

ORDINANCE NO. 31-2019

INTRODUCED BY: MAYOR JAMES GRAVEN AND COUNCIL AS A WHOLE

AN ORDINANCE AMENDING ORDINANCE NO. 03-2019, PASSED FEBRUARY 12, 2019, PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$5,000,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION OF THE COSTS OF CONSTRUCTING AND INSTALLING SANITARY SEWERAGE SYSTEM IMPROVEMENTS, INCLUDING ALL NECESSARY APPURTENANCES THERETO COMPRISING THE PHASE V SEWER PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend Section 8 of Ordinance No. 03-2019, passed by the Council of the City on February 12, 2019, in order to maximize the City's ability to achieve the best interest rates possible to finance the improvements described in that ordinance by pursuing the Ohio Market Access Program, being a state credit enhancement program available to the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

SECTION 1. Section 8 of Ordinance No. 03-2019 is hereby amended and restated in its entirety as follows:

SECTION 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds; Ohio Market Access Program. 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.

If the determined in the Certificate of Award to be in the best interests of and financially advantageous to the City, the City shall participate in the Treasurer of State's Ohio Market Access Program. The related Standby Note Purchase Agreement (Standby Note Purchase Agreement) and Paying Agent Agreement (Paying Agent Agreement) are hereby authorized in the forms consistent with the terms of this Ordinance as may be approved by the officers of the City executing those Agreements. The City acknowledges the agreement of the Treasurer of State in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued

and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer of State agrees (a) to purchase the Notes from the Holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (b) to purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes the City shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes within the ten-mill limitation imposed by law on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal tax purposes under Section 103 of the Internal Revenue Code as amended to the same extent that interest on the Notes is so excluded. Such officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for such an Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the Holders or beneficial owners of the existence of such agreement and providing instructions to such Holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer of State at stated maturity."

SECTION 2. Section 8 of Ordinance No. 03-2019, as it was originally passed on February 12, 2019, is hereby repealed and shall be of no further force or effect.

SECTION 3. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 4. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

