

RESOLUTION NO. 44-03

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. Mark Kingseed ON
THE 15th DAY OF September 2003.

A RESOLUTION DESIGNATING A PUBLIC DEPOSITORY AND AWARDING
PUBLIC MONIES.

WHEREAS, pursuant to Section 135.12 Ohio Revised Code, the Council of the City of Centerville, Ohio must meet in open session and designate a public depository, on the basis of written applications received, for deposit of inactive and/or active and/or interim funds for the period commencing October 1, 2003 and ending September 30, 2008.

WHEREAS, the Council of the City of Centerville, Ohio estimates the probable amount of public monies to be deposited in inactive deposits at the beginning of the period of designation to be up to Five Hundred Thousand Dollars (\$500,000.00), and the probable maximum amount to be so deposited at any one time during such period shall be up to Three Million Dollars (\$3,000,000.00).

WHEREAS, the Council of the City of Centerville, Ohio estimates the probable amount of public monies to be deposited in active deposits at the beginning of the period of designation to be up to Five Million Dollars (\$5,000,000.00), and the probable maximum amount to be so deposited at any one time during such period shall be up to Fifteen Million Dollars (\$15,000,000.00).

WHEREAS, the Council of the City of Centerville, Ohio estimates the probable amount of public monies to be deposited in interim deposits at the beginning of the period of designation to be up to Five Million Dollars (\$5,000,000.00), and the probable maximum amount to be so deposited at any one time during such period shall be up to Ten Million Dollars (\$10,000,000.00).

WHEREAS, written application has been received from Fifth Third Bank, as follows:

For Active Deposits

Maximum of Fifteen Million Dollars (\$15,000,000)

For Interim Deposits

Maximum of Ten Million Dollars (\$10,000,000)

For Inactive Deposits

Maximum of Three Million Dollars (\$3,000,000)

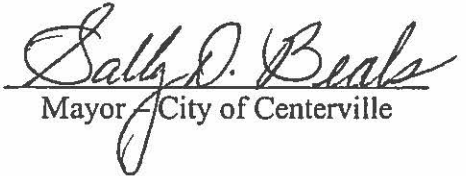
A copy of said application with a copy of the financial statement of said Fifth Third Bank, attached hereto, incorporated herein by reference, and marked Exhibit "A", and

WHEREAS, Council finds that the said Fifth Third Bank applied for active, inactive, and interim deposits, and that the sureties and securities are proper, namely: Such collateral in the amount necessary to sufficiently cover the total deposits as enumerated in Section 135.181 O.R.C.

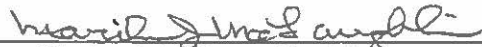
NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

That deposit of active, inactive, and interim deposits of the City, up to the maximum amounts set forth herein, as determined by Council, be awarded to Fifth Third Bank, which bank shall become a depository for the monies of the City for a period of five years by written Memorandum of Agreement to be executed by the City with said depository.

PASSED this 15th day of September 2003.


Mayor of City of Centerville

ATTEST:


Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 44-03, passed by the Council of the City of Centerville, Ohio, on the 15th day of September, 2003.


Clerk of Council

Approved as to form, consistency
with existing ordinances, the charter
and constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

MEMORANDUM OF AGREEMENT FOR DEPOSIT OF PUBLIC FUNDS

WHEREAS, Fifth Third Bank, Western Ohio, a financial institution corporation under the laws of The State of Ohio located and doing business within Montgomery County, Ohio hereinafter referred to as the "Financial Institution," having capital funds as defined by Section 135.01(C) of the Revised Code of One Billion Four Hundred Sixty-One Million Two Hundred Sixty-Five Thousand and No/100 Dollars (\$1,461,265,000.00) and thirty percent (30%) total assets which are Fifty-Five Billion Three Hundred One Million Five Hundred Sixteen Thousand and No/100 (\$55,301,516,000.00), as shown in the financial statement attached to the application or applications of the Financial Institution, has in writing proposed to **CITY OF CENTERVILLE**, that for the full time beginning **OCTOBER 1, 2003** and ending **SEPTEMBER 30, 2008**, both inclusive, it will accept for deposit and safekeeping the maximum sum of **TWENTY-EIGHT MILLION AND NO/100 DOLLARS (\$28,000,000.00)** or any part thereof of the interim deposits of said subdivision as active and interim deposits as defined in Section 135.01 of the Revised Code;

WHEREAS, said Financial Institution has also, in said written proposal, and pursuant to the Uniform Depository Act of Ohio, offered to pledge and deposit with the Treasurer of the subdivision or designated Trustee as security for the repayment of all public moneys to be deposited in the Financial Institution by said **CITY OF CENTERVILLE**, security of the kind specified in Section 135.18 and/or 135.181 and any other sections of the Revised Code of Ohio specifying eligible security, in a sum equal to the minimum amount of security required by Section 135.18 and 135.181 of the Revised Code of Ohio, or surety company bond or bonds in a sum required by said Uniform Depository Act; and

WHEREAS, the said **CITY OF CENTERVILLE** has accepted the said proposal of said Financial Institution, either as to the whole or part of the amount of deposits proposed for, and has selected said Financial Institution as one of its depositories for and during the period or periods of time as follows for the sum herein set forth: **FIFTEEN MILLION AND NO/100 DOLLARS (\$15,000,000.00)** for the period beginning **OCTOBER 1, 2003** and ending **SEPTEMBER 30, 2008** as active deposits, and **TEN MILLION AND NO/100 DOLLARS (\$10,000,000.00)** for the period beginning **OCTOBER 1, 2003** and ending **SEPTEMBER 30, 2008** as interim deposits, both dates inclusive; and awarded to it, as such depository, a deposit or deposits of money at the rate of interest for such interim deposits set forth in its applications for the deposit of public moneys the total of which active, inactive and interim, deposits awarded totals **TWENTY-EIGHT MILLION AND NO/100 DOLLARS (\$28,000,000.00)**, a total which does not exceed the limit set by Section 135.03 of the Revised Code of thirty percent of the total assets of the Financial Institution:

Said Financial Institution further agrees that to secure the performance of its obligations hereunder and under said proposal and the observance of all requirements of law applying to such deposits, depositories, contracts, and bonds, it will forthwith pledge to and deposit with the Treasurer or designated Trustee to said **CITY OF CENTERVILLE** for the benefit of said **CITY OF CENTERVILLE** and to its satisfaction, and to the satisfaction of the legal advisor of said **CITY OF CENTERVILLE** as to the form eligible securities of aggregate market value equal to the excess of the amount of public moneys to be at the time so deposited, over and above such portion or amount of such moneys as is at such time insured by the Federal Insurance Corporation, or by any agency or instrumentality of the federal government, under the provisions of Section 135.18 and/or 135.181 of the Revised Code. The said Financial Institution will offer eligible securities or other obligations of the kind permitted to be deposited under the provisions of the Uniform Depository Act to secure said award.

Said Financial Institution further covenants and agrees that any or all of the money awarded to or deposited with it as active funds, may at any time be drawn against by check of the CITY OF CENTERVILLE executed by such authorized person(s) or officer(s) and according to such procedure as said CITY OF CENTERVILLE may designate and prescribe; such interim deposits shall be evidenced by certificate of deposit maturing in thirty or more days, but in no event more than one year from date of deposit.

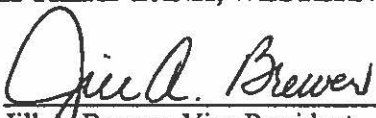
Said Financial Institution also agrees to file with the Treasurer of CITY OF CENTERVILLE on the last business day of each month during any time that a part of the award is on deposit a statement showing the balance of such active and interim moneys, in its possession, and said CITY OF CENTERVILLE in consideration of the agreements of said Financial Institution, heretofore set forth, agrees that for and during the period of time beginning OCTOBER 1, 2003 and ending SEPTEMBER 30, 2008, both inclusive, it will and does designate said Financial Institution as a depository of money belonging to it in the amounts set forth above and that it will, during said term, allow the same Financial Institution the full use, for its lawful and proper purposes of the daily balances, of deposits of the money coming into the hands of the Treasurer of said CITY OF CENTERVILLE as such Treasurer, in the Treasurer's Account in said Financial Institution, as aforesaid; all pursuant and subject to the Uniform Depository Act of Ohio, herein referred to, and all amendments or supplements thereto, and to the terms of said Financial Institution's proposal and all within the limits and under and subject to the terms, conditions and stipulations in this agreement set forth. The securities deposited, shall be and are surety and bond for the compliance by said Financial Institution with each and all of the provisions, terms, limitations, conditions and stipulations hereinbefore mentioned, and for the performance hereof by said Financial Institution. It is further agreed that this contract shall become null and void whenever by amendment or amendments of any state or federal law or the amendment or adoption of any valid regulations, thereunder, of the United States are changed or amended, the terms of the designation, lawful at the beginning of any period of designation, cause to be unlawful, during such period and if such change of law or regulation requires, the period of designation shall be limited so as not to extend beyond the date when such change becomes effective.

IN WITNESS WHEREOF, the said parties have hereunto set their hands by their duly authorized officers of said parties, this 27th day of August, 2003.

CITY OF CENTERVILLE

FIFTH THIRD BANK, WESTERN OHIO

BY: _____

BY: 
Jill A. Brewer, Vice President

BY: _____