

## CITY OF CENTERVILLE, OHIO

EMERGENCY ORDINANCE NO. 7-83

SPONSORED BY COUNCILMEMBER Jeffrey Siler ON  
 THE 18TH DAY OF APRIL, 1983.

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$560,000 OF NOTES OF THE CITY OF CENTERVILLE, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING AND IMPROVING SIDEWALKS, CURBS AND GUTTERS, AND CONSTRUCTING, RESURFACING, GRADING OR DRAINAGE OF VARIOUS ROADS, HIGHWAYS, STREETS AND ALLEYS IN THE CITY OF CENTERVILLE, OHIO, AND PAYING OTHER LAWFUL COSTS INCIDENT TO THE ISSUANCE OF SAID BONDS, OR NOTES ISSUED IN ANTICIPATION THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance has certified to this Council that the estimated life of the improvements hereinafter mentioned is at least five (5) years, that the maximum maturity of bonds for such improvements is twenty (20) years, and that the maximum maturity of notes to be issued in anticipation of such bonds is one (1) year if not sold at public sale; and

WHEREAS, \$700,000 of bond anticipation notes (the "1982 Notes") issued for the purpose of such improvements mature on May 2, 1983, and should be paid at maturity with the proceeds of sale of the bond anticipation notes hereby authorized, together with other lawfully available funds; now therefore,

THE MUNICIPALITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, HEREBY ORDAINS:

SECTION 1. This Council hereby declares that an emergency exists affecting the public welfare, in that the City requires the immediate issuance of notes hereinafter described in order to pay the 1982 Notes at maturity.

SECTION 2. It is hereby declared necessary to issue bonds of the City of Centerville, Ohio, in the principal sum of \$560,000, for the purpose of paying the cost of constructing and improving sidewalks, curbs and gutters, and constructing, resurfacing, grading or drainage of various roads, highways, streets and alleys in the City of Centerville, Ohio, and paying other lawful costs incident to the issuance of said bonds, or notes issued in anticipation thereof. Said bonds shall be dated approximately April 1, 1984, shall bear interest at the

estimated rate of ten per cent (10%) per annum, payable semi-annually until the principal sum is paid, and shall mature in twenty substantially equal annual installments after their issuance.

SECTION 3. It is necessary to issue and this Council hereby determines that a note or notes (herein the "notes") in the aggregate principal amount of \$560,000 shall be issued in anticipation of such bonds. The notes shall be numbered from 1 upwards and shall be of such denomination or denominations as may be requested by the Purchaser identified in SECTION 5 hereof, shall bear interest at the rate of five and eighty-three hundredths per cent (5.83%) per annum, payable at maturity, shall be dated May 2, 1983, and shall mature on May 2, 1984. The rate of interest per annum specified in this SECTION is the maximum rate of interest per annum within the meaning of Section 9.95 of the Ohio Revised Code.

SECTION 4. The notes shall be designated "Road Improvement Bond Anticipation Notes, Series 1983" and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance. The notes shall be executed by the manual signatures of the Mayor and the Director of Finance and shall bear the corporate seal of the City. Both the principal of and interest on the notes shall be payable at Winters National Bank and Trust Co., Dayton, Ohio 45401, upon presentation and surrender of the notes at maturity, without deduction for collection, exchange, or bank service charges.

SECTION 5. Subject to the rejection of the notes by the officer in charge of the Bond Retirement Fund for investment in such fund, the notes shall be and are hereby awarded and sold at the par value thereof, plus a premium of \$12.00, to Winters National Bank and Trust Co., Dayton, Ohio (herein the "Purchaser"), in accordance with its offer to purchase the same; and the Director of Finance is hereby authorized and directed to deliver the notes, when executed, to the Purchaser upon payment of such purchase price and accrued interest to the date of delivery. The proceeds of such sale shall be paid into the proper fund and used, together with other lawfully available funds, for the purpose for which the notes are being issued under the provisions of this ordinance and as described in SECTIONS 1 and 2 hereof, and for no other purpose. Any premium and accrued interest shall be credited to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the notes in the manner provided by law.

SECTION 6. The notes shall be the full general obligations of the City and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by the notes and any excess funds resulting from the issuance of the notes shall to the extent necessary be used only for the retirement of the notes at maturity, together with interest thereon, and are hereby pledged for such purpose.

SECTION 7. During the year or years while the notes run, there shall be levied upon all of the taxable property in the City of Centerville, Ohio, within the ten mill tax limitation, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds of like amount had been issued without the prior issuance of the notes. Said tax shall be and is hereby 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 said years are certified, extended and collected. The funds derived from the tax levies hereby required shall be placed in a separate and distinct fund, which, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the notes, or bonds in anticipation of which they are issued, when and as the same fall due.

SECTION 8. This Council, for and on behalf of the City of Centerville, Ohio, hereby covenants that it will restrict the use of the proceeds of the notes herein authorized in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Section 103(c) of the Internal Revenue Code and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the notes is authorized and directed to give an appropriate certificate on behalf of the City on the date of delivery of the notes, for inclusion in the transcript of proceedings, setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Section 103(c) and regulations thereunder.

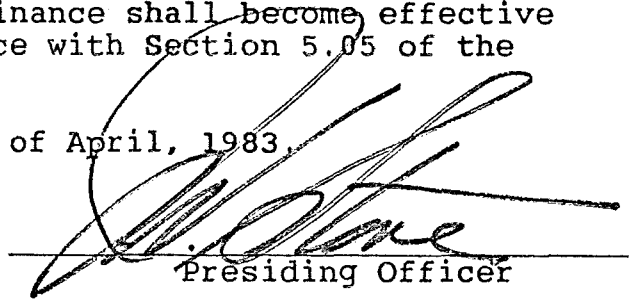
SECTION 9. This Council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees,

if any, which resulted in such formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 10. The Director of Finance is hereby directed to forward a certified copy of this ordinance to the County Auditor of Montgomery County, Ohio.

SECTION 11. This ordinance shall become effective upon its adoption, in accordance with Section 5.05 of the Charter.

ADOPTED this 18th day of April, 1983.

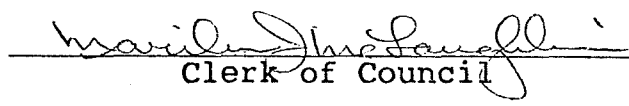
  
Presiding Officer

Attest:

  
Clerk of Council

CERTIFICATE

The undersigned Clerk of Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Emergency Ordinance No. 7-83, adopted by Council on April 18, 1983.

  
Clerk of Council

CERTIFICATE

The undersigned Director of Finance of the City of Centerville, Ohio, hereby certifies that a certified copy of Emergency Ordinance No. 7-83 was duly filed with the County Auditor of Montgomery County, Ohio, on the date indicated in the Receipt appearing below.

  
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Director of Finance

RECEIPT

The undersigned County Auditor of Montgomery County, Ohio, hereby acknowledges receipt this day of a certified copy of Emergency Ordinance No. 7-83 of the City of Centerville, Ohio.

DATE: 4/20, 1983

  
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County Auditor

By   
\_\_\_\_\_  
Deputy County Auditor