations within and for the various funds hereinafter set forth, and declaring an emergency.
B-80	9/28/15	Fin	A resolution accepting the amounts and rates of taxation as certified by the Summit County Budget Commission, authorizing the necessary tax levies, certifying such authorization to the County Fiscal Officer, and declaring an emergency.
B-81	9/28/15	Fin	An ordinance providing for the issuance and sale of Notes in the principal amount of \$3,300,000, 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.
B-82	9/28/15	Fin	An ordinance providing for the issuance and sale of Notes in the principal amount of \$1,800,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of constructing waterlines in Graham Road, together with all appurtenances thereto, and declaring an emergency.

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B-83	9/28/15	Fin	An ordinance authorizing the Director of Public Service to execute a modification of Contract No. 7157 with Perrin Asphalt Company for the annual resurfacing and/or repair of various streets, and declaring an emergency.
B-84	9/28/15	PI	An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts without competitive bidding with Kenmore Construction Co., Inc. for emergency service to repair and stabilize the slope failure and storm sewer at Yellow Creek Road, and declaring an emergency.
B-85	9/28/15	CD	An ordinance appropriating funds for the repayment of monies to the U.S. Department of Housing and Urban Development for economic development loan activities deemed to be ineligible, and declaring an emergency.

CALENDAR

September 28, 2015

The following legislation will be up for passage at the Council Meeting on September 28, 2015.

Temp. No.	Introduced	Committee	Description
B-67	9/14/15	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, for the construction of a concrete floor at the Street/Sanitation Department storage building, located at 2560 Bailey Road, and declaring an emergency.
B-68	9/14/15	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Bell Equipment Company for the purchase of a front loader for use in the Sanitation Division, and declaring an emergency.
B-70	9/14/15	PA	An ordinance authorizing the Mayor to execute the Summit County Intergovernmental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing, and declaring an emergency.
B-71	9/14/15	PA	An ordinance amending Section 925.06 of the Codified Ordinances to adjust the surcharge, and declaring an emergency.
B-72	9/14/15	PA	An ordinance amending Section 945.10 of the Codified Ordinances, relating to lots and memorials for Veterans, and declaring an emergency.
B-73	9/14/15	PA	A resolution expressing support for and urging passage of Issue 12, the Cuyahoga Falls City School District levy, at the general election to be held on November 3, 2015, and declaring an emergency.
B-74	9/14/15	PA	A resolution expressing support for and urging passage of Issue 19, the

Woodridge Local School District levy, at the general election to be held on November 3, 2015, and declaring an emergency.

B-77 9/14/15 CD

An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with Buckeye Sports Center, Inc., and declaring an emergency.

PENDING LEGISLATION

September 28, 2015

Temp. No.	Introduced	Committee	Description
B-67	9/14/15	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, for the construction of a concrete floor at the Street/Sanitation Department storage building, located at 2560 Bailey Road, and declaring an emergency.
B-68	9/14/15	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Bell Equipment Company for the purchase of a front loader for use in the Sanitation Division, and declaring an emergency.
B-69	9/14/15	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, to extend sanitary sewer on Cochran Road, from Cavalier Trail to 1,300 ft. west of Cavalier Trail, and declaring an emergency.
B-70	9/14/15	PA	An ordinance authorizing the Mayor to execute the Summit County Intergovernmental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing, and declaring an emergency.
B-71	9/14/15	PA	An ordinance amending Section 925.06 of the Codified Ordinances to adjust the surcharge, and declaring an emergency.
B-72	9/14/15	PA	An ordinance amending Section 945.10 of the Codified Ordinances, relating to lots and memorials for Veterans, and declaring an emergency.
B-73	9/14/15	PA	A resolution expressing support for and urging passage of Issue 12, the Cuyahoga Falls City School District levy, at the

general election to be held on November 3, 2015, and declaring an emergency.

B-74	9/14/15	PA	A resolution expressing support for and urging passage of Issue 19, the Woodridge Local School District levy, at the general election to be held on November 3, 2015, and declaring an emergency.
B-75	9/14/15	CD	An ordinance approving an amendment to the Community Development Block Grant Annual Action Plan for Fiscal Year 2015, and declaring an emergency.
B-76	9/14/15	CD	An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with North Falls Reserve – Buckeye Urban, LLC., and declaring an emergency.
B-77	9/14/15	CD	An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with Buckeye Sports Center, Inc., and declaring an emergency.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2015

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE
8 TO INCREASE APPROPRIATIONS IN THE STREET
9 CONSTRUCTION, MAINTENANCE AND REPAIR FUND AND
10 GENERAL FUND, AND DECLARING AN EMERGENCY.

11
12 WHEREAS, it is necessary to increase appropriations to the Street Construction,
13 Maintenance and Repair (SCMR) Fund to provide for expenditures therefrom,
14

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

17
18 Section 1. The Director of Finance is hereby authorized to increase appropriations in the
19 Street Construction, Maintenance and Repair (SCMR) Fund, line item Other Operations by
20 \$313,000 and in the General Fund – General Administration, line item Transfer (SCMR Fund) by
21 \$200,000.
22

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

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

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

42
43 Passed: _____
44 _____
45 President of Council

46
47 _____
48 Clerk of Council

49
50
51 Approved: _____
52 _____
53 Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2015

6
7 AN ORDINANCE PROVIDING FOR SUPPLEMENTAL AND/OR
8 AMENDED APPROPRIATIONS OF MONEY FOR CURRENT
9 OPERATING EXPENSES AND CAPITAL EXPENDITURES OF THE
10 CITY OF CUYAHOGA FALLS, AND AUTHORIZING THE
11 TRANSFER OF APPROPRIATIONS WITHIN AND FOR THE
12 VARIOUS FUNDS HEREINAFTER SET FORTH, AND DECLARING
13 AN EMERGENCY.

14
15 WHEREAS, Article VI, Sections 7 and 8 of the City Charter provide that City Council may
16 revise, amend, and supplement budgetary appropriations during the fiscal year, and may
17 authorize the transfer of unencumbered appropriations within various accounts,
18

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

21
22 Section 1. In order to provide funds to pay employee compensation, other expenses and
23 capital expenditures during the fiscal year 2015, funds are hereby appropriated, re-appropriated
24 and transferred from the unexpended appropriations and from the un-appropriated fund
25 balances of the departments or divisions as set forth in Exhibits A and B attached hereto and
26 made a part hereof.

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

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

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

45
46
47 Passed: _____

President of Council

48
49
50
51
52 _____
Clerk of Council

53
54
55 Approved: _____

Mayor

56
57 9/28/15

EXHIBIT A

CITY OF CUYAHOGA FALLS
2015 APPROPRIATIONS
EXHIBIT A

<u>FUND</u>	<u>ORIGINAL APPROPRIATION</u>	<u>AMENDED APPROPRIATION</u>
GENERAL	\$ 32,747,275	\$ 33,410,935
MUNICIPAL INCOME TAX	21,462,883	21,577,883
STATE HIGHWAY IMPROVEMENT	144,000	144,000
STREET CONST., MAINT. & REPAIR	3,524,403	3,524,403
POLICE PENSION	969,150	969,150
FIRE PENSION	1,373,363	1,373,363
RECREATION LEVY	1,876,686	1,876,686
PERMISSIVE TAX	218,000	218,000
COMMUNITY / ECONOMIC DEVELOPMENT	1,552	1,552
C.D.B.G.	880,092	1,104,723
ENTERPRISE ZONE COMMUNITY REINVESTMENT	8,100	8,100
DRUG LAW ENFORCEMENT	31,240	43,240
LAW ENFORCEMENT TRUST	21,823	21,823
ENFORCEMENT AND EDUCATION	1,000	1,000
MOTOR VEHICLE LICENSE TAX	109,000	109,000
FEDERAL LAW ENFORCEMENT	23,000	23,000
LAW ENFORCEMENT ASSISTANCE	7,700	7,700
GENERAL BOND RETIREMENT	501,172	501,172
CAPITAL PROJECTS	14,339,869	14,554,185
CAPITAL IMPROVEMENT RESERVE	-	357,452
SEWER	8,271,475	8,271,475
WATER	8,272,159	8,372,159
ELECTRIC	52,682,281	52,682,281
SANITATION	3,715,876	3,715,876
LEISURE TIME	11,236,313	11,236,313
STORM DRAINAGE UTILITY	1,509,675	1,778,675
GARAGE	2,322,946	2,322,946
OFFICE SUPPLY	-	3,261
UTILITY BILLING	1,422,546	1,422,546
SELF INSURANCE	5,792,454	5,792,454
WORKERS' COMPENSATION	468,700	511,550
COMPENSATED ABSENCES	750,000	750,000
TOTAL	\$ 174,684,733	\$ 176,686,903

EXHIBIT A2

**CITY OF CUYAHOGA FALLS
2015 APPROPRIATIONS
EXHIBIT A PAGE 2**

That there be and hereby are transferred funds in accordance with the schedule set forth below:

<u>TRANSFER FROM:</u>	<u>TRANSFER TO:</u>	<u>AMOUNT</u>
GENERAL FUND	S.C.M.R. FUND	\$ 400,000
GENERAL FUND	GENERAL BOND RETIREMENT FUND	501,172
GENERAL FUND	CAPITAL PROJECTS FUND	357,452
GENERAL FUND	ELECTRIC FUND	1,800,000
GENERAL FUND	POLICE PENSION FUND	605,000
GENERAL FUND	FIRE PENSION FUND	1,000,000
GENERAL FUND	LEISURE TIME FUND	614,450
RECREATION LEVY FUND	LEISURE TIME FUND	750,000
CAPITAL IMPROVEMENT RESERVE FUND	GENERAL FUND - RESIDUAL EQUITY	357,452
ELECTRIC FUND	GENERAL FUND	1,836,000
OFFICE SUPPLY FUND	GENERAL FUND - RESIDUAL EQUITY	2,810

EXHIBIT B

**CITY OF CUYAHOGA FALLS
2015 APPROPRIATIONS
EXHIBIT B**

	<u>2015 Adopted Budget</u>	<u>Supplemental Appropriations</u>	<u>Requested Amendments</u>	<u>2014 Revised Adopted Budget</u>
<u>GENERAL FUND</u>				
GENERAL ADMINISTRATION	\$ 3,414,980			\$ 3,993,604
Other Operations	934,980			934,980
Transfer (S.C.M.R. Fund)	400,000			400,000
Transfer (General Bond Retirement Fund)	280,000		221,172	501,172
Transfer (Capital Projects Fund)	-		357,452	357,452
Transfer (Electric Fund: kWh Tax - Inside Sales)	1,800,000			1,800,000
COUNCIL	\$ 270,586			\$ 270,586
Personal Services	268,852			268,852
Other Operations	1,734			1,734
MAYOR	\$ 243,288			\$ 243,288
Personal Services	234,488			234,488
Other Operations	7,307			7,307
Debt Service	1,493			1,493
FINANCE DIRECTOR	\$ 851,284			\$ 851,284
Personal Services	764,487			764,487
Other Operations	84,349			84,349
Debt Service	2,448			2,448
LAW DIRECTOR	\$ 859,358			\$ 867,876
Personal Services	724,894		8,518	733,412
Other Operations	132,146			132,146
Debt Service	2,318			2,318
SERVICE DIRECTOR	\$ 346,062			\$ 354,580
Personal Services	329,037			329,037
Other Operations	15,532		8,518	24,050
Debt Service	1,493			1,493
CIVIL SERVICE COMMISSION	\$ 36,431			\$ 36,431
Personal Services	13,008			13,008
Other Operations	23,423			23,423
ENGINEERING	\$ 1,048,142			\$ 1,048,142
Personal Services	961,831			961,831
Other Operations	84,143			84,143
Debt Service	2,168			2,168
HUMAN RESOURCES / RECORDS	\$ 228,537			\$ 228,537
Personal Services	216,746			216,746
Other Operations	9,473			9,473
Debt Service	2,318			2,318
BUILDING AND GROUNDS MAINTENANCE	\$ 1,104,715			\$ 1,104,715
Personal Services	677,854			677,854
Other Operations	426,487			426,487
Debt Service	374			374

EXHIBIT B

**CITY OF CUYAHOGA FALLS
2015 APPROPRIATIONS
EXHIBIT B**

	2015 Adopted Budget	Supplemental Appropriations	Requested Amendments	2014 Revised Adopted Budget
POLICE	\$ 8,495,509			\$ 8,495,509
Personal Services	6,867,504			6,867,504
Other Operations	1,014,250			1,014,250
Debt Service	8,755			8,755
Transfer (Police Pension Fund)	605,000			605,000
FIRE	\$ 8,967,849			\$ 8,967,849
Personal Services	7,154,766			7,154,766
Other Operations	803,137			803,137
Debt Service	9,946			9,946
Transfer (Fire Pension Fund)	1,000,000			1,000,000
TECHNICAL SERVICES	\$ 485,076			\$ 485,076
Personal Services	420,299			420,299
Other Operations	64,403			64,403
Capital Outlay	374			374
COMMUNICATIONS	\$ 1,219,709			\$ 1,219,709
Personal Services	1,072,571			1,072,571
Other Operations	146,764			146,764
Debt Service	374			374
RIVERFRONT CENTRE DISTRICT	\$ 535,151			\$ 535,151
Personal Services	281,577			281,577
Other Operations	253,574			253,574
PARKS & RECREATION	\$ 2,898,023			\$ 2,898,023
Personal Services	1,563,140			1,563,140
Other Operations	717,067			717,067
Debt Service	3,366			3,366
Transfer (Leisure Time Fund)	614,450			614,450
COMMUNITY / ECONOMIC DEVELOPMENT	\$ 791,617			\$ 859,617
Personal Services	692,467			692,467
Other Operations	96,156		68,000	164,156
Debt Service	2,994			2,994
MAYOR'S COURT	\$ 193,109			\$ 193,109
Personal Services	157,866			157,866
Other Operations	32,925			32,925
Debt Service	2,318			2,318
INFORMATION SERVICES	\$ 757,849			\$ 757,849
Personal Services	622,655			622,655
Other Operations	123,926			123,926
Debt Service	11,268			11,268
Total Fund Appropriation	\$ 32,747,275	\$ -	\$ 663,660	\$ 33,410,935

EXHIBIT B

**CITY OF CUYAHOGA FALLS
2015 APPROPRIATIONS
EXHIBIT B**

	<u>2015 Adopted Budget</u>	<u>Supplemental Appropriations</u>	<u>Requested Amendments</u>	<u>2014 Revised Adopted Budget</u>
<u>MUNICIPAL INCOME TAX FUND</u>				
Personal Services	327,403			327,403
Other Operations	732,789		115,000	847,789
Debt Service	2,691			2,691
Transfer (General Fund)	12,784,680			12,784,680
Transfer (Capital Projects Fund)	5,983,320			5,983,320
Transfer (Recreation Levy Fund)	1,632,000			1,632,000
Total Fund Appropriation	\$ 21,462,883		\$ 115,000	\$ 21,577,883
<u>STATE HIGHWAY IMPROVEMENT FUND</u>				
Other Operations	144,000			144,000
Total Fund Appropriation	\$ 144,000			\$ 144,000
<u>STREET CONST., MAINT. & REPAIR FUND</u>				
Personal Services	1,896,945			1,896,945
Other Operations	1,627,084			1,627,084
Debt Service	374			374
Total Fund Appropriation	\$ 3,524,403			\$ 3,524,403
<u>POLICE PENSION FUND</u>				
Personal Services	958,200			958,200
Other Operations	10,950			10,950
Total Fund Appropriation	\$ 969,150			\$ 969,150
<u>FIRE PENSION FUND</u>				
Personal Services	1,362,413			1,362,413
Other Operations	10,950			10,950
Total Fund Appropriation	\$ 1,373,363			\$ 1,373,363
<u>RECREATION LEVY FUND</u>				
Other Operations	179,531			179,531
Capital Outlay	507,553			507,553
Debt Service	439,602			439,602
Transfer (Leisure Time Fund)	750,000			750,000
Total Fund Appropriation	\$ 1,876,686			\$ 1,876,686
<u>PERMISSIVE TAX FUND</u>				
Capital Outlay	218,000			218,000
Total Fund Appropriation	\$ 218,000			\$ 218,000
<u>COMMUNITY / ECONOMIC DEVELOPMENT FUND</u>				
Other Operations	1,552			1,552
Total Fund Appropriation	\$ 1,552			\$ 1,552
<u>C.D.B.G. FUND</u>				
Personal Services	88,108			88,108
Other Operations	560,964	(71,000)	220,270	710,234
Capital Outlay	231,020	71,000	4,361	306,381
Total Fund Appropriation	\$ 880,092	\$ -	\$ 224,631	\$ 1,104,723

EXHIBIT B

**CITY OF CUYAHOGA FALLS
2015 APPROPRIATIONS
EXHIBIT B**

	2015 Adopted Budget	Supplemental Appropriations	Requested Amendments	2014 Revised Adopted Budget
<u>ENTERPRISE ZONE COMMUNITY REINVESTMENT FUND</u>				
Other Operations	8,100			8,100
Total Fund Appropriation	\$ 8,100			\$ 8,100
<u>DRUG LAW ENFORCEMENT FUND</u>				
Other Operations	11,240			11,240
Capital Outlay	20,000	12,000		32,000
Total Fund Appropriation	\$ 31,240	\$ 12,000		\$ 43,240
<u>LAW ENFORCEMENT TRUST FUND</u>				
Other Operations	21,823			21,823
Total Fund Appropriation	\$ 21,823			\$ 21,823
<u>ENFORCEMENT & EDUCATION FUND</u>				
Other Operations	1,000			1,000
Total Fund Appropriation	\$ 1,000			\$ 1,000
<u>MOTOR VEHICLE LICENSE TAX FUND</u>				
Other Operations	109,000			109,000
Total Fund Appropriation	\$ 109,000			\$ 109,000
<u>FEDERAL LAW ENFORCEMENT FUND</u>				
Other Operations	23,000			23,000
Total Fund Appropriation	\$ 23,000			\$ 23,000
<u>LAW ENFORCEMENT ASSISTANCE</u>				
Other Operations	7,700			7,700
Total Fund Appropriation	\$ 7,700			\$ 7,700
<u>GENERAL BOND RETIREMENT FUND</u>				
Other Operations	100			100
Debt Service	501,072			501,072
Total Fund Appropriation	\$ 501,172			\$ 501,172
<u>CAPITAL PROJECTS FUND</u>				
Capital Outlay	5,818,282			5,818,282
Debt Service	8,521,587			8,521,587
Advance Repayment (Capital Improvement Reserve Fund)	-		214,316	214,316
Total Fund Appropriation	\$ 14,339,869		214,316	\$ 14,554,185
<u>CAPITAL IMPROVEMENT RESERVE FUND</u>				
Transfer (General Fund)	-		357,452	357,452
Total Fund Appropriation	\$ -		357,452	\$ 357,452
<u>SEWER FUND</u>				
Personal Services	719,779			719,779
Other Operations	5,530,898			5,530,898
Capital Outlay	1,035,000			1,035,000
Debt Service	985,798			985,798
Total Fund Appropriation	\$ 8,271,475			\$ 8,271,475

EXHIBIT B

**CITY OF CUYAHOGA FALLS
2015 APPROPRIATIONS
EXHIBIT B**

	<u>2015 Adopted Budget</u>	<u>Supplemental Appropriations</u>	<u>Requested Amendments</u>	<u>2014 Revised Adopted Budget</u>
<u>WATER FUND</u>				
Personal Services	1,506,977			1,506,977
Other Operations	1,857,347			1,857,347
Capital Outlay	2,560,000			2,560,000
Debt Service	2,347,835	100,000		2,447,835
Total Fund Appropriation	\$ 8,272,159	\$ 100,000		\$ 8,372,159
<u>ELECTRIC FUND</u>				
Personal Services	3,656,090			3,656,090
Other Operations	43,754,416			43,754,416
Capital Outlay	2,406,667			2,406,667
Debt Service	1,029,108			1,029,108
Transfer (KwH Tax - Total)	1,836,000			1,836,000
Total Fund Appropriation	\$ 52,682,281			\$ 52,682,281
<u>SANITATION FUND</u>				
Personal Services	1,282,861			1,282,861
Other Operations	1,776,376			1,776,376
Capital Outlay	624,000			624,000
Debt Service	32,639			32,639
Total Fund Appropriation	\$ 3,715,876			\$ 3,715,876
<u>LEISURE TIME FUND</u>				
Personal Services	3,015,882			3,015,882
Other Operations	1,983,906			1,983,906
Capital Outlay	-			-
Debt Service	6,236,525			6,236,525
Total Fund Appropriation	\$ 11,236,313			\$ 11,236,313
<u>STORM DRAINAGE UTILITY FUND</u>				
Personal Services	510,247			510,247
Other Operations	547,428			547,428
Capital Outlay	452,000	269,000	(47,205)	673,795
Debt Service			47,205	47,205
Total Fund Appropriation	\$ 1,509,675	\$ 269,000	\$ -	\$ 1,778,675
<u>GARAGE FUND</u>				
Personal Services	573,739			573,739
Other Operations	1,748,833			1,748,833
Capital Outlay	-			-
Debt Service	374			374
Total Fund Appropriation	\$ 2,322,946			\$ 2,322,946
<u>OFFICE SUPPLY FUND</u>				
Other Operations	-		451	451
Transfer (General Fund)	-		2,810	2,810
Total Fund Appropriation	\$ -		\$ 3,261	\$ 3,261

EXHIBIT B

**CITY OF CUYAHOGA FALLS
2015 APPROPRIATIONS
EXHIBIT B**

	<u>2015 Adopted Budget</u>	<u>Supplemental Appropriations</u>	<u>Requested Amendments</u>	<u>2014 Revised Adopted Budget</u>
<u>UTILITY BILLING FUND</u>				
Personal Services	1,051,225			1,051,225
Other Operations	366,636			366,636
Debt Service	4,685			4,685
Total Fund Appropriation	\$ 1,422,546			\$ 1,422,546
<u>SELF INSURANCE FUND</u>				
Personal Services	81,182			81,182
Other Operations	5,711,272			5,711,272
Total Fund Appropriation	\$ 5,792,454			\$ 5,792,454
<u>WORKERS COMPENSATION FUND</u>				
Personal Services	90,000			90,000
Other Operations	378,700			378,700
Capital Outlay	-		42,850	42,850
Total Fund Appropriation	\$ 468,700		42,850	\$ 511,550
<u>COMPENSATED ABSENCES FUND</u>				
Personal Services	750,000			750,000
Total Fund Appropriation	\$ 750,000			\$ 750,000
TOTAL APPROPRIATION	\$ 174,684,733	\$ 381,000	\$ 1,621,170	\$ 176,686,903

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 RESOLUTION NO. - 2015

6
7 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES
8 OF TAXATION AS CERTIFIED BY THE SUMMIT COUNTY
9 BUDGET COMMISSION, AUTHORIZING THE NECESSARY
10 TAX LEVIES, CERTIFYING SUCH AUTHORIZATION TO THE
11 COUNTY FISCAL OFFICER, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, the City, in accordance with the provisions of law, has previously filed
15 Alternative Tax Budget Information with the Summit County Fiscal Officer for the fiscal
16 year beginning January 1, 2016; and

17
18 WHEREAS, on September 18, 2015 the Budget Commission of Summit County certified
19 its action thereon to the City, together with an estimate by the County Fiscal Officer of the
20 rate of each tax necessary to be levied by the City and what part thereof is without and
21 what part thereof is within the Charter tax limitation,

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

25
26 Section 1. The amounts and rates of taxation as determined by the Budget
27 Commission in its certification, attached hereto as Exhibit "A", are hereby accepted.

28
29 Section 2. There shall be and hereby is levied on the tax duplicate of the said City the
30 rate of each tax necessary to be levied within and without the Charter limitation as follows:

Purpose	Amount to be Derived from Levies Inside Charter Limit	Amount Approved by Budget Commission outside Charter Limit	County Fiscal Officer's Estimate of Tax Rate to be Levied	
			Inside Charter Limit	Outside Charter Limit
General Fund	\$9,834,415		10.40	
Police Pension	283,685		.30	
Fire Pension	283,685		.30	

31
32
33 Section 3. The Clerk of Council is authorized and directed to forward a certified copy of
34 this resolution to the County Fiscal Officer.

35
36 Section 4. Any other ordinances and resolutions or portions of ordinances and
37 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
38 or portions of ordinances and resolutions not inconsistent herewith and which have not
39 previously been repealed are hereby ratified and confirmed.

40
41 Section 5. It is found and determined that all formal actions of this Council concerning
42 and relating to the adoption of this resolution were adopted in an open meeting of this

43 Council and that all deliberations of this Council and of any of its committees that resulted
44 in such formal action were in meetings open to the public, in compliance with all legal
45 requirements including Chapter 107 of the Codified Ordinances.

46
47 Section 6. This resolution is hereby declared to be an emergency measure necessary for
48 the preservation of the public peace, health, safety, convenience and welfare of the City of
49 Cuyahoga Falls and the inhabitants thereof and provided it receives the affirmative vote of
50 two-thirds of the members elected or appointed to Council, it shall take effect and be in
51 force immediately upon its passage and approval by the Mayor; otherwise it shall take effect
52 and be in force at the earliest period allowed by law.

53
54
55
56 Passed: _____
57 _____
58 President of Council

59
60 _____
61 Clerk of Council

62
63
64 Approved: _____
65 _____
66 Mayor

67
68 9/28/15
69 O:\2015 ords\accepting tax rates.resolution.doc
70

SUMMIT COUNTY BUDGET COMMISSION CERTIFICATION OF TAX LEVY
 (ORC Sections 5705.34 & 5705.35)

POLITICAL ENTITY: **CUYAHOGA FALLS CITY**
 ESTIMATE

Tax Year 2015/Collection Year 2016

THE VALUATIONS AND TAX RATES REFLECT TAX YEAR 2014 COLLECTION YEAR 2015

LEWES INSIDE and OUTSIDE 10 MILL LIMITATION, INCLUSIVE OF DEBT LEVIES

Date: September 18, 2015

1. RES/AG REAL VALUE 701,837,420
2. OTHER REAL VALUE 234,995,820
3. TOTAL RES/AG & OTHER REAL VALUE 936,833,240
4. PUBLIC UTILITY PERSONAL VALUE 8,783,580
5. TOTAL REAL & PUBLIC UTILITY VALUE 945,616,820

FUND TYPE CLT FUND #	PURPOSE	Authorized by the Voters on Ballot MO/DAY/YR	Number of Years Levy to Run	Tax Year		Collection Year	Maximum Rate to be Levied	REDUCTION FACTOR		EFFECTIVE RATE TO BE LEVIED	RES/AG	OTHER	PUBLIC UTILITY	TOTAL	ROLL BACK
				Begins/Ends	Begins/Ends			RES/AG	OTHER						
GENERAL 01 00	Charter Inside						10.40			10.400000 10.400000	RES/AG	OTHER			Y
POLICE PENSION 32 00	Charter Inside						0.30			0.300000 0.300000	RES/AG	OTHER			Y
FIRE PENSION 33 00	Charter Inside						0.30			0.300000 0.300000	RES/AG	OTHER			Y
TOTALS							11.00			11.000000 11.000000	\$7,720,211	\$2,584,955	\$96,619	\$10,401,785	

NOTE: The ROLLBACK column added to this certificate represents the recently passed state budget, beginning with tax year 2013 the ten and two and one-half percent rollbacks will no longer apply to new levies that are enacted after the August 2013 election. These non-qualifying levies include additional levies, the increase portion of renewal with increase levies, and the full effective millage of replacement levies. Levies that will continue to qualify for application of the rollbacks are levies approved at or before the August 2013 election, inside and charter millage as they appear on the 2013 tax list, renewals of qualified levies, and the substitute of qualified school district emergency levies under Revised Code section 5705.199. In this column the Y indicates the levy qualifies for the 10% and 2 1/2% rollback. The N indicates the levy does not qualify for the 10% and 2 1/2% rollback.

Exhibit A

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. -2015
7

8
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE
10 AND SALE OF NOTES IN THE PRINCIPAL AMOUNT
11 OF \$3,300,000, IN ANTICIPATION OF THE
12 ISSUANCE OF BONDS, FOR THE PURPOSE OF
13 PAYING A PORTION OF THE COSTS OF
14 CONSTRUCTING A COMMUNITY RECREATION
15 CENTER AND ACQUIRING REAL ESTATE AND
16 INTERESTS IN REAL ESTATE THEREFOR, AND
17 DECLARING AN EMERGENCY.
18
19

20 WHEREAS, pursuant to Ordinance No. 84-2014 passed October 27, 2014,
21 notes in anticipation of bonds in the amount of \$4,850,000 dated December 3,
22 2014 (the "Outstanding Notes"), were issued for the purpose stated in Section 1,
23 as part of a consolidated issue pursuant to Section 133.30(B) of the Ohio
24 Revised Code in the principal amount of \$6,200,000, to mature on December 3,
25 2015; 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
32 to this Council that the estimated life or period of usefulness of the
33 Improvement described in Section 1 is at least five years, the estimated
34 maximum maturity of the Bonds described in Section 1 is 21 years, as the costs
35 of the Improvement (as defined in Section 1) funded by the Notes are allocated
36 entirely to building costs, and the maximum maturity of the Notes described in
37 Section 3, to be issued in anticipation of the Bonds, is December 18, 2022;
38

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

42 Section 1. It is necessary to issue bonds of this City in the principal amount
43 of \$3,300,000 (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 (the "Improvement").
46

47 Section 2. The Bonds shall be dated approximately December 1, 2016, 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, 2017, until the principal
50 amount is paid, and are estimated to mature in 21 annual principal
51 installments that are in such amounts that the total principal and interest
52 payments on the Bonds in any fiscal year in which principal is payable are not

53 more than three times the amount of those payments in any other fiscal year.
54 The first principal installment is estimated to be December 1, 2017.
55

56 Section 3. It is necessary to issue and this Council determines that notes in
57 the aggregate principal amount of \$3,300,000 (the "Notes") shall be issued in
58 anticipation of the issuance of the Bonds for the purpose stated in Section 1
59 and to retire, together with other funds available to the City, the Outstanding
60 Notes and to pay any financing costs. The Notes shall bear interest at a rate or
61 rates not to exceed 6.0% per year (computed on the basis of a 360-day year
62 consisting of twelve 30-day months), payable at maturity and until the principal
63 amount is paid or payment is provided for. The rate or rates of interest on the
64 Notes shall be determined by the Director of Finance in a final terms certificate
65 awarding the Notes (the "Final Terms Certificate") in accordance with Section 6
66 of this ordinance.
67

68 Section 4. The debt charges on the Notes shall be payable in Federal
69 Reserve funds of the United States of America, and shall be payable, without
70 deduction for services of the City's paying agent, at the designated corporate
71 trust office of The Huntington National Bank or at the office of a bank or trust
72 company designated by the Director of Finance in the Final Terms Certificate
73 after determining that the payment at that bank or trust company will not
74 endanger the funds or securities of the City and that proper procedures and
75 safeguards are available for that purpose or at the office of the Director of
76 Finance if agreed to by the Director of Finance and the Original Purchaser (the
77 "Paying Agent"). The Notes shall be dated the date of issuance and shall mature
78 not earlier than six months from that date and not later than 12 months from
79 that date, as shall likewise be fixed by the Director of Finance in the Final
80 Terms Certificate.
81

82 Section 5. The Notes shall be signed by the Mayor and Director of Finance,
83 in the name of the City and in their official capacities, provided that one of
84 those signatures may be a facsimile. The Notes shall be issued in the
85 denominations and numbers as requested by the Original Purchaser, as
86 described in Section 6 hereof, and approved by the Director of Finance,
87 provided that unless the City distributes an official statement, as described in
88 Section 6 hereof, no Note shall be issued in a denomination less than \$100,000.
89 The entire principal amount may be represented by a single note and may be
90 issued as fully registered securities (for which the Director of Finance will serve
91 as note registrar) and in book entry or other uncertificated form in accordance
92 with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined
93 by the Director of Finance that issuance of fully registered securities in that
94 form will facilitate the sale and delivery of the Notes. The Notes shall not have
95 coupons attached, shall be numbered as determined by the Director of Finance
96 and shall express upon their faces the purpose, in summary terms, for which
97 they are issued and that they are issued pursuant to this ordinance. As used
98 in this section and this ordinance:
99

100 "Book entry form" or "book entry system" means a form or system under
101 which (a) the ownership of beneficial interests in the Notes and the principal of,
102 and interest on, the Notes may be transferred only through a book entry, and
103 (b) a single physical Note certificate in fully registered form is issued by the City
104 and payable only to a Depository or its nominee as registered owner, with the
105 certificate deposited with and "immobilized" in the custody of the Depository or

106 its designated agent for that purpose. The book entry maintained by others
107 than the City is the record that identifies the owners of beneficial interests in
108 the Notes and that principal and interest.
109

110 “Depository” means any securities depository that is a clearing agency
111 registered pursuant to the provisions of Section 17A of the Securities Exchange
112 Act of 1934, operating and maintaining, with its Participants or otherwise, a
113 book entry system to record ownership of beneficial interests in the Notes or the
114 principal of and interest on the Notes, and to effect transfers of the Notes, in
115 book entry form, and includes and means initially The Depository Trust
116 Company (a limited purpose trust company), New York, New York.
117

118 “Participant” means any participant contracting with a Depository under a
119 book entry system and includes security brokers and dealers, banks and trust
120 companies, and clearing corporations.
121

122 The Notes may be issued to a Depository for use in a book entry system and,
123 if and as long as a book entry system is utilized, (a) the Notes may be issued in
124 the form of a single Note made payable to the Depository or its nominee and
125 immobilized in the custody of the Depository or its agent for that purpose; (b)
126 the beneficial owners in book entry form shall have no right to receive the Notes
127 in the form of physical securities or certificates; (c) ownership of beneficial
128 interests in book entry form shall be shown by book entry on the system
129 maintained and operated by the Depository and its Participants, and transfers
130 of the ownership of beneficial interests shall be made only by book entry by the
131 Depository and its Participants; and (d) the Notes as such shall not be
132 transferable or exchangeable, except for transfer to another Depository or to
133 another nominee of a Depository, without further action by the City.
134

135 If any Depository determines not to continue to act as a Depository for the
136 Notes for use in a book entry system, the Director of Finance may attempt to
137 establish a securities depository/book entry relationship with another qualified
138 Depository. If the Director of Finance does not or is unable to do so, the
139 Director of Finance, after making provision for notification of the beneficial
140 owners by the then Depository and any other arrangements deemed necessary,
141 shall permit withdrawal of the Notes from the Depository, and shall cause the
142 Notes in bearer or payable form to be signed by the officers authorized to sign
143 the Notes and delivered to the assigns of the Depository or its nominee, all at
144 the cost and expense (including any costs of printing), if the event is not the
145 result of City action or inaction, of those persons requesting such issuance.
146

147 The Director of Finance is also hereby authorized and directed, to the extent
148 necessary or required, to enter into any agreements determined necessary in
149 connection with the book entry system for the Notes, after determining that the
150 signing thereof will not endanger the funds or securities of the City.
151

152 Section 6. The Notes shall be sold at not less than 97% of the par value
153 thereof at private sale to Stifel, Nicolaus & Company, Incorporated (the
154 “Original Purchaser”) by the Director of Finance in accordance with law and the
155 provisions of this ordinance, the Final Terms Certificate and the Note Purchase
156 Agreement (as hereinafter defined). The Director of Finance shall, in
157 accordance with his determination of the best interests of and financial
158 advantages to the City and its taxpayers and conditions then existing in the

159 financial market, consistently with the provisions of Sections 3 and 4, establish
160 the interest rates to be borne by the Notes and their maturity, sign the Final
161 Terms Certificate referred to in Sections 3 and 4 evidencing those
162 determinations, cause the Notes to be prepared, and have the Notes, signed and
163 delivered, together with a true transcript of proceedings with reference to the
164 issuance of the Notes, if requested by the Original Purchaser, to the Original
165 Purchaser upon payment of the purchase price. The note purchase agreement
166 (the "Note Purchase Agreement") now on file with the Clerk of Council is
167 approved, and the Mayor and the Director of Finance are authorized to sign and
168 deliver, on behalf of the City, the Note Purchase Agreement with such changes
169 that are not inconsistent with the provisions of this ordinance, are not
170 materially adverse to the interests of the City and are approved by the Mayor
171 and the Director of Finance. Any such changes to the Note Purchase
172 Agreement are not materially adverse to the interests of the City and are
173 approved by the Mayor and the Director of Finance shall be evidenced
174 conclusively by the signing of the Note Purchase Agreement by the Mayor and
175 the Director of Finance. The Mayor, the Director of Finance, the Director of
176 Law, the Clerk of Council and other City officials, as appropriate, are each
177 authorized and directed to sign any transcript certificates, financial statements,
178 continuing disclosure agreement and other documents and instruments,
179 including any paying agent agreement, and to take such actions as are
180 necessary and appropriate to consummate the transactions contemplated by
181 this ordinance. The Director of Finance is authorized, if it is determined to be
182 in the best interest of the City, to combine the issue of Notes with one or more
183 other note issues of the City into a consolidated note issue pursuant to
184 Section 133.30(B) of the Ohio Revised Code.
185

186 The Director of Finance is hereby authorized to offer all or part of the Notes
187 at par and any accrued interest to the Treasury Investment Board of the City for
188 investment under Section 731.56 of the Ohio Revised Code, in accordance with
189 law and the provisions of this ordinance if, as a result of the conditions then
190 existing in the financial markets, the Director of Finance determines it is in the
191 best financial interest of the City in lieu of the private sale authorized in the
192 preceding paragraph.
193

194 If the Mayor or the Director of Finance determines it to be in the best
195 interests of and financially advantageous to the City, either or both of those
196 officers are authorized, on behalf of the City, to apply for a rating on the Notes
197 from one or more nationally-recognized rating organizations.
198

199 If in the judgment of the Mayor or the Director of Finance a disclosure
200 document in the form of an official statement (including within such term, but
201 not limited to, an annual information statement) is appropriate or necessary
202 relating to the original issuance of the Notes, either or both of those officers, on
203 behalf of the City and in their official capacities, are authorized to (a) prepare or
204 cause to be prepared, and make or authorize modifications, completions or
205 changes of or supplements to, such an official statement, (b) determine, and to
206 certify or otherwise represent, when the official statement is to be "deemed
207 final" (except for permitted omissions) by the City as of its date or is a final
208 official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (c) use
209 and distribute, or authorize the use and distribution of those official statements
210 and any supplements thereto in connection with the original issuance of the
211 Notes, and (d) complete and sign those official statements as so approved

212 together with such certificates, statements or other documents in connection
213 with the finality, accuracy and completeness of those official statements.

214
215 As used in this section and this ordinance:

216
217 “Note proceedings” means, collectively, this ordinance and the other
218 proceedings of the City, including the Notes, that collectively provide for, among
219 other things, the rights of holders and beneficial owners of the Notes.

220
221 “Rule” means Rule 15c2-12 prescribed by the Securities and Exchange
222 Commission pursuant to the Securities Exchange Act of 1934.

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

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

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

260
261 The City reserves the right to amend the Continuing Disclosure Agreement,
262 and to obtain the waiver of noncompliance with any provision of that
263 Agreement, as may be necessary or appropriate to achieve its compliance with
264 any applicable federal securities law or rule, to cure any ambiguity,

265 inconsistency or formal defect or omission, and to address any change in
266 circumstances arising from a change in legal requirements, change in law, or
267 change in the identity, nature or status of the City, or type of business
268 conducted by the City. Any such amendment or waiver will not be effective
269 unless the Agreement (as amended or taking into account such waiver) would
270 have complied with the requirements of the Rule at the time of the primary
271 offering of the Notes, after taking into account any applicable amendments to or
272 official interpretations of the Rule, as well as any change in circumstances, and
273 until the City shall have received: either (a) a written opinion of bond or other
274 qualified independent special counsel selected by the City that the amendment
275 or waiver would not materially impair the interests of holders or beneficial
276 owners of the Notes or (b) the written consent to the amendment or waiver of
277 the holders of at least a majority of the principal amount of the Notes then
278 outstanding.
279

280 The Continuing Disclosure Agreement shall be solely for the benefit of the
281 holders and beneficial owners from time to time of the Notes. The exclusive
282 remedy for any breach of the Agreement by the City shall be limited, to the
283 extent permitted by law, to a right of holders and beneficial owners to institute
284 and maintain, or to cause to be instituted and maintained, such proceedings as
285 may be authorized at law or in equity to obtain the specific performance by the
286 City of its obligations under the Agreement. Any individual holder or beneficial
287 owner may institute and maintain, or cause to be instituted and maintained,
288 such proceedings to require the City to provide or cause to be provided a
289 pertinent filing if such a filing is due and has not been made. Any such
290 proceedings to require the City to perform any other obligation under the
291 Agreement (including any proceedings that contest the sufficiency of any
292 pertinent filing) shall be instituted and maintained only (a) by a trustee
293 appointed by the holders and beneficial owners of not less than 25% in
294 principal amount of the Notes then outstanding or (b) by holders and beneficial
295 owners of not less than 10% in principal amount of the Notes then outstanding,
296 in accordance with Section 133.25(B)(4)(b) or (C)(1) of the Ohio Revised Code, as
297 applicable (or any like or comparable successor provisions).
298

299 The performance by the City of the Continuing Disclosure Agreement shall
300 be subject to the annual appropriation of any funds that may be necessary to
301 perform it.
302

303 The Continuing Disclosure Agreement shall remain in effect only for such
304 period that the Notes are outstanding in accordance with their terms and the
305 City remains an obligated person with respect to the Notes within the meaning
306 of the Rule. The obligation of the City to provide the notices of the Specified
307 Events shall terminate, if and when the City no longer remains such an
308 obligated person.
309

310 Section 7. The proceeds from the sale of the Notes, except any premium and
311 accrued interest, shall be paid into the proper fund or funds and those proceeds
312 are appropriated and shall be used for the purpose for which the Notes are
313 being issued. The Final Terms Certificate may authorize the Original Purchaser
314 to withhold certain proceeds from the sale of the Notes to provide for the
315 payment of certain financing costs on behalf of the City. Any portion of those
316 proceeds received by the City (after payment of those financing costs)

317 representing premium or accrued interest shall be paid into the Bond
318 Retirement Fund.
319

320 Section 8. The par value to be received from the sale of the Bonds or of any
321 renewal notes and any excess funds resulting from the issuance of the Notes
322 shall, to the extent necessary, be used to pay the debt charges on the Notes at
323 maturity and are pledged for that purpose.
324

325 Section 9. During the year or years in which the Notes are outstanding,
326 there shall be levied on all the taxable property in the City, in addition to all
327 other taxes, the same tax that would have been levied if the Bonds had been
328 issued without the prior issuance of the Notes. The tax shall be within the
329 eleven-mill limitation provided by the Charter of the City, shall be and is
330 ordered computed, certified, levied and extended upon the tax duplicate and
331 collected by the same officers, in the same manner, and at the same time that
332 taxes for general purposes for each of those years are certified, levied, extended
333 and collected, and shall be placed before and in preference to all other items
334 and for the full amount thereof. The proceeds of the tax levy shall be placed in
335 the Bond Retirement Fund, which is irrevocably pledged for the payment of the
336 debt charges on the Notes or the Bonds when and as the same fall due.
337

338 In each year to the extent net revenues from the City's recreation system are
339 available for the payment of the debt charges on the Notes or the Bonds and are
340 appropriated for that purpose, the tax shall be reduced by the amount of money
341 so available and appropriated.
342

343 In each year to the extent receipts from the municipal income tax are
344 available for the payment of the debt charges on the Notes or the Bonds and are
345 appropriated for that purpose, and to the extent not paid from net revenues of
346 the City's recreation system, the amount of the tax shall be reduced by the
347 amount of such receipts so available and appropriated in compliance with the
348 following covenant. To the extent necessary, the debt charges on the Notes and
349 the Bonds shall be paid from municipal income taxes lawfully available therefor
350 under the Constitution and the laws of the State of Ohio; and the City hereby
351 covenants, subject and pursuant to such authority, including particularly
352 Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from
353 such municipal income taxes such amount as is necessary to meet such annual
354 debt charges.
355

356 Nothing in the two preceding paragraphs in any way diminishes the
357 irrevocable pledge of the full faith and credit and general property taxing power
358 of the City to the prompt payment of the debt charges on the Notes and the
359 Bonds.
360

361 Section 10. The City covenants that it will use, and will restrict the use and
362 investment of, the proceeds of the Notes in such manner and to such extent, as
363 may be necessary so that (a) the Notes will not (i) constitute private activity
364 bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the
365 Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other
366 than as bonds to which Section 103 of the Code applies, and (b) the interest on
367 the Notes will not be treated as an item of tax preference under Section 57 of
368 the Code.
369

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

382
383 The Director of Finance, as the fiscal officer, or any other officer of the City
384 having responsibility for issuance of the Notes is hereby authorized (a) to make
385 or effect any election, selection, designation, choice, consent, approval, or
386 waiver on behalf of the City with respect to the Notes as the City is permitted to
387 or required to make or give under the federal income tax laws, for the purpose
388 of assuring, enhancing or protecting favorable tax treatment or status of the
389 Notes or interest thereon or assisting compliance with requirements for that
390 purpose, reducing the burden or expense of such compliance, reducing the
391 rebate amount or payments or penalties, or making payments of special
392 amounts in lieu of making computations to determine, or paying, excess
393 earnings as rebate, or obviating those amounts or payments, as determined by
394 that officer, which action shall be in writing and signed by the officer, (b) to take
395 any and all other actions, make or obtain calculations, make payments, and
396 make or give reports, covenants and certifications of and on behalf of the City,
397 as may be appropriate to assure the exclusion of interest from gross income
398 and the intended tax status of the Notes, and (c) to give one or more appropriate
399 certificates of the City, for inclusion in the transcript of proceedings for the
400 Notes, setting forth the reasonable expectations of the City regarding the
401 amount and use of all the proceeds of the Notes, the facts, circumstances and
402 estimates on which they are based, and other facts and circumstances relevant
403 to the tax treatment of the interest on and the tax status of the Notes. The
404 Director of Finance or any other officer of the City having responsibility for
405 issuance of the Notes is specifically authorized to designate the Notes as
406 "qualified tax-exempt obligations" if such designation is applicable and
407 desirable, and to make any related necessary representations and covenants.

408
409 Each covenant made in this section with respect to the Notes is also made
410 with respect to all issues any portion of the debt service on which is paid from
411 proceeds of the Notes (and, if different, the original issue and any refunding
412 issues in a series of refundings), to the extent such compliance is necessary to
413 assure exclusion of interest on the Notes from gross income for federal income
414 tax purposes, and the officers identified above are authorized to take actions
415 with respect to those issues as they are authorized in this section to take with
416 respect to the Notes.

417
418 Section 11. The Clerk of Council is directed to deliver a certified copy of this
419 ordinance to the Fiscal Officer in Summit County.

420
421 Section 12. This Council determines that all acts and conditions necessary
422 to be done or performed by the City or to have been met precedent to and in the

423 issuing of the Notes in order to make them legal, valid and binding general
424 obligations of the City have been performed and have been met, or will at the
425 time of delivery of the Notes have been performed and have been met, in regular
426 and due form as required by law; that the full faith and credit and general
427 property taxing power (as described in Section 9) of the City are pledged for the
428 timely payment of the debt charges on the Notes; and that no statutory or
429 constitutional limitation of indebtedness or taxation will have been exceeded in
430 the issuance of the Notes.

431
432 Section 13. The Director of Law is authorized to engage the legal services of
433 the law firm of Squire Patton Boggs (US) LLP, which legal services are to be in
434 the nature of legal advice and recommendations as to the documents and the
435 proceedings, and rendering an approving legal opinion, in connection with the
436 issuance and sale of the Notes. In rendering those legal services, as an
437 independent contractor and in an attorney-client relationship, that Firm shall
438 not exercise any administrative discretion on behalf of this City in the
439 formulation of public policy, expenditure of public funds, enforcement of laws
440 rules and regulations of the State, any county, or cities or of this City, or the
441 execution of public trusts. For those legal services that Firm shall be paid fees
442 and reimbursed for actual out-of-pocket expenses (including, but not limited to,
443 travel, long-distance telephone, fax and duplicating expenses) incurred in
444 rendering those legal services. The Director of Finance is authorized and
445 directed to make appropriate certification as to the availability of funds for that
446 fee and any reimbursement and to issue an appropriate order for their payment
447 as they become payable.

448
449 Section 14. The Director of Finance is authorized to engage the services of
450 H. J. Umbaugh & Associates, Certified Public Accountants, LLP, as municipal
451 advisor. The municipal advisory services shall be in the nature of municipal
452 advice and recommendations in connection with the issuance and sale of the
453 Notes. In rendering those municipal advisory services, as an independent
454 contractor, that firm shall not exercise any administrative discretion on behalf
455 of the City in the formulation of public policy, expenditure of public funds,
456 enforcement of laws, rules and regulations of the State, the City or any other
457 political subdivision, or the execution of public trusts. That firm shall be paid
458 just and reasonable compensation for those municipal advisory services and
459 shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering
460 those municipal advisory services. The Director of Finance is authorized and
461 directed to make appropriate certification as to the availability of funds for
462 those fees and any reimbursement and to issue an appropriate order for their
463 timely payment as written statements are submitted by that firm.

464
465 Section 15. This Council finds and determines that all formal actions of this
466 Council and of any of its committees concerning and relating to the passage of
467 this ordinance were taken in an open meeting and that all deliberations of this
468 Council and of any of its committees that resulted in those formal actions were
469 held, in meetings open to the public, in compliance with Chapter 107 of the
470 City's Codified Ordinances.

471
472 Section 16. This ordinance is declared to be an emergency measure
473 necessary for the immediate preservation of the public peace, health and safety
474 of the City, and for the further reason that this ordinance is required to be
475 immediately effective in order to issue and sell the Notes, which is necessary to

476 enable the City to timely retire the Outstanding Notes and thereby preserve its
477 credit; wherefore, this ordinance shall be in full force and effect immediately
478 upon its passage and approval by the Mayor.
479

480 Passed: _____
481
482 _____
483 President of Council

484
485 _____
486 Clerk of Council

487 Approved: _____
488
489 _____
490 Mayor

490 9/28/15
491 O:\2015 ords\Ordinance - Natatorium - 2015.doc

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. -2015

7
8
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE
10 AND SALE OF NOTES IN THE PRINCIPAL AMOUNT
11 OF \$1,800,000, IN ANTICIPATION OF THE
12 ISSUANCE OF BONDS, FOR THE PURPOSE OF
13 PAYING THE COSTS OF CONSTRUCTING
14 WATERLINES IN GRAHAM ROAD, TOGETHER WITH
15 ALL APPURTENANCES THERETO, AND DECLARING
16 AN EMERGENCY.
17

18
19 WHEREAS, pursuant to Ordinance No. 86-2014 passed October 27, 2014,
20 notes in anticipation of bonds in the amount of \$1,050,000 dated December 3,
21 2014 (the "Outstanding Notes"), were issued for the purpose stated in Section 1,
22 as part of a consolidated issue pursuant to Section 133.30(B) of the Ohio
23 Revised Code in the principal amount of \$6,200,000, to mature on December 3,
24 2015; and
25

26 WHEREAS, this Council finds and determines that the City should retire the
27 Outstanding Notes with the proceeds of the Notes described in Section 3 and
28 provide an additional \$750,000 for the purpose described in Section 1; and
29

30 WHEREAS, the Director of Finance, as fiscal officer of this City, has certified
31 to this Council that the estimated life or period of usefulness of the
32 Improvement described in Section 1 is at least five years, the estimated
33 maximum maturity of the Bonds described in Section 1 is 40 years, the
34 maximum maturity of the Notes described in Section 3, to be issued in
35 anticipation of the Bonds, is (a) December 4, 2033 allocable to the \$725,000
36 portion of the Notes, (b) December 3, 2034 allocable to the \$325,000 portion of
37 the Notes and (c) twenty (20) years allocable to the \$750,000 portion of the
38 Notes;
39

40 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
41 Cuyahoga Falls, Summit County, Ohio, that:
42

43 Section 1. It is necessary to issue bonds of this City in the principal amount
44 of \$1,800,000 (the "Bonds") for the purpose of paying the costs of constructing
45 waterlines in Graham Road, together with all appurtenances thereto (the
46 "Improvement").
47

48 Section 2. The Bonds shall be dated approximately December 1, 2016, shall
49 bear interest at the now estimated rate of 5.5% per year, payable on June 1 and
50 December 1 of each year, commencing June 1, 2017, until the principal
51 amount is paid, and are estimated to mature in 20 annual principal
52 installments that are in such amounts that the total principal and interest
53 payments on the Bonds in any fiscal year in which principal is payable are not

54 more than three times the amount of those payments in any other fiscal year.
55 The first principal installment is estimated to be December 1, 2017.
56

57 Section 3. It is necessary to issue and this Council determines that notes in
58 the aggregate principal amount of \$1,800,000 (the "Notes") shall be issued in
59 anticipation of the issuance of the Bonds for the purpose stated in Section 1
60 and to retire the Outstanding Notes, to provide additional money for the
61 purpose stated in Section 1 and to pay any financing costs. The Notes shall
62 bear interest at a rate or rates not to exceed 6.0% per year (computed on the
63 basis of a 360-day year consisting of twelve 30-day months), payable at
64 maturity and until the principal amount is paid or payment is provided for. The
65 rate or rates of interest on the Notes shall be determined by the Director of
66 Finance in a final terms certificate awarding the Notes (the "Final Terms
67 Certificate") in accordance with Section 6 of this ordinance.
68

69 Section 4. The debt charges on the Notes shall be payable in Federal
70 Reserve funds of the United States of America, and shall be payable, without
71 deduction for services of the City's paying agent, at the designated corporate
72 trust office of The Huntington National Bank or at the office of a bank or trust
73 company designated by the Director of Finance in the Final Terms Certificate
74 after determining that the payment at that bank or trust company will not
75 endanger the funds or securities of the City and that proper procedures and
76 safeguards are available for that purpose or at the office of the Director of
77 Finance if agreed to by the Director of Finance and the Original Purchaser (the
78 "Paying Agent"). The Notes shall be dated the date of issuance and shall mature
79 not earlier than six months from that date and not later than 12 months from
80 that date, as shall likewise be fixed by the Director of Finance in the Final
81 Terms Certificate.
82

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

101 "Book entry form" or "book entry system" means a form or system under
102 which (a) the ownership of beneficial interests in the Notes and the principal of,
103 and interest on, the Notes may be transferred only through a book entry, and
104 (b) a single physical Note certificate in fully registered form is issued by the City
105 and payable only to a Depository or its nominee as registered owner, with the
106 certificate deposited with and "immobilized" in the custody of the Depository or

107 its designated agent for that purpose. The book entry maintained by others
108 than the City is the record that identifies the owners of beneficial interests in
109 the Notes and that principal and interest.
110

111 “Depository” means any securities depository that is a clearing agency
112 registered pursuant to the provisions of Section 17A of the Securities Exchange
113 Act of 1934, operating and maintaining, with its Participants or otherwise, a
114 book entry system to record ownership of beneficial interests in the Notes or the
115 principal of and interest on the Notes, and to effect transfers of the Notes, in
116 book entry form, and includes and means initially The Depository Trust
117 Company (a limited purpose trust company), New York, New York.
118

119 “Participant” means any participant contracting with a Depository under a
120 book entry system and includes security brokers and dealers, banks and trust
121 companies, and clearing corporations.
122

123 The Notes may be issued to a Depository for use in a book entry system and,
124 if and as long as a book entry system is utilized, (a) the Notes may be issued in
125 the form of a single Note made payable to the Depository or its nominee and
126 immobilized in the custody of the Depository or its agent for that purpose; (b)
127 the beneficial owners in book entry form shall have no right to receive the Notes
128 in the form of physical securities or certificates; (c) ownership of beneficial
129 interests in book entry form shall be shown by book entry on the system
130 maintained and operated by the Depository and its Participants, and transfers
131 of the ownership of beneficial interests shall be made only by book entry by the
132 Depository and its Participants; and (d) the Notes as such shall not be
133 transferable or exchangeable, except for transfer to another Depository or to
134 another nominee of a Depository, without further action by the City.
135

136 If any Depository determines not to continue to act as a Depository for the
137 Notes for use in a book entry system, the Director of Finance may attempt to
138 establish a securities depository/book entry relationship with another qualified
139 Depository. If the Director of Finance does not or is unable to do so, the
140 Director of Finance, after making provision for notification of the beneficial
141 owners by the then Depository and any other arrangements deemed necessary,
142 shall permit withdrawal of the Notes from the Depository, and shall cause the
143 Notes in bearer or payable form to be signed by the officers authorized to sign
144 the Notes and delivered to the assigns of the Depository or its nominee, all at
145 the cost and expense (including any costs of printing), if the event is not the
146 result of City action or inaction, of those persons requesting such issuance.
147

148 The Director of Finance is also hereby authorized and directed, to the extent
149 necessary or required, to enter into any agreements determined necessary in
150 connection with the book entry system for the Notes, after determining that the
151 signing thereof will not endanger the funds or securities of the City.
152

153 Section 6. The Notes shall be sold at not less than 97% of the par value
154 thereof at private sale to Stifel, Nicolaus & Company, Incorporated (the
155 “Original Purchaser”) by the Director of Finance in accordance with law and the
156 provisions of this ordinance, the Final Terms Certificate and the Note Purchase
157 Agreement (as hereinafter defined). The Director of Finance shall, in
158 accordance with his determination of the best interests of and financial
159 advantages to the City and its taxpayers and conditions then existing in the

160 financial market, consistently with the provisions of Sections 3 and 4, establish
161 the interest rates to be borne by the Notes and their maturity, sign the Final
162 Terms Certificate referred to in Sections 3 and 4 evidencing those
163 determinations, cause the Notes to be prepared, and have the Notes, signed and
164 delivered, together with a true transcript of proceedings with reference to the
165 issuance of the Notes, if requested by the Original Purchaser, to the Original
166 Purchaser upon payment of the purchase price. The note purchase agreement
167 (the "Note Purchase Agreement") now on file with the Clerk of Council is
168 approved, and the Mayor and the Director of Finance are authorized to sign and
169 deliver, on behalf of the City, the Note Purchase Agreement with such changes
170 that are not inconsistent with the provisions of this ordinance, are not
171 materially adverse to the interests of the City and are approved by the Mayor
172 and the Director of Finance. Any such changes to the Note Purchase
173 Agreement are not materially adverse to the interests of the City and are
174 approved by the Mayor and the Director of Finance shall be evidenced
175 conclusively by the signing of the Note Purchase Agreement by the Mayor and
176 the Director of Finance. The Mayor, the Director of Finance, the Director of
177 Law, the Clerk of Council and other City officials, as appropriate, are each
178 authorized and directed to sign any transcript certificates, financial statements,
179 continuing disclosure agreement and other documents and instruments,
180 including any paying agent agreement, and to take such actions as are
181 necessary and appropriate to consummate the transactions contemplated by
182 this ordinance. The Director of Finance is authorized, if it is determined to be
183 in the best interest of the City, to combine the issue of Notes with one or more
184 other note issues of the City into a consolidated note issue pursuant to
185 Section 133.30(B) of the Ohio Revised Code.
186

187 The Director of Finance is hereby authorized to offer all or part of the Notes
188 at par and any accrued interest to the Treasury Investment Board of the City for
189 investment under Section 731.56 of the Ohio Revised Code, in accordance with
190 law and the provisions of this ordinance if, as a result of the conditions then
191 existing in the financial markets, the Director of Finance determines it is in the
192 best financial interest of the City in lieu of the private sale authorized in the
193 preceding paragraph.
194

195 If the Mayor or the Director of Finance determines it to be in the best
196 interests of and financially advantageous to the City, either or both of those
197 officers are authorized, on behalf of the City, to apply for a rating on the Notes
198 from one or more nationally-recognized rating organizations.
199

200 If in the judgment of the Mayor or the Director of Finance a disclosure
201 document in the form of an official statement (including within such term, but
202 not limited to, an annual information statement) is appropriate or necessary
203 relating to the original issuance of the Notes, either or both of those officers, on
204 behalf of the City and in their official capacities, are authorized to (a) prepare or
205 cause to be prepared, and make or authorize modifications, completions or
206 changes of or supplements to, such an official statement, (b) determine, and to
207 certify or otherwise represent, when the official statement is to be "deemed
208 final" (except for permitted omissions) by the City as of its date or is a final
209 official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (c) use
210 and distribute, or authorize the use and distribution of those official statements
211 and any supplements thereto in connection with the original issuance of the
212 Notes, and (d) complete and sign those official statements as so approved

213 together with such certificates, statements or other documents in connection
214 with the finality, accuracy and completeness of those official statements.
215

216 As used in this section and this ordinance:
217

218 “Note proceedings” means, collectively, this ordinance and the other
219 proceedings of the City, including the Notes, that collectively provide for, among
220 other things, the rights of holders and beneficial owners of the Notes.
221

222 “Rule” means Rule 15c2-12 prescribed by the Securities and Exchange
223 Commission pursuant to the Securities Exchange Act of 1934.
224

225 “Specified Events” means the occurrence of any of the following events,
226 within the meaning of the Rule, with respect to the Notes as applicable:
227 principal and interest payment delinquencies; non-payment related defaults;
228 unscheduled draws on debt service reserves reflecting financial difficulties;
229 unscheduled draws on credit enhancements reflecting financial difficulties;
230 substitution of credit or liquidity providers, or their failure to perform; adverse
231 tax opinions or events affecting the tax-exempt status of the Notes;
232 modifications to rights of holders or beneficial owners of the Notes; Note calls;
233 defeasances; release, substitution or sale of property securing repayment of the
234 Notes; and rating changes. The City has not obtained or provided, and does not
235 expect to obtain or provide, any debt service reserves, credit enhancements or
236 credit or liquidity providers for the Notes, the Notes are not subject to call for
237 redemption prior to maturity, and repayment of the Notes is not secured by a
238 lien on any property capable of release or sale or for which other property may
239 be substituted.
240

241 If the City prepares and causes the distribution of an official statement for
242 the Notes, for the benefit of the holders and beneficial owners from time to time
243 of the Notes, the City agrees, as the only obligated person with respect to the
244 Notes under the Rule, to provide or cause to be provided such notices, in such
245 manner, as may be required for purposes of paragraph (b)(5)(i)(C) of the Rule,
246 including specifically notice to the Municipal Securities Rulemaking Board
247 (MSRB) through its Electronic Municipal Market Access (EMMA) system, in a
248 timely manner, of the occurrence of any Specified Event, if that event is
249 material. (The City’s agreement in this paragraph is herein referred to as the
250 Continuing Disclosure Agreement).
251

252 The Director of Finance is further authorized and directed to establish
253 procedures to ensure compliance by the City with the Continuing Disclosure
254 Agreement, including timely provision of notices as described above. Prior to
255 providing notice of the occurrence of any Specified Event or of any other events,
256 the Director of Finance shall consult with and obtain legal advice from, as
257 appropriate, the Director of Law and bond or other qualified independent
258 special counsel selected by the City. The Director of Finance, acting in the
259 name and on behalf of the City, shall be entitled to rely upon any such legal
260 advice in determining whether a notice should be provided.
261

262 The City reserves the right to amend the Continuing Disclosure Agreement,
263 and to obtain the waiver of noncompliance with any provision of that
264 Agreement, as may be necessary or appropriate to achieve its compliance with
265 any applicable federal securities law or rule, to cure any ambiguity,

266 inconsistency or formal defect or omission, and to address any change in
267 circumstances arising from a change in legal requirements, change in law, or
268 change in the identity, nature or status of the City, or type of business
269 conducted by the City. Any such amendment or waiver will not be effective
270 unless the Agreement (as amended or taking into account such waiver) would
271 have complied with the requirements of the Rule at the time of the primary
272 offering of the Notes, after taking into account any applicable amendments to or
273 official interpretations of the Rule, as well as any change in circumstances, and
274 until the City shall have received: either (a) a written opinion of bond or other
275 qualified independent special counsel selected by the City that the amendment
276 or waiver would not materially impair the interests of holders or beneficial
277 owners of the Notes or (b) the written consent to the amendment or waiver of
278 the holders of at least a majority of the principal amount of the Notes then
279 outstanding.

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

299
300 The performance by the City of the Continuing Disclosure Agreement shall
301 be subject to the annual appropriation of any funds that may be necessary to
302 perform it.

303
304 The Continuing Disclosure Agreement shall remain in effect only for such
305 period that the Notes are outstanding in accordance with their terms and the
306 City remains an obligated person with respect to the Notes within the meaning
307 of the Rule. The obligation of the City to provide the notices of the Specified
308 Events shall terminate, if and when the City no longer remains such an
309 obligated person.

310
311 Section 7. The proceeds from the sale of the Notes, except any premium and
312 accrued interest, shall be paid into the proper fund or funds and those proceeds
313 are appropriated and shall be used for the purpose for which the Notes are
314 being issued. The Final Terms Certificate may authorize the Original Purchaser
315 to withhold certain proceeds from the sale of the Notes to provide for the
316 payment of certain financing costs on behalf of the City. Any portion of those
317 proceeds received by the City (after payment of those financing costs)

318 representing premium or accrued interest shall be paid into the Bond
319 Retirement Fund.

320
321 Section 8. The par value to be received from the sale of the Bonds or of any
322 renewal notes and any excess funds resulting from the issuance of the Notes
323 shall, to the extent necessary, be used to pay the debt charges on the Notes at
324 maturity and are pledged for that purpose.

325
326 Section 9. During the year or years in which the Notes are outstanding,
327 there shall be levied on all the taxable property in the City, in addition to all
328 other taxes, the same tax that would have been levied if the Bonds had been
329 issued without the prior issuance of the Notes. The tax shall be within the
330 eleven-mill limitation provided by the Charter of the City, shall be and is
331 ordered computed, certified, levied and extended upon the tax duplicate and
332 collected by the same officers, in the same manner, and at the same time that
333 taxes for general purposes for each of those years are certified, levied, extended
334 and collected, and shall be placed before and in preference to all other items
335 and for the full amount thereof. The proceeds of the tax levy shall be placed in
336 the Bond Retirement Fund, which is irrevocably pledged for the payment of the
337 debt charges on the Notes or the Bonds when and as the same fall due.

338
339 In each year to the extent net revenues from the City's water system are
340 available for the payment of the debt charges on the Notes or the Bonds and are
341 appropriated for that purpose, the tax shall be reduced by the amount of money
342 so available and appropriated.

343
344 In each year to the extent receipts from the municipal income tax are
345 available for the payment of the debt charges on the Notes or the Bonds and are
346 appropriated for that purpose, and to the extent not paid from net revenues of
347 the City's water system, the amount of the tax shall be reduced by the amount
348 of such receipts so available and appropriated in compliance with the following
349 covenant. To the extent necessary, the debt charges on the Notes and the
350 Bonds shall be paid from municipal income taxes lawfully available therefor
351 under the Constitution and the laws of the State of Ohio; and the City hereby
352 covenants, subject and pursuant to such authority, including particularly
353 Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from
354 such municipal income taxes such amount as is necessary to meet such annual
355 debt charges.

356
357 Nothing in the two preceding paragraphs in any way diminishes the
358 irrevocable pledge of the full faith and credit and general property taxing power
359 of the City to the prompt payment of the debt charges on the Notes and the
360 Bonds.

361
362 Section 10. The City covenants that it will use, and will restrict the use and
363 investment of, the proceeds of the Notes in such manner and to such extent, as
364 may be necessary so that (a) the Notes will not (i) constitute private activity
365 bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the
366 Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other
367 than as bonds to which Section 103 of the Code applies, and (b) the interest on
368 the Notes will not be treated as an item of tax preference under Section 57 of
369 the Code.

370

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

383
384 The Director of Finance, as the fiscal officer, or any other officer of the City
385 having responsibility for issuance of the Notes is hereby authorized (a) to make
386 or effect any election, selection, designation, choice, consent, approval, or
387 waiver on behalf of the City with respect to the Notes as the City is permitted to
388 or required to make or give under the federal income tax laws, for the purpose
389 of assuring, enhancing or protecting favorable tax treatment or status of the
390 Notes or interest thereon or assisting compliance with requirements for that
391 purpose, reducing the burden or expense of such compliance, reducing the
392 rebate amount or payments or penalties, or making payments of special
393 amounts in lieu of making computations to determine, or paying, excess
394 earnings as rebate, or obviating those amounts or payments, as determined by
395 that officer, which action shall be in writing and signed by the officer, (b) to take
396 any and all other actions, make or obtain calculations, make payments, and
397 make or give reports, covenants and certifications of and on behalf of the City,
398 as may be appropriate to assure the exclusion of interest from gross income
399 and the intended tax status of the Notes, and (c) to give one or more appropriate
400 certificates of the City, for inclusion in the transcript of proceedings for the
401 Notes, setting forth the reasonable expectations of the City regarding the
402 amount and use of all the proceeds of the Notes, the facts, circumstances and
403 estimates on which they are based, and other facts and circumstances relevant
404 to the tax treatment of the interest on and the tax status of the Notes. The
405 Director of Finance or any other officer of the City having responsibility for
406 issuance of the Notes is specifically authorized to designate the Notes as
407 "qualified tax-exempt obligations" if such designation is applicable and
408 desirable, and to make any related necessary representations and covenants.

409
410 Each covenant made in this section with respect to the Notes is also made
411 with respect to all issues any portion of the debt service on which is paid from
412 proceeds of the Notes (and, if different, the original issue and any refunding
413 issues in a series of refundings), to the extent such compliance is necessary to
414 assure exclusion of interest on the Notes from gross income for federal income
415 tax purposes, and the officers identified above are authorized to take actions
416 with respect to those issues as they are authorized in this section to take with
417 respect to the Notes.

418
419 Section 11. The Clerk of Council is directed to deliver a certified copy of this
420 ordinance to the Fiscal Officer in Summit County.

421
422 Section 12. This Council determines that all acts and conditions necessary
423 to be done or performed by the City or to have been met precedent to and in the

424 issuing of the Notes in order to make them legal, valid and binding general
425 obligations of the City have been performed and have been met, or will at the
426 time of delivery of the Notes have been performed and have been met, in regular
427 and due form as required by law; that the full faith and credit and general
428 property taxing power (as described in Section 9) of the City are pledged for the
429 timely payment of the debt charges on the Notes; and that no statutory or
430 constitutional limitation of indebtedness or taxation will have been exceeded in
431 the issuance of the Notes.
432

433 Section 13. The Director of Law is authorized to engage the legal services of
434 the law firm of Squire Patton Boggs (US) LLP, which legal services are to be in
435 the nature of legal advice and recommendations as to the documents and the
436 proceedings, and rendering an approving legal opinion, in connection with the
437 issuance and sale of the Notes. In rendering those legal services, as an
438 independent contractor and in an attorney-client relationship, that Firm shall
439 not exercise any administrative discretion on behalf of this City in the
440 formulation of public policy, expenditure of public funds, enforcement of laws
441 rules and regulations of the State, any county, or cities or of this City, or the
442 execution of public trusts. For those legal services that Firm shall be paid fees
443 and reimbursed for actual out-of-pocket expenses (including, but not limited to,
444 travel, long-distance telephone, fax and duplicating expenses) incurred in
445 rendering those legal services. The Director of Finance is authorized and
446 directed to make appropriate certification as to the availability of funds for that
447 fee and any reimbursement and to issue an appropriate order for their payment
448 as they become payable.
449

450 Section 14. The Director of Finance is authorized to engage the services of
451 H. J. Umbaugh & Associates, Certified Public Accountants, LLP, as municipal
452 advisor. The municipal advisory services shall be in the nature of municipal
453 advice and recommendations in connection with the issuance and sale of the
454 Notes. In rendering those municipal advisory services, as an independent
455 contractor, that firm shall not exercise any administrative discretion on behalf
456 of the City in the formulation of public policy, expenditure of public funds,
457 enforcement of laws, rules and regulations of the State, the City or any other
458 political subdivision, or the execution of public trusts. That firm shall be paid
459 just and reasonable compensation for those municipal advisory services and
460 shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering
461 those municipal advisory services. The Director of Finance is authorized and
462 directed to make appropriate certification as to the availability of funds for
463 those fees and any reimbursement and to issue an appropriate order for their
464 timely payment as written statements are submitted by that firm.
465

466 Section 15. This Council finds and determines that all formal actions of this
467 Council and of any of its committees concerning and relating to the passage of
468 this ordinance were taken in an open meeting and that all deliberations of this
469 Council and of any of its committees that resulted in those formal actions were
470 held, in meetings open to the public, in compliance with Chapter 107 of the
471 City's Codified Ordinances.
472

473 Section 16. This ordinance is declared to be an emergency measure
474 necessary for the immediate preservation of the public peace, health and safety
475 of the City, and for the further reason that this ordinance is required to be
476 immediately effective in order to issue and sell the Notes, which is necessary to

477 enable the City to timely retire the Outstanding Notes and thereby preserve its
478 credit and to provide an adequate supply and availability of potable water and
479 water for fire protection and to timely meet its obligations under construction
480 contracts; wherefore, this ordinance shall be in full force and effect immediately
481 upon its passage and approval by the Mayor.
482

483
484 Passed: _____
485 _____
486 President of Council

487
488 _____
489 Clerk of Council

490 Approved: _____
491 _____
492 Mayor

493 9/28/15
494 O:\2015 ords\Ordinance - Waterlines - 2015.doc

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. -2015

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO EXECUTE A MODIFICATION OF
9 CONTRACT NO. 7157 WITH PERRIN ASPHALT COMPANY
10 FOR THE ANNUAL RESURFACING AND/OR REPAIR OF
11 VARIOUS STREETS, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, under the authority of Ordinance 22-2015 the City, after competitive bidding, entered into
14 contract No. 7157 with Perrin Asphalt Company, for the annual resurfacing and/or repair of various streets;
15 and

16
17 WHEREAS, it is necessary to make additional repairs to various streets;

18
19 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit
20 and State of Ohio, that:

21
22 Section 1. The Director of Public Service is hereby authorized to execute a modification of Contract No.
23 7157 with Perrin Asphalt Company authorizing repairs to various streets in an amount not to exceed
24 \$430,000.

25
26 Section 2. The Director of Finance is hereby authorized and directed to make payment for same in an
27 amount not to exceed \$430,000 from the Capital Projects Fund, line item Capital Outlay.

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

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

38
39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation
40 of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants
41 thereof, and provided it receives the affirmative vote of two-thirds of the members elected or appointed to
42 Council, it shall take effect and be in force at the earliest period allowed by law.

43
44
45 Passed: _____

President of Council

46
47
48
49
50 _____
Clerk of Council

51
52
53 Approved: _____

Mayor

54
55 9/28/15

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2015

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT
9 AND/OR CONTRACTS WITHOUT COMPETITIVE
10 BIDDING WITH KENMORE CONSTRUCTION CO., INC.
11 FOR EMERGENCY SERVICE TO REPAIR AND
12 STABILIZE THE SLOPE FAILURE AND STORM SEWER
13 AT YELLOW CREEK ROAD, AND DECLARING AN
14 EMERGENCY.

15
16 WHEREAS, in August 2015, the City became aware that the slope on Yellow
17 Creek Road directly inside the Corporation line had failed; and

18
19 WHEREAS, Ohio Revised Code §735.051 authorizes this Council to waive
20 formal competitive bidding and advertising for contracts where there is a real and
21 present emergency arising in connection with the operation and maintenance of a
22 municipally-owned utility; and

23
24 WHEREAS, there existed a real and present emergency that Yellow Creek Road
25 was in danger of falling in and about 20 feet of the storm sewer in this location was
26 exposed with no dirt left for support; and

27
28 WHEREAS, due to the dangerous slope failure, the normal competitive bidding
29 process for the slope repair contract could not be accomplished without
30 unreasonable delay risk to public safety,

31
32 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
33 Falls, County of Summit and State of Ohio, that:

34
35 Section 1. The Director of Public Service is hereby authorized to enter into a
36 contract and/or contracts, without competitive bidding with Kenmore Construction
37 Co., Inc. for emergency stabilization and repair to the slope and storm sewer on
38 Yellow Creek Road.

39
40 Section 2. The Director of Finance is authorized to make payment for same from
41 the Capital Projects Fund, line item Capital Outlay.

42
43 Section 3. Any other ordinances or resolutions or portions of ordinances and
44 resolutions inconsistent herewith are hereby repealed, but any ordinances and
45 resolutions not inconsistent herewith and which have not previously been repealed
46 are hereby ratified and confirmed.

47
48 Section 4. It is found and determined that all formal actions of this Council
49 concerning and relating to the adoption of this ordinance were adopted in an open

50 meeting of this Council, and that all deliberations of this Council and of any of its
51 committees that resulted in such formal action, were in meetings open to the
52 public, in compliance with all legal requirements, to the extent applicable,
53 including Chapter 107 of the Codified Ordinances.

54
55 Section 5. This ordinance is hereby declared to be an emergency measure
56 necessary for the preservation of the public peace, health, safety, convenience and
57 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
58 that it is immediately necessary to permit timely and appropriate development of
59 this property, and provided it receives the affirmative vote of two thirds of the
60 members elected or appointed to Council, it shall take effect and be in force
61 immediately upon its passage and approval by the Mayor; otherwise it shall take
62 effect and be in force at the earliest period allowed by law.

63
64

65 Passed: _____
66 _____
67 President of Council

68
69 _____
70 Clerk of Council

71 Approved: _____
72 _____
73 Mayor

74

75 9/28/15
76 O:\2015 ords\Emergency Yellow Creek Rd Slope.doc

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2015

6
7 AN ORDINANCE APPROPRIATING FUNDS FOR THE
8 REPAYMENT OF MONIES TO THE U.S. DEPARTMENT
9 OF HOUSING AND URBAN DEVELOPMENT FOR
10 ECONOMIC DEVELOPMENT LOAN ACTIVITIES
11 DEEMED TO BE INELGIBLE, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, the City of Cuyahoga Falls receives an annual allocation of
15 Community Development Block Grant (CDBG) funds to be used in accordance with
16 Title 24 of the Code of Federal Regulations, Part 570; and

17
18 WHEREAS, in 2012 USO Realty and BEI Industries received CDBG funds in the
19 form of economic development loans in the amount of \$80,000 each for the
20 purpose of creating jobs to be made available to low-to-moderate income people;
21 and

22
23 WHEREAS, the loan repayment terms are still being met; and

24
25 WHEREAS, the U.S. Department of Housing and Urban Development performed
26 an audit and found a significant lack of required documentation for these loans
27 and the activities were subsequently deemed ineligible.

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

31
32 Section 1. The City of Cuyahoga Falls is required to repay funds to the U.S.
33 Department of Housing and Urban Development for ineligible activities.

34
35 Section 2. The Director of Finance is hereby authorized to increase
36 appropriations in the General Fund, Community Development, line item Other
37 Operations by \$160,000 and to make payment for the same from the General
38 Fund, Community Development, line item Other Operations. The Director of
39 Finance is hereby authorized to increase appropriations in the Community
40 Development Block Grant, line item Other Operations by \$160,000 and to make
41 payment for the same from the Community Development Block Grant, line item
42 Capital Projects.

43
44 Section 3. Any other ordinances or resolutions or portions of ordinances and
45 resolutions inconsistent herewith are hereby repealed, but any ordinances and
46 resolutions not inconsistent herewith and which have not previously been repealed
47 are hereby ratified and confirmed.

