

EMERGENCY ORDINANCE NO. 28-96  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. MARK KINGSEED  
ON THE 16TH DAY OF DECEMBER, 1996

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$1,915,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING REAL PROPERTY FOR MUNICIPAL RECREATIONAL FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Emergency Ordinance No. 2-96 passed January 15, 1996, notes in anticipation of bonds in the amount of \$2,130,000, dated February 1, 1996 (the Outstanding Notes), were issued for the purpose stated in Section 2, to mature on February 3, 1997; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 4 and other funds available for that purpose; and

WHEREAS, the Director of Finance has certified that the estimated life or period of usefulness of the improvement is at least five years and that the estimated maximum maturity of the bonds is 30 years, and the maximum maturity of the notes is 20 years less such period of time any prior bond anticipation notes for such purpose have been outstanding; now, therefore,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That this Council hereby declares that an emergency exists affecting the public welfare, in that the Notes authorized by this emergency ordinance must be sold without delay in order to timely retire the Outstanding Notes on February 3, 1997 and thereby maintain the credit standing of the City.

SECTION 2. That it is necessary to issue bonds of this City in the maximum aggregate principal amount of \$1,915,000 (the Bonds) for the purpose of paying costs of acquiring real property for municipal recreational facilities.

SECTION 3. That the Bonds shall be dated approximately February 1, 1998, shall bear interest at the now estimated rate of 6-3/4% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 30 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal.

SECTION 4. That it is necessary to issue and this Council determines that notes in the maximum aggregate principal amount of \$1,915,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Notes. The Notes shall bear interest at a rate not to exceed 9-1/2% per year (computed on a 360-day per year basis), payable at maturity and until the principal amount is paid or payment is provided for. If requested by the original purchaser, the Notes may provide that, in the event the City does not pay or make provision for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate not to exceed 10-1/2% per year from the maturity date until the City pays or makes provision to pay that principal amount. The rate of interest on the Notes and the principal amount of the Notes to be issued to be determined by the amount of other funds projected to be available for payment of principal of and interest on the Outstanding Notes shall be determined by the Director of Finance in the Certificate of Award referred to in Section 7. The Notes shall be dated January 30, 1997, shall mature on February 3, 1998, and shall not be subject to redemption prior to maturity.

SECTION 5. That the debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the original purchaser, and shall be payable, without deduction for services of the City's paying agent, at the main office of Star Bank, National Association, Cincinnati, Ohio or at the principal office of a bank or trust company requested by the original purchaser of the Notes, provided that such request shall be approved by the Director of Finance after determining that the payment at the requested bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the Paying Agent).

SECTION 6. That the Notes shall be signed by the Mayor or Deputy-Mayor and Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser of the Notes and approved by the Director of Finance, provided that the entire principal amount may be represented by a single note. If the Notes are not issued as a single note, the Notes shall be issued in the denominations of \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any whole multiple thereof and are not exchangeable for Notes in denominations less than \$100,000. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance.

SECTION 7. That the Notes shall be sold at not less than par at private sale by the Director of Finance in accordance with law and the provisions of this ordinance. The Director of Finance shall sign the certificate of award evidencing that sale (the "Certificate of Award"),

cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor or Deputy-Mayor, the Director of Finance, the City Manager, and the Clerk of Council, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance.

SECTION 8. That the proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 9. That the par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 10. That during the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in

preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent money from the municipal income tax is available for the payment of the debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the covenant hereinafter set forth.

To the extent necessary, the debt charges on the Notes and the Bonds shall be paid from municipal income taxes lawfully available therefore under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7), Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and revenues of the City to the prompt payment of the debt charges on the Notes and Bonds.

SECTION 11. That the Clerk of Council is directed to deliver a certified copy of this ordinance to the County Auditor.

SECTION 12. That this Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 10) of the City are pledged for the timely

payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

SECTION 13. That this Council finds and determines 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 the law.

SECTION 14. That this ordinance shall become effective upon its adoption, in accordance with Section 5.05 of the Charter of the City and by reason of Sections 5.05 and 8.11 of the Charter of the City shall not stand repealed as of the 75th day after adoption.

ADOPTED this 16th day of December, 1996.

Sally D. Beals  
Presiding Officer

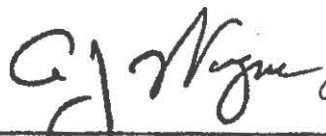
Attest: Marilyn J. Fung  
Clerk of Council

City of Centerville, Ohio  
Taxable Recreational Facilities Notes, Series 1997

COUNTY AUDITOR'S RECEIPT

I acknowledge receipt on this date of Ordinance No. 28-96, passed by the Council of the City of Centerville on December 16, 1996 and providing for the issuance and sale of the Notes identified above, and of the certificate of award, dated January 30, 1997, determining the principal amount of such Notes.

Dated: January 16, 1997

  
\_\_\_\_\_  
County Auditor  
Montgomery County, Ohio