

NEW LEGISLATION

September 12, 2016

| Temp. No. | Introduced | Committee | Description |
|------------------|-------------------|------------------|--|
| A-63 | 9/12/16 | PZ | An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for the construction of a new 9,975 square foot office building at 242 West Portage Trail extension on Parcel 35-05608, and declaring an emergency. |
| A-64 | 9/12/16 | PZ | An ordinance accepting the Planning Commission approval, findings and conditions of the Portage Crossing LLC/Stark Enterprise site plan for the construction of a new 9,428 square foot retail building at 2929 State Road on Parcel 02-20631, and declaring an emergency. |
| A-65 | 9/12/16 | PZ | An ordinance accepting the planning commission approval, findings and conditions of the Woodridge School District site plan for the construction of a new elementary school and high school gymnasium on Parcel 35-06504, Parcel 35-00803, Parcel 35-00804, Parcel 35-00805 and Parcel 35-00127, and declaring an emergency. |
| A-66 | 9/12/16 | Fin | An ordinance authorizing the Director of Public Service to execute a modification of Contract No. 7267 with Rotary Lift for the purchase of one R70C rotary lift including installation, and declaring an emergency. |
| A-67 | 9/12/16 | Fin | An ordinance authorizing the Director of Finance to enter into a contract and/or contracts without competitive bidding with the Auditor of State of Ohio for statutory auditing services, and declaring an emergency. |

Please Recycle Waste Paper

| | | | |
|------|---------|-----|---|
| A-68 | 9/12/16 | Fin | An ordinance providing for the issuance and sale of Bonds in the maximum aggregate principal amount of \$8,000,000 for the purpose of paying the costs of refunding Bonds previously issued, in part, by the City for the purpose of (I) refunding at a lower interest cost certain of the City's outstanding various purpose improvement Bonds, series 1998, which were issued to pay costs of improving the recreational facilities in the City by constructing the Water Works Family Aquatic Center, improving the municipal waterworks system in the high pressure water district, and constructing sanitary sewer lines, and (II) paying costs of constructing a community recreation center and acquiring real estate and interests in real estate therefor, and declaring an emergency. |
| A-69 | 9/12/16 | Fin | An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the construction work needed to replace Substation #5, and declaring an emergency. |
| A-70 | 9/12/16 | PA | An ordinance authorizing the Parks and Recreation Board and/or the Mayor to enter into an Ohio Department of Natural Resources (ODNR) Grant agreement for \$99,000.00 and authorizing the appropriation and payment of the grant funds and matching funds for a future trailhead for the Mud Brook-Mill Pond Greenway, and declaring an emergency. |
| A-71 | 9/12/16 | PA | An ordinance authorizing the Parks and Recreation Board to apply for and accept a grant from the Department of Natural Resources, and declaring an emergency. |
| A-72 | 9/12/16 | PA | An ordinance amending Chapter 164, Municipal Income Tax, to comply with state law, and declaring an emergency. |

| | | | |
|------|---------|----|--|
| A-73 | 9/12/16 | PI | An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, for repair of the Aquatic Center roof, and declaring an emergency. |
| A-74 | 9/12/16 | PI | An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for improvements to the Broad Boulevard exit ramp storm sewer outfall, and declaring an emergency. |
| A-75 | 9/12/16 | CD | An ordinance authorizing the Director of Community Development to enter into a contract, without competitive bidding, with Neighborhood Development Services for costs associated with the Comprehensive Housing Rehabilitation Program, and declaring an emergency. |

CALENDAR

September 12, 2016

The following legislation will be up for passage at the Council Meeting on September 12, 2016.

| Temp. No. | Introduced | Committee | Description |
|------------------|-------------------|------------------|---|
| A-56* (Sub) | 7/11/16 | PZ | An ordinance approving regulatory text amendments for Section 1133.04(A)(6) Beekeeping and Section 1114.03(I)(3)(c) Beekeeping in the Cuyahoga Falls General Development Code, and declaring an emergency. |
| A-61 | 7/25/16 | PA | An ordinance amending Section 107.07 of the Codified Ordinances, Meetings Open to the Public, and declaring an emergency. |
| A-62 (Sub) | 7/25/16 | CD | A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning Enterprise Zone and Community Reinvestment Area Tax Exemption Agreements within the City of Cuyahoga Falls, and declaring an emergency. |

*Public Hearing 9/6/16

PENDING LEGISLATION

September 12, 2016

| Temp. No. | Introduced | Committee | Description |
|------------------|-------------------|------------------|---|
| A-56* (Sub) | 7/11/16 | PZ | An ordinance approving regulatory text amendments for Section 1133.04(A)(6) Beekeeping and Section 1114.03(I)(3)(c) Beekeeping in the Cuyahoga Falls General Development Code, and declaring an emergency. |
| A-61 | 7/25/16 | PA | An ordinance amending Section 107.07 of the Codified Ordinances, Meetings Open to the Public, and declaring an emergency. |
| A-62 (Sub) | 7/25/16 | CD | A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning Enterprise Zone and Community Reinvestment Area Tax Exemption Agreements within the City of Cuyahoga Falls, and declaring an emergency. |

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2016

8
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
10 APPROVAL, FINDINGS AND CONDITIONS OF THE SITE PLAN
11 FOR THE CONSTRUCTION OF A NEW 9,975 SQUARE FOOT
12 OFFICE BUILDING AT 242 WEST PORTAGE TRAIL EXTENSION
13 ON PARCEL 35-05608, AND DECLARING AN EMERGENCY.

14
15 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by
16 the Planning Commission be submitted to Council; and

17
18 WHEREAS, on September 7, 2016 the Planning Commission recommended approval of
19 the site plan for the construction of a 9,975 square foot office building at 242 West Portage
20 Trail Extension on Parcel 35-05608 for Portage Bluff LLC; and

21
22 WHEREAS, such approval is given subject to conditions subsequent to be satisfied; and

23
24 WHEREAS, such approval is necessary to determine that the site plan is satisfactory,
25 serves the public interest, and is acceptable for recording.

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

29
30 Section 1. The City Council approves the site plan for the construction of a 9,975
31 square foot office building at 242 West Portage Trail Extension on Parcel 35-05608 for
32 Portage Bluff LLC in accordance with Cuyahoga Falls General Development Code
33 regulations as stipulated in the Codified Ordinances of the City of Cuyahoga Falls and as
34 approved by the Planning Commission as per the plans and final stipulations contained in
35 Project File MSP-16-00031.

36
37 Section 2. Any other ordinances or resolutions or portions of ordinances and
38 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
39 not inconsistent herewith and which have not previously been repealed are hereby ratified
40 and confirmed.

41
42 Section 3. It is found and determined that all formal actions of this Council concerning
43 and relating to the adoption of this ordinance were adopted in an open meeting of this
44 Council, and that all deliberations of this Council and of any of its committees that resulted
45 in such formal action, were in meetings open to the public, in compliance with all legal
46 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

47
48 Section 4. This ordinance is hereby declared to be an emergency measure necessary
49 for the preservation of the public peace, health, safety, convenience and welfare of the City
50 of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately
51 necessary to permit timely and appropriate development of this property, and provided it
52 receives the affirmative vote of two thirds of the members elected or appointed to Council, it

53 shall take effect and be in force immediately upon its passage and approval by the Mayor;
54 otherwise it shall take effect and be in force at the earliest period allowed by law.

55
56

57 Passed: _____

President of Council

59
60

61 _____

Clerk of Council

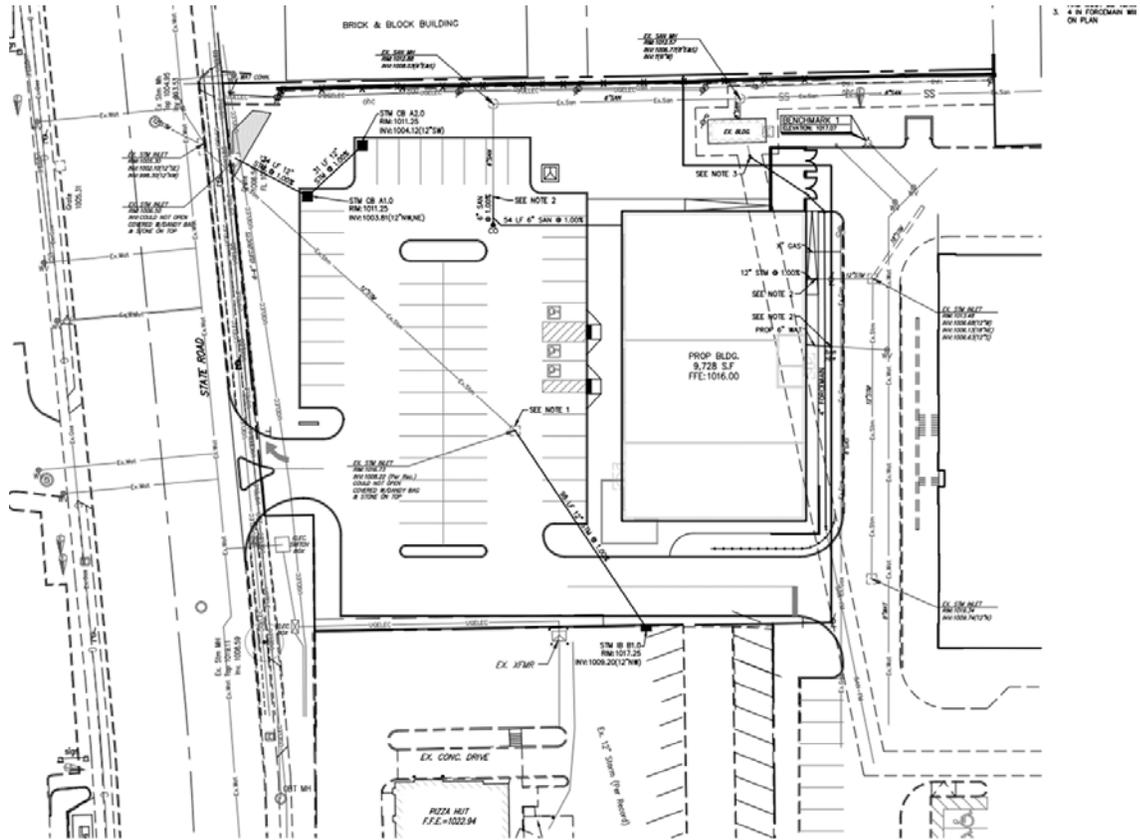
62
63

64 Approved: _____

Mayor

65
66

67 9/12/16
68 O:\2016ords\MSP-16-00031 242 W Portage Trail Ext Site Plan.doc



PORTAGE TRAIL OFFICE,
510 WEST PORTAGE TRAIL EXT.
CUMMINGS FALLS, OHIO
PERSPECTIVE VIEW FROM PARKING
AUGUST 18, 2016



4
5 CITY OF CUYAHOGA FALLS, OHIO
6
7 ORDINANCE NO. - 2016
8

9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
10 APPROVAL, FINDINGS AND CONDITIONS OF THE PORTAGE
11 CROSSING LLC/STARK ENTERPRISE SITE PLAN FOR THE
12 CONSTRUCTION OF A NEW 9,428 SQUARE FOOT RETAIL
13 BUILDING AT 2929 STATE ROAD ON PARCEL 02-20631, AND
14 DECLARING AN EMERGENCY.
15

16 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by
17 the Planning Commission be submitted to Council; and
18

19 WHEREAS, on September 7, 2016 the Planning Commission recommended approval of
20 the site plan for the construction of a 9,428 square foot free-standing retail building at 2929
21 State Road on Parcel 02-20631 for Portage Crossing LLC/Stark Enterprise; and
22

23 WHEREAS, such approval is given subject to conditions subsequent to be satisfied; and
24

25 WHEREAS, such approval is necessary to determine that the site plan is satisfactory,
26 serves the public interest, and is acceptable for recording.
27

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

31 Section 1. The City Council approves the site plan for 9,428 square foot free-standing
32 retail building at 2929 State Road (parcel 02-20631) for Portage Crossing LLC/Stark
33 Enterprise in accordance with Cuyahoga Falls General Development Code regulations as
34 stipulated in the Codified Ordinances of the City of Cuyahoga Falls and as approved by the
35 Planning Commission as per the plans and final stipulations contained in Project File MSP-
36 16-00029.
37

38 Section 2. Any other ordinances or resolutions or portions of ordinances and
39 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
40 not inconsistent herewith and which have not previously been repealed are hereby ratified
41 and confirmed.
42

43 Section 3. It is found and determined that all formal actions of this Council concerning
44 and relating to the adoption of this ordinance were adopted in an open meeting of this
45 Council, and that all deliberations of this Council and of any of its committees that resulted
46 in such formal action, were in meetings open to the public, in compliance with all legal
47 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.
48

49 Section 4. This ordinance is hereby declared to be an emergency measure necessary
50 for the preservation of the public peace, health, safety, convenience and welfare of the City
51 of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately
52 necessary to permit timely and appropriate development of this property, and provided it
53 receives the affirmative vote of two thirds of the members elected or appointed to Council, it

54 shall take effect and be in force immediately upon its passage and approval by the Mayor;
55 otherwise it shall take effect and be in force at the earliest period allowed by law.

56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

9/12/16

O:\2016ords\MSP-16-00029 2929 State Rd -Stark Enterprise Site Plan.doc



A-6 SCALE: 1/8" = 1'-0"



4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2016

8
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
10 APPROVAL, FINDINGS AND CONDITIONS OF THE
11 WOODRIDGE SCHOOL DISTRICT SITE PLAN FOR THE
12 CONSTRUCTION OF A NEW ELEMENTARY SCHOOL AND
13 HIGH SCHOOL GYMNASIUM ON PARCEL 35-06504, PARCEL
14 35-00803, PARCEL 35-00804, PARCEL 35-00805 AND PARCEL
15 35-00127, AND DECLARING AN EMERGENCY.

16
17 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by
18 the Planning Commission be submitted to Council; and

19
20 WHEREAS, on September 7, 2016 the Planning Commission recommended approval of
21 the site plan for the construction of a 84,047 square foot elementary school at 4321 Quick
22 Road (parcel 35-06504, parcel 35-00803, parcel 35-00804, and parcel 35-00805) and a
23 19,000 square foot high school gymnasium addition at 4040 Quick Road (parcel 35-0127);
24 and

25
26 WHEREAS, such approval is given subject to conditions subsequent to be satisfied; and

27
28 WHEREAS, such approval is necessary to determine that the site plan is satisfactory,
29 serves the public interest, and is acceptable for recording.

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

33
34 Section 1. The City Council approves the site plan for the 84,047 square foot
35 elementary school at 4321 Quick Road (parcel 35-06504, parcel 35-00803, parcel 35-
36 00804, and parcel 35-00805) and 19,000 square foot high school gymnasium at 4040
37 Quick Road (parcel 35-0127) in Cuyahoga Falls, Ohio, in accordance with Cuyahoga Falls
38 General Development Code regulations as stipulated in the Codified Ordinances of the City
39 of Cuyahoga Falls and as approved by the Planning Commission as per the plans and final
40 stipulations contained in Project File MSP-16-00030.

41
42 Section 2. Any other ordinances or resolutions or portions of ordinances and
43 resolutions inconsistent herewith hereby repealed, but any ordinances and resolutions not
44 inconsistent herewith and which have not previously been repealed are hereby ratified and
45 confirmed.

46
47 Section 3. It is found and determined that all formal actions of this Council concerning
48 and relating to the adoption of this ordinance were adopted in an open meeting of this
49 Council, and that all deliberations of this Council and of any of its committees that resulted
50 in such formal action, were in meetings open to the public, in compliance with all legal
51 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.
52

53 Section 4. This ordinance is hereby declared to be an emergency measure necessary
54 for the preservation of the public peace, health, safety, convenience and welfare of the City
55 of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately
56 necessary to permit timely and appropriate development of this property, and provided it
57 receives the affirmative vote of two thirds of the members elected or appointed to Council, it
58 shall take effect and be in force immediately upon its passage and approval by the Mayor;
59 otherwise it shall take effect and be in force at the earliest period allowed by law.

60
61

62 Passed: _____
63 _____
64 President of Council

65 _____
66 Clerk of Council

67
68 Approved: _____
69 _____
70 Mayor

71 9/12/16
72 O:\2016ords\MSP-16-00030 Woodridge Campus Site Plan.doc
73

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. -2016

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO EXECUTE A MODIFICATION OF CONTRACT NO.
9 7267 WITH ROTARY LIFT FOR THE PURCHASE OF ONE R70C
10 ROTARY LIFT INCLUDING INSTALLATION, AND DECLARING AN
11 EMERGENCY.

12
13 WHEREAS, under the authority of Ordinance 11-2016 the City, through the NJPA bid, entered
14 into contract No. 7267 with Rotary Lift, for the purchase of one R70C rotary lift including installation;
15 and

16
17 WHEREAS, additional work was necessary to make repairs to the front pit wall, including
18 relocation of a PVC line in the rear pit and the removal of a large rock at the bottom of the rear pit.

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

22
23 Section 1. The Director of Public Service is hereby authorized to execute a modification of
24 Contract No. 7267 with Rotary Lift for additional work that was necessary to make repairs to the front
25 pit wall, relocation of a PVC line in the rear pit, and the removal of a large rock at the bottom of the
26 rear pit in an amount not to exceed \$8,781.25.

27
28 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
29 in an amount not to exceed \$8,781.25 from the Capital Projects Fund, line item Capital Outlay.

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

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

41
42 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
43 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls
44 and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members
45 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and
46 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by
47 law.

48
49 Passed: _____

President of Council

50
51
52
53
54 _____
Clerk of Council

55
56
57 Approved: _____

Mayor

58
59 9/12/16

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2015

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO
8 ENTER INTO A CONTRACT AND/OR CONTRACTS WITHOUT
9 COMPETITIVE BIDDING WITH THE AUDITOR OF STATE OF OHIO
10 FOR STATUTORY AUDITING SERVICES, AND DECLARING AN
11 EMERGENCY.

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

16
17 Section 1. The Director of Finance is hereby authorized to enter into a contract or contracts,
18 according to law with The Auditor of State of Ohio for statutory auditing services.

19
20 Section 2. The Director of Finance is hereby authorized and directed to increase appropriations in
21 the General Fund, Finance Director Department, line item Other Operations in the amount of \$7,995
22 and make payment for same.

23
24 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
25 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
26 herewith and which have not previously been repealed are hereby ratified and confirmed.

27
28 Section 4. It is found and determined that all formal actions of this Council concerning and relating
29 to the adoption of this ordinance were adopted in an open meeting of this Council, and that all
30 deliberations of this Council and of any of its committees that resulted in such formal action, were in
31 meetings open to the public, in compliance with all legal requirements, to the extent applicable,
32 including Chapter 107 of the Codified Ordinances.

33
34 Section 5. 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 Falls
36 and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members
37 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and
38 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by
39 law.

40
41
42 Passed: _____

President of Council

Clerk of Council

43
44
45
46
47
48 Approved: _____

Mayor

49
50
51 9/1/16

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. -2016

7
8
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
10 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
11 \$8,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF
12 REFUNDING BONDS PREVIOUSLY ISSUED, IN PART, BY THE
13 CITY FOR THE PURPOSE OF (I) REFUNDING AT A LOWER
14 INTEREST COST CERTAIN OF THE CITY’S OUTSTANDING
15 VARIOUS PURPOSE IMPROVEMENT BONDS, SERIES 1998,
16 WHICH WERE ISSUED TO PAY COSTS OF IMPROVING THE
17 RECREATIONAL FACILITIES IN THE CITY BY CONSTRUCTING
18 THE WATER WORKS FAMILY AQUATIC CENTER, IMPROVING
19 THE MUNICIPAL WATERWORKS SYSTEM IN THE HIGH
20 PRESSURE WATER DISTRICT, AND CONSTRUCTING SANITARY
21 SEWER LINES, AND (II) PAYING COSTS OF CONSTRUCTING A
22 COMMUNITY RECREATION CENTER AND ACQUIRING REAL
23 ESTATE AND INTERESTS IN REAL ESTATE THEREFOR, AND
24 DECLARING AN EMERGENCY.

25
26 WHEREAS, pursuant to Ordinances No. 70-09, No. 71-09 and No. 72-09, each passed
27 September 14, 2009 (collectively, the “2009 Bond Ordinance”), bonds in the aggregate principal
28 amount of \$17,205,000, dated October 14, 2009 (the “2009 Bonds”), were issued for the
29 purpose described in Section 2; and

30
31 WHEREAS, this Council finds and determines that it will be in the City’s best interest to
32 issue general obligation bonds in accordance with Chapter 133 of the Ohio Revised Code in the
33 maximum aggregate principal amount of \$8,000,000 (the “Bonds”) in order to refund at a lower
34 rate of interest all or a portion of the outstanding 2009 Bonds (the “Outstanding 2009 Bonds”),
35 which Outstanding 2009 Bonds maturing on and after December 1, 2018 are subject to prior
36 redemption at the option of the City on any date on or after December 1, 2017 at a redemption
37 price of 100% of par plus any accrued interest to their redemption date, and to pay any
38 expenses relating to that refunding and the issuance of the Bonds; and

39
40 WHEREAS, this Council has requested that the Director of Finance, as fiscal officer of
41 the City, certify the estimated life or period of usefulness of each component of the
42 Improvement described in Section 2 and the maximum maturity of the Bonds described in
43 Section 2; and

44
45 WHEREAS, the Director of Finance has certified to this Council that the estimated life
46 or period of usefulness of each component of the Improvement is at least five (5) years and that
47 the (a) weighted maximum maturity of the Bonds allocable to the component purpose described
48 in clause (i) of Section 2 is at least December 1, 2018 and (b) maximum maturity of the Bonds
49 allocable to the component purpose described in clause (ii) of Section 2 is December 1, 2037;

50
51 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
52 Summit County, Ohio, that:
53

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

57
58 “Authorized Denominations” means the denomination of \$5,000 or any integral multiple
59 in excess thereof.

60
61 “Bond Proceedings” means, collectively, this Ordinance, the Certificate of Award, the
62 Continuing Disclosure Agreement, the Escrow Agreement, the Purchase Agreement, the
63 Registrar Agreement and such other proceedings of the City, including the Bonds, that provide
64 collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

65
66 “Bond Register” means all books and records necessary for the registration, exchange
67 and transfer of Bonds as provided in Section 5.

68
69 “Bond Registrar” means a bank or trust company authorized to do business in the State
70 of Ohio and designated by the Director of Finance in the Certificate of Award pursuant to
71 Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent
72 for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have
73 become such pursuant to the provisions of the Registrar Agreement and, thereafter, “Bond
74 Registrar” shall mean the successor Bond Registrar.

75
76 “Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is
77 designated as such in the Certificate of Award.

78
79 “Book entry form” or “book entry system” means a form or system under which (a) the
80 ownership of beneficial interests in the Bonds and the principal of and interest and any
81 premium on the Bonds may be transferred only through a book entry, and (b) physical Bond
82 certificates in fully registered form are issued by the City and payable only to a Depository or
83 its nominee as registered owner, with the certificates deposited with and “immobilized” in the
84 custody of the Depository or its designated agent for that purpose. The book entry maintained
85 by others than the City is the record that identifies the owners of beneficial interests in the
86 Bonds and that principal and interest.

87
88 “Certificate of Award” means the certificate authorized by Section 6, to be executed by
89 the Director of Finance, setting forth and determining those terms or other matters pertaining
90 to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to
91 be set forth or determined therein.

92
93 “Closing Date” means the date of physical delivery of, and payment of the purchase
94 price for, the Bonds.

95
96 “Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary
97 or final) under that Code or the statutory predecessor of that Code, and any amendments of, or
98 successor provisions to, the foregoing and any official rulings, announcements, notices,
99 procedures and judicial determinations regarding any of the foregoing, all as and to the extent
100 applicable. Unless otherwise indicated, reference to a Section of the Code includes any
101 applicable successor section or provision and such applicable Regulations, rulings,
102 announcements, notices, procedures and determinations pertinent to that Section.

103
104 “Continuing Disclosure Agreement” means the Continuing Disclosure Agreement which
105 shall constitute the continuing disclosure agreement made by the City for the benefit of the
106 holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified
107 from the form on file with the Clerk of Council and executed by the Mayor and the Director of
108 Finance, all in accordance with Section 9(c).

109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162

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

“Escrow Agreement” means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor and the Director of Finance, all in accordance with Section 10.

“Escrow Fund” means the City of Cuyahoga Falls, Ohio – Series 2016 Refunding Escrow Fund created pursuant to Section 10 and in accordance with the Escrow Agreement.

“Escrow Trustee” means a bank or trust company authorized to do business in the State of Ohio and designated by the Director of Finance in the Certificate of Award pursuant to Section 10 as the initial escrow trustee for the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, “Escrow Trustee” shall mean the successor Escrow Trustee.

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

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

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

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

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

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

“Principal Payment Dates” means December 1 in each of the years as determined by the Director of Finance in the Certificate of Award, provided that the first Principal Payment Date for the portion of the Bonds allocable to a component Purpose shall occur no later than the earliest maturity date of the Refunded Bonds related to that component Purpose, and provided further that in no case shall the final Principal Payment Date of the portion of the Bonds allocable to any component Purpose exceed the maximum maturity limitation referred to in the preambles hereto for that related component Purpose, all of which determinations shall be made by the Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

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

163 “Redemption Date” means the date designated by the Director of Finance in the
164 Certificate of Award as the earliest practicable date on which the Refunded Bonds shall be
165 redeemed in accordance with Section 10.
166

167 “Refunded Bonds” means, collectively, such portion of the principal maturities of the
168 Outstanding 2009 Bonds to be determined by the Director of Finance in the Certificate of
169 Award as the maturities the refunding of which will be in the best interest of and to the
170 financial advantage of the City.
171

172 “Registrar Agreement” means the Bond Registrar Agreement between the City and the
173 Bond Registrar, as it may be modified from the form on file with the Clerk of Council and
174 executed by the Mayor and the Director of Finance, all in accordance with Section 4.
175

176 “Regulations” means Treasury Regulations issued pursuant to the Code or to the
177 statutory predecessor of the Code.
178

179 “Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange
180 Act of 1934.
181

182 “SEC” means the Securities and Exchange Commission.
183

184 “Serial Bonds” means those Bonds designated as such and maturing on the dates set
185 forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and
186 not subject to mandatory sinking fund redemption.
187

188 “Term Bonds” means those Bonds designated as such and maturing on the date or
189 dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment
190 Date and subject to mandatory sinking fund redemption.
191

192 The captions and headings in this Ordinance are solely for convenience of reference and
193 in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs,
194 subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance
195 unless otherwise indicated.
196

197 Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This
198 Council determines that it is necessary and in the best interest of the City to issue bonds of the
199 City in the maximum aggregate principal amount of \$8,000,000 (the “Bonds”) for the purpose
200 of paying the costs of refunding bonds previously issued, in part, by the City for the purpose of
201 (i) refunding at a lower interest cost certain of the City’s outstanding Various Purpose
202 Improvement Bonds, Series 1998, which were issued to pay costs of improving the recreational
203 facilities in the City by constructing the water works family aquatic center, improving the
204 municipal waterworks system in the high pressure water district, and constructing sanitary
205 sewer lines, and (ii) paying costs of constructing a community recreation center and acquiring
206 real estate and interests in real estate therefor (collectively, the “Improvement”). The Bonds
207 shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this
208 Ordinance and the Certificate of Award.
209

210 The aggregate principal amount of Bonds to be issued shall not exceed the maximum
211 aggregate principal amount specified in this Section 2 and shall be in an amount determined
212 by the Director of Finance in the Certificate of Award to be the aggregate principal amount of
213 Bonds that is required to be issued at this time for the purpose stated in this Section 2, taking
214 into account the costs of refunding the Refunded Bonds, the estimates of the Financing Costs
215 and the interest rates on the Bonds. The Refunded Bonds shall be determined by the Director
216 of Finance in the Certificate of Award as the maturities of the Outstanding 2009 Bonds, the
217 refunding of which will be in the best interest of and to the financial advantage of the City.

218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal advisor, paying agent, escrow trustee, verification consultant, bidding agent and rating agency, any fees or premiums relating to municipal bond insurance or other security arrangements determined necessary by the Director of Finance, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award and the Purchase Agreement) shall be used to pay costs of refunding the Refunded Bonds and/or be paid into the Bond Retirement Fund, with such determination being made by the Director of Finance in the Certificate of Award, consistent with the Director of Finance's determination of the best interest of and financial advantages to the City. Any portion of those proceeds received by the City representing accrued interest shall be paid into the Bond Retirement Fund.

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

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

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Director of Finance, subject to subsection (c) of this Section 3, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the Director of Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "Mandatory Redemption Date") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such as to demonstrate a net present value savings to the City due to the refunding of the Refunded Bonds, after taking into account all expenses related to that refunding and the issuance of the Bonds.

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

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

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

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

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any

328 subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding
329 mandatory redemption obligation), as specified by the Director of Finance, also shall be
330 received by the City for any Term Bonds which prior thereto have been redeemed (other
331 than through the operation of the applicable Mandatory Sinking Fund Redemption
332 Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the
333 extent not applied theretofore as a credit against any Mandatory Sinking Fund
334 Redemption Requirement, for Term Bonds stated to mature on the same Principal
335 Payment Date and bearing interest at the same rate as the Term Bonds so delivered,
336 redeemed or purchased and canceled.

337
338 Each Term Bond so delivered, or previously redeemed, or purchased and
339 canceled, shall be credited by the Bond Registrar at 100% of the principal amount
340 thereof against the then current or subsequent Mandatory Sinking Fund Redemption
341 Requirements (and corresponding mandatory redemption obligations), as specified by
342 the Director of Finance, for Term Bonds stated to mature on the same Principal
343 Payment Date and bearing interest at the same rate as the Term Bonds so delivered,
344 redeemed or purchased and canceled.

345
346 (ii) Optional Redemption. The Bonds of the maturities and interest rates
347 specified in the Certificate of Award (if any are so specified) shall be subject to optional
348 redemption by and at the sole option of the City, in whole or in part in Authorized
349 Denominations, on the dates and at the redemption prices (expressed as a percentage of
350 the principal amount to be redeemed), plus accrued interest to the redemption date, to
351 be determined by the Director of Finance in the Certificate of Award; provided that the
352 redemption price for any optional redemption date shall not be greater than 103%.

353
354 If optional redemption of Term Bonds at a redemption price exceeding 100% of
355 the principal amount to be redeemed is to take place as of any Mandatory Redemption
356 Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be
357 redeemed optionally shall be selected by lot prior to the selection by lot of the Term
358 Bonds of the same maturity (and interest rate within a maturity if applicable) to be
359 redeemed on the same date by operation of the Mandatory Sinking Fund Redemption
360 Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed
361 only upon written notice from the Director of Finance to the Bond Registrar, given upon
362 the direction of the City by passage of an ordinance or adoption of a resolution. That
363 notice shall specify the redemption date and the principal amount of each maturity (and
364 interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given
365 at least 45 days prior to the redemption date or such shorter period as shall be
366 acceptable to the Bond Registrar.

367
368 (iii) Partial Redemption. If fewer than all of the outstanding Bonds are called
369 for optional redemption at one time and Bonds of more than one maturity (or interest
370 rate within a maturity if applicable) are then outstanding, the Bonds that are called
371 shall be Bonds of the maturity or maturities and interest rate or rates selected by the
372 City. If fewer than all of the Bonds of a single maturity (or interest rate within a
373 maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or
374 interest rate within a maturity if applicable) to be redeemed, or portions thereof in
375 Authorized Denominations, shall be made by the Bond Registrar by lot in a manner
376 determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot
377 when Bonds of denominations greater than the Authorized Denomination are then
378 outstanding, each Authorized Denomination unit of principal thereof shall be treated as
379 if it were a separate Bond of the Authorized Denomination. If it is determined that one
380 or more, but not all, of the Authorized Denomination units of principal amount
381 represented by a Bond are to be called for redemption, then, upon notice of redemption
382 of an Authorized Denomination unit or units, the registered owner of that Bond shall

383 surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the
384 Authorized Denomination unit or units of principal amount called for redemption
385 (including, without limitation, the interest accrued to the date fixed for redemption and
386 any premium), and (B) for issuance, without charge to the registered owner, of a new
387 Bond or Bonds of any Authorized Denomination or Denominations in an aggregate
388 principal amount equal to the unmatured and unredeemed portion of, and bearing
389 interest at the same rate and maturing on the same date as, the Bond surrendered.
390

391 (iv) Notice of Redemption. The notice of the call for redemption of Bonds
392 shall identify (A) by designation, letters, numbers or other distinguishing marks, the
393 Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the
394 date fixed for redemption, and (D) the place or places where the amounts due upon
395 redemption are payable. The notice shall be given by the Bond Registrar on behalf of
396 the City by mailing a copy of the redemption notice by first-class mail, postage prepaid,
397 at least 30 days prior to the date fixed for redemption, to the registered owner of each
398 Bond subject to redemption in whole or in part at the registered owner's address shown
399 on the Bond Register maintained by the Bond Registrar at the close of business on the
400 15th day preceding that mailing. Failure to receive notice by mail or any defect in that
401 notice regarding any Bond, however, shall not affect the validity of the proceedings for
402 the redemption of any Bond.
403

404 (v) Payment of Redeemed Bonds. In the event that notice of redemption
405 shall have been given by the Bond Registrar to the registered owners as provided above,
406 there shall be deposited with the Bond Registrar on or prior to the redemption date,
407 moneys that, in addition to any other moneys available therefor and held by the Bond
408 Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued
409 interest to the redemption date, all of the redeemable Bonds for which notice of
410 redemption has been given. Notice having been mailed in the manner provided in the
411 preceding paragraph hereof, the Bonds and portions thereof called for redemption shall
412 become due and payable on the redemption date, and, subject to the provisions of
413 Sections 3(d) and 5, upon presentation and surrender thereof at the place or places
414 specified in that notice, shall be paid at the redemption price, plus accrued interest to
415 the redemption date. If moneys for the redemption of all of the Bonds and portions
416 thereof to be redeemed, together with accrued interest thereon to the redemption date,
417 are held by the Bond Registrar on the redemption date, so as to be available therefor on
418 that date and, if notice of redemption has been deposited in the mail as aforesaid, then
419 from and after the redemption date those Bonds and portions thereof called for
420 redemption shall cease to bear interest and no longer shall be considered to be
421 outstanding. If those moneys shall not be so available on the redemption date, or that
422 notice shall not have been deposited in the mail as aforesaid, those Bonds and portions
423 thereof shall continue to bear interest, until they are paid, at the same rate as they
424 would have borne had they not been called for redemption. All moneys held by the
425 Bond Registrar for the redemption of particular Bonds shall be held in trust for the
426 account of the registered owners thereof and shall be paid to them, respectively, upon
427 presentation and surrender of those Bonds, provided that any interest earned on the
428 moneys so held by the Bond Registrar shall be for the account of and paid to the City to
429 the extent not required for the payment of the Bonds called for redemption.
430

431 Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar.
432 The Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City
433 and in their official capacities, provided that either or both of those signatures may be a
434 facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as
435 requested by the Original Purchaser and approved by the Director of Finance, shall be
436 numbered as determined by the Director of Finance in order to distinguish each Bond from any
437 other Bond, and shall express upon their faces the purpose, in summary terms, for which they

438 are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the
439 Charter of the City, this Ordinance and the Certificate of Award.
440

441 The Director of Finance is hereby authorized to designate in the Certificate of Award a
442 bank or trust company authorized to do business in the State of Ohio to act as the initial Bond
443 Registrar. The Mayor and the Director of Finance shall sign and deliver, in the name and on
444 behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in
445 substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is
446 approved, together with any changes or amendments that are not inconsistent with this
447 Ordinance and not substantially adverse to the City and that are approved by the Mayor and
448 the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the
449 signing of the Registrar Agreement or amendments thereto. The Director of Finance shall
450 provide for the payment of the services rendered and for reimbursement of expenses incurred
451 pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original
452 Purchaser in accordance with the Certificate of Award and the Purchase Agreement, from the
453 proceeds of the Bonds to the extent available and then from other money lawfully available and
454 appropriated or to be appropriated for that purpose.
455

456 No Bond shall be valid or obligatory for any purpose or shall be entitled to any security
457 or benefit under the Bond Proceedings unless and until the certificate of authentication printed
458 on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the
459 Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly
460 issued, signed and delivered under, and is entitled to the security and benefit of, the Bond
461 Proceedings. The certificate of authentication may be signed by any authorized officer or
462 employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar
463 and approved by the Director of Finance on behalf of the City. The same person need not sign
464 the certificate of authentication on all of the Bonds.
465

466 Section 5. Registration; Transfer and Exchange; Book Entry System.
467

468 (a) Bond Register. So long as any of the Bonds remain outstanding, the City will
469 cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate
470 trust office. Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a
471 Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond
472 for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any
473 Bond shall be made only to or upon the order of that person; neither the City nor the Bond
474 Registrar shall be affected by any notice to the contrary, but the registration may be changed
475 as provided in this Section 5. All such payments shall be valid and effectual to satisfy and
476 discharge the City's liability upon the Bond, including interest, to the extent of the amount or
477 amounts so paid.
478

479 (b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any
480 Authorized Denomination upon presentation and surrender at the designated corporate trust
481 office of the Bond Registrar, together with a request for exchange signed by the registered
482 owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar.
483 A Bond may be transferred only on the Bond Register upon presentation and surrender of the
484 Bond at the designated corporate trust office of the Bond Registrar together with an
485 assignment signed by the registered owner or by a person legally empowered to do so in a form
486 satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall
487 complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or
488 Denominations requested by the owner equal in the aggregate to the unmatured principal
489 amount of the Bond surrendered and bearing interest at the same rate and maturing on the
490 same date.
491

492 If manual signatures on behalf of the City are required, the Bond Registrar shall
493 undertake the exchange or transfer of Bonds only after the new Bonds are signed by the
494 authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall
495 sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the
496 provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the
497 owner, except that the City and Bond Registrar may make a charge sufficient to reimburse
498 them for any tax or other governmental charge required to be paid with respect to the exchange
499 or transfer. The City or the Bond Registrar may require that those charges, if any, be paid
500 before the procedure is begun for the exchange or transfer. All Bonds issued and
501 authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing
502 the same debt, and entitled to the same security and benefit under the Bond Proceedings as
503 the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond
504 Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call
505 for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed
506 and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.
507

508 (c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if
509 the Director of Finance determines in the Certificate of Award that it is in the best interest of
510 and financially advantageous to the City, the Bonds may be issued in book entry form in
511 accordance with the following provisions of this Section 5.
512

513 The Bonds may be issued to a Depository for use in a book entry system and, if and as
514 long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully
515 registered Bond representing each maturity, and, if applicable, each interest rate within a
516 maturity, and registered in the name of the Depository or its nominee, as registered owner, and
517 immobilized in the custody of the Depository or its designated agent for that purpose, which
518 may be the Bond Registrar; (ii) the beneficial interest owners of Bonds in book entry form shall
519 have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of
520 beneficial interests in Bonds in book entry form shall be shown by book entry on the system
521 maintained and operated by the Depository and its Participants, and transfers of the ownership
522 of beneficial interests shall be made only by book entry by the Depository and its Participants;
523 and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to
524 another Depository or to another nominee of a Depository, without further action by the City.
525

526 If any Depository determines not to continue to act as a Depository for the Bonds for
527 use in a book entry system, the Director of Finance may attempt to establish a securities
528 depository/book entry relationship with another qualified Depository. If the Director of
529 Finance does not or is unable to do so, the Director of Finance, after making provision for
530 notification of the beneficial interest owners by the then Depository and any other
531 arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository,
532 and shall cause Bond certificates in registered form and Authorized Denominations to be
533 authenticated by the Bond Registrar and delivered to the assigns of the Depository or its
534 nominee, all at the cost and expense (including any costs of printing), if the event is not the
535 result of City action or inaction, of those persons requesting such issuance.
536

537 The Director of Finance is hereby authorized and directed, to the extent necessary or
538 required, to enter into any agreements, in the name and on behalf of the City, that the Director
539 of Finance determines to be necessary in connection with a book entry system for the Bonds.
540

541 Section 6. Sale of the Bonds to the Original Purchaser. The Director of Finance is
542 authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not
543 less than 97% of the aggregate principal amount thereof, as shall be determined by the
544 Director of Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from
545 their date to the Closing Date, and shall be awarded by the Director of Finance with and upon
546 such other terms as are required or authorized by this Ordinance to be specified in the

547 Certificate of Award, in accordance with law, and the provisions of this Ordinance and the
548 Purchase Agreement. The Director of Finance is authorized, if it is determined to be in the best
549 interest of the City, to combine the issue of Bonds with one or more other bond issues of the
550 City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in
551 which case a single Certificate of Award may be utilized for the consolidated bond issue if
552 appropriate and consistent with the terms of this Ordinance.
553

554 The Director of Finance shall sign and deliver the Certificate of Award and shall cause
555 the Bonds to be prepared and signed and delivered, together with a true transcript of
556 proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon
557 payment of the purchase price.
558

559 The Mayor and the Director of Finance shall sign and deliver, in the name and on
560 behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in
561 substantially the form as is now on file with the Clerk of Council, providing for the sale to, and
562 the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved,
563 together with any changes or amendments that are not inconsistent with this Ordinance and
564 not substantially adverse to the City and that are approved by the Mayor and the Director of
565 Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the
566 Purchase Agreement or amendments thereto.
567

568 The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other
569 City officials, as appropriate, each are authorized and directed to sign any transcript
570 certificates, financial statements and other documents and instruments and to take such
571 actions as are necessary or appropriate to consummate the transactions contemplated by this
572 Ordinance.
573

574 Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in
575 the City, in addition to all other taxes, a direct tax annually during the period the Bonds are
576 outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax
577 shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of
578 the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be
579 and is ordered computed, certified, levied and extended upon the tax duplicate and collected by
580 the same officers, in the same manner and at the same time that taxes for general purposes for
581 each of those years are certified, levied, extended and collected, and shall be placed before and
582 in preference to all other items and for the full amount thereof. The proceeds of the tax levy
583 shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of
584 the debt charges on the Bonds when and as the same fall due.
585

586 In each year to the extent the net revenues from the municipal waterworks system are
587 available for the payment of the debt charges on the Bonds and are appropriated for those
588 component purposes, the amount of the tax shall be reduced by the amount of such net
589 revenues so available and appropriated.
590

591 In each year to the extent the net revenues from the municipal sewerage system are
592 available for the payment of the debt charges on the Bonds and are appropriated for those
593 component purposes, the amount of the tax shall be reduced by the amount of such net
594 revenues so available and appropriated.
595

596 In each year to the extent the net revenues from the municipal recreation system are
597 available for the payment of the debt charges on the Bonds and are appropriated for those
598 component purposes, the amount of the tax shall be reduced by the amount of such net
599 revenues so available and appropriated.
600

601 In each year to the extent receipts from the municipal income tax are available for the
602 payment of the debt charges on the Bonds and are appropriated for that purpose, and to the
603 extent not paid from net revenues of the municipal waterworks system, the municipal sewerage
604 system or the municipal recreation system, the amount of the tax shall be reduced by the
605 amount of such receipts so available and appropriated in compliance with the following
606 covenant. To the extent necessary, the debt charges on the Bonds shall be paid from
607 municipal income taxes lawfully available therefor under the Constitution and the laws of the
608 State of Ohio, and the Charter of the City; and the City hereby covenants, subject and
609 pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised
610 Code, to appropriate annually from such municipal income taxes such amount as is necessary
611 to meet such annual debt charges.
612

613 Nothing in the four preceding paragraphs in any way diminishes the irrevocable pledge
614 of the full faith and credit and general property taxing power of the City to the prompt payment
615 of the debt charges on the Bonds.
616

617 Section 8. Federal Tax Considerations. The City covenants that it will use, and will
618 restrict the use and investment of, the proceeds of the Bonds in such manner and to such
619 extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or
620 arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds
621 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the
622 interest on the Bonds will not be an item of tax preference under Section 57 of the Code.
623

624 The City further covenants that (a) it will take or cause to be taken such actions that
625 may be required of it for the interest on the Bonds to be and remain excluded from gross
626 income for federal income tax purposes, (b) it will not take or authorize to be taken any actions
627 that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other
628 acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the
629 borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate
630 payments to the federal government, (iv) maintain books and records and make calculations
631 and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property
632 financed with such proceeds, all in such manner and to the extent necessary to assure such
633 exclusion of that interest under the Code.
634

635 The Director of Finance or any other officer of the City having responsibility for
636 issuance of the Bonds is hereby authorized (a) to make or effect any election, selection,
637 designation, choice, consent, approval, or waiver on behalf of the City with respect to the
638 Bonds as the City is permitted to or required to make or give under the federal income tax
639 laws, including, without limitation thereto, any of the elections available under Section 148 of
640 the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or
641 status of the Bonds or interest thereon or assisting compliance with requirements for that
642 purpose, reducing the burden or expense of such compliance, reducing the rebate amount or
643 payments or penalties with respect to the Bonds, or making payments of special amounts in
644 lieu of making computations to determine, or paying, excess earnings as rebate, or obviating
645 those amounts or payments with respect to the Bonds, which action shall be in writing and
646 signed by the officer, (b) to take any and all other actions, make or obtain calculations, make
647 payments, and make or give reports, covenants and certifications of and on behalf of the City,
648 as may be appropriate to assure the exclusion of interest from gross income and the intended
649 tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for
650 inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable
651 expectations of the City regarding the amount and use of all the proceeds of the Bonds, the
652 facts, circumstances and estimates on which they are based, and other facts and
653 circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.
654 The Director of Finance or any other officer of the City having responsibility for issuance of the
655 Bonds is specifically authorized to designate the Bonds as "qualified tax-exempt obligations" if

656 such designation is applicable and desirable, and to make any related necessary
657 representations and covenants.
658

659 Each covenant made in this Section with respect to the Bonds is also made with respect
660 to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if
661 different, the original issue and any refunding issues in a series of refundings), to the extent
662 such compliance is necessary to assure exclusion of interest on the Bonds from gross income
663 for federal income tax purposes, and the officers identified above are authorized to take actions
664 with respect to those issues as they are authorized in this Section to take with respect to the
665 Bonds.
666

667 Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and
668 Financing Costs.
669

670 (a) Primary Offering Disclosure -- Official Statement. The Mayor and the Director of
671 Finance are each authorized and directed, on behalf of the City and in their official capacities,
672 to (i) prepare or cause to be prepared, and make or authorize modifications, completions or
673 changes of or supplements to, a disclosure document in the form of an official statement
674 relating to the original issuance of the Bonds in substantially the form as is now on file with
675 the Clerk of Council, (ii) determine, and to certify or otherwise represent, when the official
676 statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is
677 a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or
678 authorize the use and distribution of those official statements and any supplements thereto in
679 connection with the original issuance of the Bonds, and (iv) complete and sign those official
680 statements and any supplements thereto as so approved, together with such certificates,
681 statements or other documents in connection with the finality, accuracy and completeness of
682 those official statements and any supplements, as they may deem necessary or appropriate.
683

684 (b) Application for Rating or Bond Insurance. If, in the judgment of the Director of
685 Finance, the filing of an application for (i) a rating on the Bonds by one or more
686 nationally-recognized rating agencies, or (ii) a policy of insurance from a company or
687 companies to better assure the payment of principal of and interest on the Bonds, is in the best
688 interest of and financially advantageous to this City, the Director of Finance is authorized to
689 prepare and submit those applications, to provide to each such agency or company such
690 information as may be required for the purpose, and to provide further for the payment of the
691 cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance
692 with the Purchase Agreement, from the proceeds of the Bonds to the extent available and
693 otherwise from any other funds lawfully available and that are appropriated or shall be
694 appropriated for that purpose. The Director of Finance is hereby authorized, to the extent
695 necessary or required, to enter into any agreements, in the name of and on behalf of the City,
696 that the Director of Finance determines to be necessary in connection with the obtaining of
697 that bond insurance.
698

699 (c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and
700 beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be
701 provided such financial information and operating data, audited financial statements and
702 notices of the occurrence of certain events, in such manner as may be required for purposes of
703 the Rule. The Mayor and the Director of Finance are each authorized and directed to complete,
704 sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City,
705 in substantially the form as is now on file with the Clerk of Council. The Continuing
706 Disclosure Agreement is approved, together with any changes or amendments that are not
707 inconsistent with this Ordinance and not substantially adverse to the City and that are
708 approved by the Mayor and the Director of Finance on behalf of the City, all of which shall be
709 conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments
710 thereto.

711
712 The Director of Finance is further authorized and directed to establish procedures in
713 order to ensure compliance by the City with its Continuing Disclosure Agreement, including
714 timely provision of information and notices as described above. Prior to making any filing
715 required under the Rule, the Director of Finance shall consult with and obtain legal advice
716 from, as appropriate, the Director of Law and bond or other qualified independent special
717 counsel selected by the City. The Director of Finance, acting in the name and on behalf of the
718 City, shall be entitled to rely upon any such legal advice in determining whether a filing should
719 be made. The performance by the City of its Continuing Disclosure Agreement shall be subject
720 to the annual appropriation of any funds that may be necessary to perform it.

721
722 (d) Financing Costs. The expenditure of the amounts necessary to pay any
723 Financing Costs in connection with the Bonds, to the extent not paid by the Original Purchaser
724 in accordance with the Purchase Agreement, is authorized and approved, and the Director of
725 Finance is authorized to provide for the payment of any such amounts and costs from the
726 proceeds of the Bonds to the extent available and otherwise from any other funds lawfully
727 available that are appropriated or shall be appropriated for that purpose.

728
729 Section 10. Call for Redemption; Escrow Trustee; Escrow Agreement; Escrow Fund. To
730 provide for the payment of the principal of and interest on the Refunded Bonds, the Director of
731 Finance is hereby authorized to designate in the Certificate of Award a bank or trust company
732 authorized to do business in the State of Ohio to act as the Escrow Trustee. The Mayor and
733 the Director of Finance shall sign and deliver, in the name and on behalf of the City, the
734 Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is
735 now on file with the Clerk of Council. The Escrow Fund provided for in the Escrow Agreement
736 is hereby created. The Escrow Agreement is approved, together with any changes or
737 amendments that are not inconsistent with this Ordinance and not substantially adverse to the
738 City and that are approved by the Mayor and the Director of Finance, on behalf of the City, all
739 of which shall be conclusively evidenced by the signing of the Escrow Agreement or
740 amendments thereto. The Director of Finance shall provide for the payment of the services
741 rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement,
742 except to the extent paid or reimbursed by the Original Purchaser in accordance with the
743 Purchase Agreement, from the proceeds of the Bonds to the extent available and then from
744 other money lawfully available and appropriated or to be appropriated for that purpose.

745
746 Acting pursuant to the 2009 Bond Ordinance which authorized the 2009 Bonds, the
747 Refunded Bonds, as determined by the Director of Finance in the Certificate of Award to be
748 refunded and called for redemption, are hereby called for redemption on the earliest practicable
749 date as set forth in the Certificate of Award (the "Redemption Date") at the required redemption
750 price of the principal amount thereof, and the Director of Finance is hereby authorized and
751 directed to cause those Refunded Bonds to be called for redemption on the Redemption Date
752 and arrange for the notice of redemption to be given in accordance with the applicable
753 provisions of the 2009 Bond Ordinance.

754
755 For informational purposes, a certified copy of this Ordinance shall be sent by the
756 Director of Finance to the current bond registrar for the Refunded Bonds.

757
758 In order to provide for the payment of (a) the interest on the Refunded Bonds on any
759 interest payment date following the Closing Date and through the Redemption Date, (b) the
760 principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds
761 maturing on or prior to the Redemption Date, and (c) the principal of the Refunded Bonds to be
762 called for redemption on the Redemption Date, the City covenants and agrees with the Escrow
763 Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the
764 Escrow Trustee to take, all steps required by the terms of the Escrow Agreement to carry out
765 such payments. The City will provide from the proceeds of the Bonds and other available funds

766 in accordance with this Ordinance, moneys and investments sufficient to pay in full (a) the
767 interest on the Refunded Bonds on any interest payment date following the Closing Date and
768 through the Redemption Date, (b) the principal and mandatory sinking fund payments (if any
769 in each case) of the Refunded Bonds maturing on or prior to the Redemption Date, and (c) the
770 principal of the Refunded Bonds to be called for redemption on the Redemption Date. The City
771 covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds
772 that the City will take, and will cause the Escrow Trustee to take, all steps required by the
773 terms of this Ordinance, Section 133.34 of the Ohio Revised Code, and the Escrow Agreement
774 to carry out such payments so that the Refunded Bonds are not deemed to be outstanding.
775

776 There shall be delivered to the Escrow Trustee for the Escrow Fund proceeds to be
777 received from the sale of the Bonds and other available moneys which to the extent not held in
778 cash shall be invested in United States Treasury Obligations (“Treasury Securities”), State and
779 Local Government Series (“SLG Securities”) or other direct obligations of or obligations
780 guaranteed as to payment by the United States as defined in Section 133.34(D) of the Ohio
781 Revised Code (the Treasury Securities, the SLG Securities and other direct obligations and
782 guaranteed obligations are collectively referred to herein as the “Securities”) that mature or are
783 subject to redemption by and at the option of the holder not later than the date or dates when
784 the moneys invested, which together with interest or other investment income accrued on those
785 moneys and any moneys held in cash and not invested, will be sufficient to cause the Refunded
786 Bonds to be deemed no longer outstanding as provided for in Section 133.34 of the Ohio
787 Revised Code.
788

789 Those Securities shall be certified by an independent public accounting firm of national
790 reputation in a written report (the “Verification Report”) to be of such maturities or redemption
791 dates and interest payment dates, and to bear such interest, as will be sufficient together with
792 any moneys in the Escrow Fund to be held in cash and not invested as contemplated by the
793 Verification Report without further investment or reinvestment of either the principal amount
794 thereof or the interest earnings therefrom, to cause the Refunded Bonds to be deemed no
795 longer outstanding as provided for in Section 133.34 of the Ohio Revised Code, and the balance
796 of those proceeds, less any amount thereof, contemplated by the Verification Report to be held
797 in cash and not invested in the Escrow Fund, shall be used for the payment of costs related to
798 the refunding and the issuance of the Bonds, and of Financing Costs. The Director of Finance
799 is hereby authorized to retain and designate in the Certificate of Award an independent public
800 accounting firm of national reputation to prepare and deliver the Verification Report.
801

802 At the direction of the Director of Finance, the Escrow Trustee or the Original Purchaser
803 is authorized to apply and subscribe for SLG Securities on behalf of the City. Further, if the
804 Director of Finance determines that it would be in the best interest and to the financial
805 advantage of the City to purchase Treasury Securities for deposit into the Escrow Fund, the
806 Director of Finance or any other officer of the City, on behalf of the City and in their official
807 capacity, may purchase and deliver such obligations, engage the services of a municipal
808 advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and
809 delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such
810 instruments as are deemed necessary to engage such services for such purpose, and provide
811 further for the payment of the cost of obtaining such services, except to the extent paid by the
812 Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the
813 Bonds to the extent available and otherwise from any other funds lawfully available and that
814 are appropriated or shall be appropriated for that purpose.
815

816 Any such Securities, and moneys, if any, in addition thereto contemplated by the
817 Verification Report to be held in cash, shall be held by the Escrow Trustee in trust and
818 committed irrevocably to the payment of the principal of and accrued interest on the Refunded
819 Bonds.
820

821 Section 11. Bond Counsel. The legal services of the law firm of Squire Patton Boggs
822 (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and
823 recommendations as to the documents and the proceedings in connection with the
824 authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions,
825 all as set forth in the form of engagement letter from that firm which is now on file in the office
826 of the Clerk of Council. In providing those legal services, as an independent contractor and in
827 an attorney-client relationship, that firm shall not exercise any administrative discretion on
828 behalf of this City in the formulation of public policy, expenditure of public funds, enforcement
829 of laws, rules and regulations of the State, any county or municipal corporation or of this City,
830 or the execution of public trusts. For those legal services that firm shall be paid just and
831 reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred
832 in providing those legal services. The Director of Finance is authorized and directed to make
833 appropriate certification as to the availability of funds for those fees and any reimbursement
834 and to issue an appropriate order for their timely payment as written statements are submitted
835 by that firm. The amounts necessary to pay those fees and any reimbursement are hereby
836 appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys
837 in the General Fund.
838

839 Section 12. Municipal Advisor. The services of H.J. Umbaugh & Associates, Certified
840 Public Accountants, LLP, as municipal advisor, are hereby retained. The municipal advisory
841 services shall be in the nature of financial advice and recommendations in connection with the
842 issuance and sale of the Bonds. In rendering those municipal advisory services, as an
843 independent contractor, that firm shall not exercise any administrative discretion on behalf of
844 the City in the formulation of public policy, expenditure of public funds, enforcement of laws,
845 rules and regulations of the State, the City or any other political subdivision, or the execution
846 of public trusts. That firm shall be paid just and reasonable compensation for those municipal
847 advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in
848 rendering those municipal advisory services. The Director of Finance is authorized and
849 directed to make appropriate certification as to the availability of funds for those fees and any
850 reimbursement and to issue an appropriate order for their timely payment as written
851 statements are submitted by that firm. The amounts necessary to pay those fees and any
852 reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and
853 otherwise from available moneys in the General Fund.
854

855 Section 13. Certification and Delivery of Ordinance and Certificate of Award. The Clerk
856 of Council is directed to promptly deliver or cause to be delivered a certified copy of this
857 Ordinance and an executed copy of the Certificate of Award to the Fiscal Officer in Summit
858 County, Ohio.
859

860 Section 14. Satisfaction of Conditions for Bond Issuance. This Council determines that
861 all acts and conditions necessary to be done or performed by the City or to have been met
862 precedent to and in the issuing of the Bonds in order to make them legal, valid and binding
863 general obligations of the City have been performed and have been met, or will at the time of
864 delivery of the Bonds have been performed and have been met, in regular and due form as
865 required by law; that the full faith and credit and general property taxing power (as described
866 in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds;
867 that no statutory or constitutional limitation of indebtedness or taxation will have been
868 exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued
869 pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the
870 Certificate of Award and other authorizing provisions of law.
871

872 Section 15. Compliance with Open Meeting Requirements. This Council finds and
873 determines that all formal actions of this Council and any of its committees concerning and
874 relating to the passage of this Ordinance were taken in an open meeting of this Council or any
875 of its committees, and that all deliberations of this Council and of any of its committees that

876 resulted in those formal actions were in meetings open to the public, all in compliance with the
877 law, including Section 121.22 of the Ohio Revised Code.

878
879 Section 16. Emergency Clause. This Ordinance is declared to be an emergency
880 measure necessary for the immediate preservation of the public peace, health and safety of the
881 City, and for the further reason that this Ordinance is required to be immediately effective in
882 order to issue and sell the Bonds, which is necessary to enable the City to take advantage of
883 favorable interest rates and realize a savings in interest costs by refunding the Refunded
884 Bonds; wherefore, this Ordinance shall be in full force and effect immediately upon its passage
885 and approval by the Mayor.

886
887
888 Passed: _____
889 _____
890 President of Council

891
892
893 _____
894 Clerk of Council

895
896 Approved: _____
897 _____
898 Mayor

899 9/12/16
900 O:\2016ords\Bond Ordinance - 2009 Advance Refunding.doc

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2016

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
9 ACCORDING TO LAW, FOR THE CONSTRUCTION WORK
10 NEEDED TO REPLACE SUBSTATION #5, AND DECLARING
11 AN EMERGENCY.

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

15
16 Section 1. The Director of Public Service is hereby authorized to enter into a contact or
17 contracts, according to law, for the construction work needed to replace Substation #5.

18
19 Section 2. The Director of Finance is hereby authorized and directed to make payment
20 for same from the Electric Fund, line item Capital Outlay.

21
22 Section 3. Any other ordinances and resolutions or portions of ordinances and
23 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
24 or portions of ordinances and resolutions not inconsistent herewith and which have not
25 previously been repealed are hereby ratified and confirmed.

26
27 Section 4. It is found and determined that all formal actions of this Council concerning
28 and relating to the adoption of this ordinance were adopted in an open meeting of this
29 Council and that all deliberations of this Council and of any of its committees that resulted
30 in such formal action were in meetings open to the public, in compliance with all legal
31 requirements including Chapter 107 of the Codified Ordinances.

32
33 Section 5. This ordinance is hereby declared to be an emergency measure necessary for
34 the preservation of the public peace, health, safety, convenience and welfare of the City of
35 Cuyahoga Falls, and provided it receives the affirmative vote of two-thirds of the members
36 elected or appointed to Council, it shall take effect and be in force immediately upon its
37 passage and approval by the Mayor; otherwise it shall take effect and be in force at the
38 earliest period allowed by law.

39
40
41 Passed: _____

President of Council

42
43
44
45 _____
46 Clerk of Council

47
48
49 Approved: _____

Mayor

50
51
52
53 9/12/16

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2016

8
9 AN ORDINANCE AUTHORIZING THE PARKS AND
10 RECREATION BOARD AND/OR THE MAYOR TO ENTER
11 INTO AN OHIO DEPARTMENT OF NATURAL RESOURCES
12 (ODNR) GRANT AGREEMENT FOR \$99,000.00 AND
13 AUTHORIZING THE APPROPRIATION AND PAYMENT OF
14 THE GRANT FUNDS AND MATCHING FUNDS FOR A
15 FUTURE TRAILHEAD FOR THE MUD BROOK-MILL
16 POND GREENWAY, AND DECLARING AN EMERGENCY.

17
18 WHEREAS, the Ohio Department of Natural Resources (ODNR) has granted
19 the City a \$99,000 Community Recreation Project Grant to purchase 223 East
20 Bath for a future trailhead for the Mud Brook-Mill Pond Greenway; and

21
22 WHEREAS, this grant will require \$46,000 in city matching funds.

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

26
27 Section 1. The Parks and Recreation Board and/or the Mayor are hereby
28 authorized and directed to enter into a Grant Agreement with ODNR for the
29 purchase of 223 East Bath for a future trailhead for the Mud Brook-Mill Pond
30 Greenway.

31
32 Section 2. The Finance Department is authorized to accept and appropriate and
33 make payment of \$145,000.00 from the Recreation Levy Fund, line item Capital
34 Outlay.

35
36 Section 3. Any other ordinances or resolutions or portions of ordinances and
37 resolutions inconsistent herewith are hereby repealed, but any ordinances and
38 resolutions not inconsistent herewith and which have not previously been repealed
39 are hereby ratified and confirmed.

40
41 Section 4. It is found and determined that all formal actions of this Council
42 concerning and relating to the adoption of this ordinance were adopted in an open
43 meeting of this Council, and that all deliberations of this Council and of any of its
44 committees that resulted in such formal action, were in meetings open to the public,
45 in compliance with all legal requirements, to the extent applicable, including Chapter
46 107 of the Codified Ordinances.

47
48 Section 5. This ordinance is hereby declared to be an emergency measure
49 necessary for the preservation of the public peace, health, safety, convenience and
50 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason that

51 it is immediately necessary to permit timely and appropriate development of this
52 property, and provided it receives the affirmative vote of two thirds of the members
53 elected or appointed to Council, it shall take effect and be in force immediately upon
54 its passage and approval by the Mayor; otherwise it shall take effect and be in force
55 at the earliest period allowed by law.

56

57 Passed: _____

58

President of Council

59

60

61

62

Clerk of Council

63

64

65 Approved: _____

66

Mayor

67

9/12/16

68

O:\2016ords\ODNR Grant Mud Brook-Mill Pond.doc

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2016

8
9 AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION
10 BOARD TO APPLY FOR AND ACCEPT A GRANT FROM THE
11 DEPARTMENT OF NATURAL RESOURCES, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources,
15 administers financial assistance for public recreation purposes through the federal Land and
16 Water Conservation Fund program; and

17
18 WHEREAS, the City of Cuyahoga Falls desires financial assistance under the federal Land
19 and Water Conservation Fund program.

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

23
24 Section 1. The Parks and Recreation Board is hereby authorized to execute and file an
25 application with the Ohio Department of Natural Resources and to provide all information and
26 documentation required in said application to obtain a grant for the purpose of demolition and
27 replacement of a Restroom Facility in Water Works Park through the federal Land and Water
28 Conservation Fund program.

29
30 Section 2. The City does agree to obligate the funds required to satisfactorily complete the
31 project and become eligible for reimbursement under the terms of the federal Land and Water
32 Conservation Fund program.

33
34 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
35 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
36 ordinances and resolutions not inconsistent herewith and which have not previously been
37 repealed are hereby ratified and confirmed.

38
39 Section 4. It is found and determined that all formal actions of this Council concerning and
40 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
41 that all deliberations of this Council and of any of its committees that resulted in such formal
42 action were in meetings open to the public, in compliance with all legal requirements including
43 Chapter 107 of the Codified Ordinances.

44
45 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
46 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
47 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
48 members elected or appointed to Council, it shall take effect and be in force immediately upon its
49 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
50 period allowed by law.

51
52
53 Passed: _____

President of Council

54
55
56 _____
57 Clerk of Council

58
59 Approved: _____

Mayor

60
61
62 9/12/16

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2016

6
7 AN ORDINANCE AMENDING CHAPTER 164, MUNICIPAL INCOME
8 TAX, TO COMPLY WITH STATE LAW, AND DECLARING AN
9 EMERGENCY.

10
11 WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3,
12 provides that “municipalities shall have authority to exercise all powers of local self-government,”
13 and the municipal taxing power is one of such powers of local self-government delegated by the
14 people of the State to the people of municipalities; and

15
16 WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General
17 Assembly may restrict a municipality’s power of taxation to the extent necessary to prevent
18 abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that “laws
19 may be passed to limit the powers of municipalities to levy taxes and incur debts for local
20 purposes;” and

21
22 WHEREAS, the General Assembly has determined that it is necessary and appropriate to
23 amend Chapter 718 of the Ohio Revised Code, setting forth statutory amendments for
24 municipal income tax codes in Ohio; and

25
26 WHEREAS, more specifically, the General Assembly enacted S. B. 172 in June 2016, and
27 mandated that municipal income tax codes be amended to extend the deadline for payments
28 of quarterly municipal withholding taxes, and to modify the rules for when municipal income
29 tax withholding payments are considered to have been made.

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

33
34 Section 1. Title 7, Taxation, Chapter 164, Municipal Income Tax of the Codified Ordinances
35 of the City of Cuyahoga Falls is hereby amended as follows (new text in double underline; deleted
36 text in ~~striketrough~~):

37
38 **164.10 WITHHOLDING FROM QUALIFYING WAGES.**

- 39
40 a) (1) Each employer, agent of an employer, or other payer located or doing business in
41 the Municipality shall withhold from each employee an amount equal to the
42 qualifying wages of the employee earned by the employee in the Municipality
43 multiplied by the applicable rate of the Municipality’s income tax, except for
44 qualifying wages for which withholding is not required under Section 164.11 of this
45 Chapter or Division (d) or (f) of this Section. An employer, agent of an employer, or
46 other payer shall deduct and withhold the tax from qualifying wages on the date
47 that the employer, agent, or other payer directly, indirectly, or constructively pays
48 the qualifying wages to, or credits the qualifying wages to the benefit of, the
49 employee.
50
51 (2) In addition to withholding the amounts required under Division (a)(1) of this
52 Section, an employer, agent of an employer, or other payer may also deduct and
53 withhold, on the request of an employee, taxes for the municipal corporation in
54 which the employee is a resident.
55

- 56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
- b) An employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer, along with any report required by the Tax Administrator to accompany such payment, according to the following schedule:
 - (1) Any employer, agent of an employer, or other payer not required to make payments under Division (b)(2) of this Section of taxes required to be deducted and withheld shall make quarterly payments to the Municipality not later than the ~~fifteenth last~~ last day of the month following the ~~end~~ last day of each calendar quarter.
 - (2) Taxes required to be deducted and withheld shall be remitted monthly to the Municipality if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer in the preceding calendar year exceeded two thousand three hundred ninety-nine dollars, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded two hundred dollars. ~~Payments under Division (b)(2) of this Section must be received by~~ shall be made to the Municipality not later than fifteen days after the last day of each month.
 - c) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator.
 - d) An employer, agent of an employer, or other payer is not required to withhold municipal income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.
 - e)
 - (1) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this Chapter or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.
 - (2) The failure of an employer, agent of an employer, or other payer to remit to the Municipality the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.
 - f) Compensation deferred before June 26, 2003, is not subject to any municipal corporation income tax or municipal income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.
 - g) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld. The taxes withheld shall be deemed to be held in trust for the Municipality until such time as the withheld amount is remitted to the Municipality.
 - h) On or before the last day of February of each year, every employer is required to file a Withholding Reconciliation Return with the Tax Administrator which must include:

- 110 (1) A list of the names, addresses, and social security numbers of all employees from
111 whom qualifying wage tax was withheld or should have been withheld for the
112 Municipality during the preceding calendar year.
113
- 114 (2) The amount of tax withheld, if any, from each such employee's qualifying wage, the
115 total amount of qualifying wages paid to such employee during the preceding
116 calendar year.
117
- 118 (3) The name of every other municipal corporation for which tax was withheld or should
119 have been withheld from such employee during the preceding calendar year.
120
- 121 (4) Any other information required for federal income tax reporting purposes on
122 Internal Revenue Service form W-2 or its equivalent form with respect to such
123 employee, and other information as may be required by the Tax Administrator.
124
- 125 i) The officer or the employee of the employer, agent of an employer, or other payer with
126 control or direct supervision of or charged with the responsibility for withholding the tax
127 or filing the reports and making payments as required by this Section, shall be personally
128 liable for a failure to file a report or pay the tax due as required by this Section. The
129 dissolution of an employer, agent of an employer, or other payer does not discharge the
130 officer's or employee's liability for failure of the employer, agent of an employer, or other
131 payer to file returns or pay any tax due.
132
- 133 j) An employer is required to deduct and withhold municipal income tax on tips and
134 gratuities received by the employer's employees and constituting qualifying wages only to
135 the extent that the tips and gratuities are under the employer's control. For the purposes
136 of this Division, a tip or gratuity is under the employer's control if the tip or gratuity is
137 paid by the customer to the employer for subsequent remittance to the employee, or if
138 the customer pays the tip or gratuity by credit card, debit card, or other electronic means.
139
- 140 k) The Tax Administrator shall consider any tax withheld by an employer at the request of
141 an employee when such tax is not otherwise required to be withheld by this Chapter to
142 be tax required to be withheld and remitted for the purposes of this Section.
143

144 **164.13 RETURN AND PAYMENT OF TAX.**
145

- 146 a) (1) An annual return with respect to the income tax levied on Municipal Taxable
147 Income by the Municipality shall be completed and filed by every taxpayer for any
148 taxable year for which the taxpayer is subject to the tax, regardless of whether or
149 not income tax is due.
150
- 151 (2) The Tax Administrator shall accept on behalf of all nonresident individual
152 taxpayers a return filed by an employer, agent of an employer, or other payer
153 located in the Municipality under subsection 164.10(c) of this Chapter when the
154 nonresident individual taxpayer's sole income subject to the tax is the qualifying
155 wages reported by the employer, agent of an employer, or other payer, and no
156 additional tax is due to the Municipality.
157
- 158 (3) All resident individual taxpayers, who turn eighteen years of age during a tax year
159 or are older than eighteen, are required to file an annual municipal income tax
160 return with the Municipality, regardless of income or liability.
161
- 162 b) If an individual is deceased, any return or notice required of that individual must be
163 completed and filed by that decedent's executor, administrator, or other person charged
164 with the property of that decedent.
165

- 166 c) If an individual is unable to complete and file a return required by the Municipality in
167 accordance with this Chapter, the return required of that individual must be completed
168 and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or
169 other person charged with the care of the person or property of that individual. Such duly
170 authorized agent, guardian, conservator, fiduciary, or other person charged with the care
171 of the person or property of that individual must provide, with the filing of the return,
172 appropriate documentation to support that they are authorized to file a return or notice
173 on behalf of the taxpayer. This notice shall include any legally binding authorizations,
174 and contact information including name, address, and phone number of the duly
175 authorized agent, guardian, conservator, fiduciary, or other person.
176
- 177 d) Returns or notices required of an estate or a trust must be completed and filed by the
178 fiduciary of the estate or trust. Such fiduciary shall provide, with the filing of the return,
179 appropriate documentation to support that they are authorized to file a return or notice
180 on behalf of the taxpayer. This notice shall include any legally binding authorizations,
181 and contact information including name, address, and phone number of the fiduciary.
182
- 183 e) Spouses are permitted to file a joint return.
184
- 185 f) (1) Each return required to be filed under this Section must contain the signature of
186 the taxpayer or the taxpayer's duly authorized agent and of the person who
187 prepared the return for the taxpayer. The return must also include the taxpayer's
188 social security number or taxpayer identification number. Each return must be
189 verified by a declaration under penalty of perjury.
190
- 191 (2) A taxpayer who is an individual is required to include, with each annual return,
192 amended return, or request for refund required under this Section, copies of the
193 following documents: all of the taxpayer's Internal Revenue Service form W-2,
194 "Wage and Tax Statements," including all information reported on the taxpayer's
195 federal W-2, as well as taxable wages reported or withheld for any municipal
196 corporation; the taxpayer's Internal Revenue Service form and, with respect to an
197 amended tax return or refund request, any other documentation necessary to
198 support the refund request or the adjustments made in the amended return. An
199 individual taxpayer who files the annual return required by this Section
200 electronically is not required to provide paper copies of any of the foregoing to the
201 Tax Administrator unless the Tax Administrator requests such copies after the
202 return has been filed.
203
- 204 (3) A taxpayer that is not an individual is required to include, with each annual net
205 profit return, amended net profit return, or request for refund required under this
206 Section, copies of the following documents: the taxpayer's Internal Revenue
207 Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form
208 1120S, and, with respect to an amended tax return or refund request, any other
209 documentation necessary to support the refund request or the adjustments made
210 in the amended return.
211
- 212 (4) A taxpayer that is not an individual and that files an annual net profit return
213 electronically through the Ohio business gateway or in some other manner shall
214 either mail the documents required under this Division to the Tax Administrator
215 at the time of filing or, if electronic submission is available, submit the documents
216 electronically through the Ohio business gateway.
217
- 218 (5) After a taxpayer files a tax return, the Tax Administrator shall request, and the
219 taxpayer must provide, any information, statements, or documents required by
220 the Municipality to determine and verify the taxpayer's municipal income tax
221 liability. The requirements imposed under Division (f) of this Section apply

222 regardless of whether the taxpayer files on a generic form or on a form prescribed
223 by the Tax Administrator.
224

225 (6) Any other documentation, including schedules, other municipal income tax
226 returns, or other supporting documentation necessary to verify credits, income,
227 losses, or other pertinent factors on the return shall also be included to avoid
228 delay in processing, or disallowance by the Tax Administrator of undocumented
229 credits or losses.

230

231 g) (1) Except as otherwise provided in this Chapter, each individual income tax return
232 required to be filed under this Section shall be completed and filed as required by
233 the Tax Administrator on or before the date prescribed for the filing of state
234 individual income tax returns under Division 5747.08(G) of the Ohio Revised
235 Code. The taxpayer shall complete and file the return or notice on forms
236 prescribed by the Tax Administrator or on generic forms, together with remittance
237 made payable to the Municipality
238

239 (2) Except as otherwise provided in this Chapter, each annual net profit income tax
240 return required to be filed under this Section by a taxpayer that is not an
241 individual shall be completed and filed as required by the Tax Administrator on
242 or before the fifteenth day of the fourth month following the end of the taxpayer's
243 taxable year or period. The taxpayer shall complete and file the return or notice
244 on forms prescribed by the Tax Administrator or on generic forms, together with
245 remittance made payable to the Municipality
246

247 (3) In the case of individual income tax return required to be filed by an individual,
248 and net profit income tax return required to be filed by a taxpayer who is not an
249 individual, no remittance is required if the amount shown to be due is ten dollars
250 or less.

251

252 h) (1) For taxable years beginning on or after January 1, 2016, the Municipality shall
253 not require a taxpayer to remit tax with respect to net profits if the amount due is
254 ten dollars or less.
255

256 (1) Any taxpayer not required to remit tax to the Municipality for a taxable year
257 pursuant to Division (h)(1) of this Section must file with the Municipality an
258 annual net profit return under Division (f)(3) and (4) of this Section.
259

260 ~~i) This Division shall not apply to payments required to be made under Section 164.10(b)~~
261 ~~of this Chapter.~~
262 (1)
263

264 i) If any report, claim, statement, or other document required to be filed, or any payment
265 required to be made, within a prescribed period or on or before a prescribed date under
266 this Chapter is delivered after that period, the date of the postmark stamped on the cover
267 in which the report, claim, statement, or other document, or payment is mailed shall be
268 deemed to be the date of delivery or the date of payment. "The date of postmark" means,
269 in the event there is more than one date on the cover, the earliest date imprinted on the
270 cover by the postal service.
271

272 j) The amounts withheld for the Municipality by an employer, the agent of an employer, or
273 other payer as described in Section 164.10 of this Chapter shall be allowed to the
274 recipient of the compensation as credits against payment of the tax imposed on the
275 recipient unless the amounts withheld were not remitted to the Municipality and the
276 recipient colluded with the employer, agent, or other payer in connection with the failure
277 to remit the amounts withheld.

- 278 k) Each return required by the Municipality to be filed in accordance with this Section shall
279 include a box that the taxpayer may check to authorize another person, including a tax
280 return preparer who prepared the return, to communicate with the Tax Administrator
281 about matters pertaining to the return. The return or instructions accompanying the
282 return shall indicate that by checking the box the taxpayer authorizes the Tax
283 Administrator to contact the preparer or other person concerning questions that arise
284 during the examination or other review of the return. The return or instructions
285 accompanying the return must also indicate that by checking the box the taxpayer
286 authorizes the preparer or other person to provide the Tax Administrator with information
287 that is missing from the return, to contact the Tax Administrator for information about
288 the examination or other review of the return or the status of the taxpayer's refund or
289 payments, and to respond to notices about mathematical errors, offsets, or return
290 preparation that the taxpayer has received from the Tax Administrator and has shown to
291 the preparer or other person. Authorization by the taxpayer of another person to
292 communicate with the Tax Administrator about matters pertaining to the return does not
293 preclude the Tax Administrator from contacting the taxpayer regarding such matters.
294
- 295 l) The Tax Administrator of the Municipality shall accept for filing a generic form of any
296 income tax return, report, or document required by the Municipality in accordance with
297 this Chapter, provided that the generic form, once completed and filed, contains all of the
298 information required by ordinance and the rules and regulations adopted by the
299 Municipality, and provided that the taxpayer or tax return preparer filing the generic form
300 otherwise complies with the provisions of this Chapter.
301
- 302 m) When income tax returns, reports, or other documents require the signature of a tax
303 return preparer, the Tax Administrator shall accept a facsimile of such a signature in lieu
304 of a manual signature.
305
- 306 n) (1) As used in this Division, "worksite location" has the same meaning as in Section
307 164.11 of this Chapter.
308
- 309 (2) A person may notify the Tax Administrator that the person does not expect to be
310 a taxpayer with respect to the municipality for a taxable year if both of the
311 following conditions apply:
312
- 313 i. The person was required to file a tax return with the municipality for the
314 immediately preceding taxable year because the person performed services
315 at a worksite location within the municipality, and the person has filed all
316 appropriate and required returns and remitted all applicable income tax
317 and withholding payments as provided by this Chapter. The Tax
318 Administrator is not required to accept an affidavit from a taxpayer who
319 has not complied with the provisions of this Chapter.
320
- 321 ii. The person no longer provides services in the municipality, and does not
322 expect to be subject to the municipality's income tax for the taxable year.
323 The person is required to provide the notice in a signed affidavit that briefly
324 explains the person's circumstances, including the location of the previous
325 worksite location and the last date on which the person performed services
326 or made any sales within the municipality. The affidavit also shall include
327 the following statement: "The affiant has no plans to perform any services
328 within the municipality, make any sales in the municipality, or otherwise
329 become subject to the tax levied by the municipality during the taxable
330 year. If the affiant does become subject to the tax levied by the municipality
331 for the taxable year, the affiant agrees to be considered a taxpayer and to
332 properly register as a taxpayer with the municipality, if such a registration
333

333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383

is required by the municipality's ordinances or rules and regulations." The person shall sign the affidavit under penalty of perjury.

- iii. If a person submits an affidavit described in Division (n)(2) of this Section, the Tax Administrator shall not require the person to file any tax return for the taxable year unless the Tax Administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change, or the taxpayer has engaged in activity which results in work being performed, services provided, sales made, or other activity that results in municipal taxable income reportable to the Municipality in the taxable year. It shall be the responsibility of the taxpayer to comply with the provisions of this Chapter relating to the reporting and filing of municipal taxable income on an annual municipal income tax return, even if an affidavit has been filed with the Tax Administrator for the taxable year. Nothing in Division (n) of this Section prohibits the Tax Administrator from performing an audit of the person.

o) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment.

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

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

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

Passed: _____

President of Council

Clerk of Council

Approved _____

Mayor

9/12/16

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2016

8
9 AN ORDINANCE AUTHORIZING THE PARKS AND
10 RECREATION BOARD TO ENTER INTO A CONTRACT OR
11 CONTRACTS, ACCORDING TO LAW, FOR THE REPAIR OF
12 THE AQUATIC CENTER ROOF, AND DECLARING AN
13 EMERGENCY.
14

15
16 WHEREAS, the original bid proposal for the natatorium roof included an
17 alternative bid for a section of pitched roof that covers the aquatic center; and
18

19 WHEREAS, it was initially believed that only a small section of the aquatic center
20 roof needed repairs and, therefore, the alternative bid was not accepted at that time;
21 and
22

23 WHEREAS, when the contractor, Campopiano Roofing Inc., got further into the roof
24 repairs, it was determined that more extensive repairs were necessary than initially
25 expected; and
26

27 WHEREAS, Campopiano Roofing Inc. was the lowest bidder for the roofing repairs
28 and is willing to honor its original alternate bid; and
29

30 WHEREAS, these additional repairs to the aquatic center roof are in the public
31 interest and serve the public good by protecting this valuable asset.
32

33 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
34 Falls, County of Summit and State of Ohio, that:
35

36 Section 1. The Parks and Recreation Board is hereby authorized to enter into a
37 contract or contracts, according to law, with Campopiano Roofing Inc. for the repair of
38 the aquatic center roof.
39

40 Section 2. The Finance Director is hereby authorized and directed to make
41 payment for same from the Leisure Time Fund, line item Capital Outlay.
42

43 Section 3. Any other ordinances and resolutions or portions of ordinances and
44 resolutions inconsistent herewith are hereby repealed, but any ordinances and
45 resolutions or portions of ordinances and resolutions not inconsistent herewith and
46 which have not previously been repealed 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 public, in
52 compliance with all legal requirements including Chapter 107 of the Codified
53 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, and provided it
58 receives the affirmative vote of two-thirds of the members elected or appointed to
59 Council, it shall take effect and be in force immediately upon its passage and approval
60 by the Mayor; otherwise it shall take effect and be in force at the earliest period
61 allowed by law.

62
63
64 Passed: _____
65 _____
66 President of Council

67
68 _____
69 Clerk of Council

70 Approved: _____
71 _____
72 Mayor

73 9/12/16
74 O:\2016ords\Nat Roof Repair Alternate.doc

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2016

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
9 ACCORDING TO LAW, FOR IMPROVEMENTS TO THE
10 BROAD BOULEVARD EXIT RAMP STORM SEWER OUTFALL,
11 AND DECLARING AN EMERGENCY.
12

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

16
17 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
18 contracts, according to law, for improvements to the Broad Boulevard exit ramp storm sewer
19 outfall.
20

21 Section 2. The Director of Finance is hereby authorized and directed to make payment
22 for same from the Capital Projects Fund, line item Capital Outlay.
23

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

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

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

42
43
44 Passed: _____
45 _____
46 President of Council

47
48
49 _____
50 Clerk of Council

51
52 Approved: _____
53 _____
54 Mayor

54 9/12/16

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2016

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
9 COMMUNITY DEVELOPMENT TO ENTER INTO A CONTRACT,
10 WITHOUT COMPETITIVE BIDDING, WITH NEIGHBORHOOD
11 DEVELOPMENT SERVICES FOR COSTS ASSOCIATED WITH
12 THE COMPREHENSIVE HOUSING REHABILITATION
13 PROGRAM, AND DECLARING AN EMERGENCY.
14

15 WHEREAS, an increase in funds is needed to complete four additional housing
16 rehabilitation projects in 2016; and
17

18 WHEREAS, in 2016 the City has completed nine housing rehabilitation projects and has
19 two projects currently underway; and
20

21 WHEREAS, Pursuant to federal regulations, competitive bidding is not required when a
22 subrecipient, such as a nonprofit agency, undertakes activities that are eligible for
23 assistance; and
24

25 WHEREAS, Neighborhood Development Services, is a nonprofit subrecipient with
26 comprehensive rehabilitation expertise in the City of Cuyahoga Falls; and
27

28 WHEREAS, it is in the City’s best interest to maintain quality property values by
29 providing safe and sanitary housing to its residents.
30

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

34 Section 1. The Director of Community Development is hereby authorized to enter into a
35 contract or contracts, without competitive bidding, with Neighborhood Development
36 Services, for costs associated with the Comprehensive Housing Rehabilitation Program.
37

38 Section 2. The Director of Finance is hereby authorized and directed to make payment
39 for same from the CDBG Housing Rehabilitation Contractual Services Fund line item.
40

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

46 Section 4. It is found and determined that all formal actions of this Council concerning
47 and relating to the passage of this ordinance were taken in an open meeting of this Council
48 and that all deliberations of this Council and of any committees that resulted in those formal
49 actions were in meetings open to the public, in compliance with all requirements including
50 Chapter 107 of the Codified Ordinances.
51

52 Section 5. This ordinance is hereby declared to be an emergency measure necessary for
53 the preservation of the public peace, health, safety, convenience and welfare of the City of
54 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
55 two-thirds of the members elected or appointed to Council, it shall take effect and be in force

56 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and
57 be in force at the earliest period allowed by law.

58
59

60 Passed: _____

President of Council

61
62
63

64
65

Clerk of Council

66
67

68 Approved: _____

Mayor

69
70

9/12/16

71 O:\2016ords\NDS Contract.doc