

# AGENDA

## CANFIELD CITY COUNCIL

February 6, 2019 -5:30 P.M.

### FRANCIS J. McLAUGHLIN MUNICIPAL BUILDING

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call: Quorum is Present - Meeting is in Session.
4. Proclamations & Presentations.
5. Approval of Minutes.
6. Reading of Communications.
7. Reports of Committees, Boards, City Manager, Finance Director, Chief of Police, Zoning Inspector and Public Works Foreman.
8. Public questions from residents (or representative) related to the above referenced reports. Questions may be limited to three (3) minutes.
9. Recognition of Persons Desiring to Appear Before Council.

10. OLD BUSINESS

Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.

11. NEW BUSINESS

Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.

- A. An **Ordinance** Authorizing Change Order Number 1 For Foust Construction (2018 Hillside Waterline Replacement Project).

Public Comments.

- B. An **Ordinance** Authorizing the City Manager to Enter Into A Contract With MS Consultants, Inc. Consultants for Sanitary Sewer System Hydrologic and Hydraulic Study to Assess Current Conditions and Capacity for Future Development.

Public Comments.

- C. An **Ordinance** Authorizing The City Manager To Enter Into A Contract With MS Consultants, Inc. Consultants For Water Model and Distribution Master Plan Services For the Redgate Farm Development Project.

Public Comments.

- D. An **Ordinance** Authorizing The City of Canfield to Amend The Annexation Agreement With Canfield Township Previously Entered Into By The City.

Public Comments

- E. An **Ordinance** Providing For The Issuance and Sale of Not to Exceed \$106,555 Aggregate Principal Amount of Bonds of the City of Canfield, to Pay Costs of Acquiring and Equipping a Utility Bucket Truck, Including All Necessary Appurtenances Thereto, and Declaring an Emergency.

Public Comments

- F. A **Resolution** Requesting Advances on the Collection of Real Estate Taxes.

Public Comments.

12. Council Comments.

13. Adjournment.

**RECORD OF ORDINANCES**

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

Introduced By: \_\_\_\_\_  
First Reading: \_\_\_\_\_

ORDINANCE

**AN ORDINANCE AUTHORIZING CHANGE ORDER  
NUMBER 1 FOR FOUST CONSTRUCTION, INC.  
(2018 WATERLINE PROJECT)**

WHEREAS, the Council of the City of Canfield authorized the City Manager to enter into a contract with Foust Construction, Inc. (Ordinance # 2018-29) on July 18, 2018 in an amount not to exceed one-hundred thirty-two thousand, five-hundred fifty-three and 68/100 (\$132,553.68) based on a public bid; and

WHEREAS, the Engineer recommends a Change Order pursuant to Section II of the Contract; and

WHEREAS, Council desires to authorize Change Order 1

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: Change Order 1 hereby authorizes an addition to the original contract amount, in an amount of (\$9,273.75) pursuant to change order #1 attached.

Section 2: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2019.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY

# RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

Introduced By: \_\_\_\_\_  
First Reading: \_\_\_\_\_

## ORDINANCE

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MS CONSULTANTS, INC. CONSULTANTS FOR SANITARY SEWER SYSTEM HYDROLOGIC AND HYDRAULIC STUDY TO ASSESS CURRENT CONDITIONS AND CAPACITY FOR FUTURE DEVELOPMENT .

WHEREAS, the Council of the City of Canfield desires to proceed with a Hydrologic and Hydraulic Study of the current sanitary sewer system, and assess the capacity needed for future development as it relates to the Millennial Moments, and Redgate Farm Development Project; and

WHEREAS, the Council of the City of Canfield desires said study in order to assist in the design and development a sustainable plan for the City's sanitary sewer system related to Millennial Moments and Redgate Farm Development Projects; and

WHEREAS, Council desires to authorize a professional services contract with MS Consultants Inc. of 333 Federal street Youngstown Ohio 44503, Consulting Engineers for said services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The City Manager is hereby authorized to enter into a contract with MS Consultants Inc. for Water Model and Distribution Master Plan Services, for Redgate Farm Development Project, as attached hereto as Exhibit 1.

Section 2: Cost of said services shall not exceed Forty-Five Thousand Nine Hundred and fifty and xx/100 (\$45,950.00)

Section 3: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2019.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

Certification of Publication

# RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

## ORDINANCE

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MS CONSULTANTS, INC. CONSULTANTS FOR WATER MODEL AND DISTRIBUTION MASTER PLAN SERVICES FOR THE REDGATE FARM DEVELOPMENT PROJECT.

WHEREAS, the Council of the City of Canfield desires to proceed with the Creation of a water distribution system computer model, and distribution master plan of the Redgate Farm Development Project; and

WHEREAS, the Council of the City of Canfield desires said model in order to assist in the development a sustainable plan for the Redgate Farm Development Project; and

WHEREAS, Council desires to authorize a professional services contract with MS Consultants Inc. of 333 Federal street Youngstown Ohio 44503, Consulting Engineers for said services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The City Manager is hereby authorized to enter into a contract with MS Consultants Inc. for Water Model and Distribution Master Plan Services, for Redgate Farm Development Project, as attached hereto as Exhibit 1.

Section 2: Cost of said services shall not exceed Forty-Three Thousand and xx/100 (\$43,000.00)

Section 3: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2019.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

## Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: \_\_\_\_\_

# RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

Introduced by: \_\_\_\_\_  
First Reading: \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY OF CANFIELD  
TO AMEND THE ANNEXATION AGREEMENT WITH  
CANFIELD TOWNSHIP PREVIOUSLY ENTERED INTO  
BY THE CITY**

**WHEREAS**, the Council of the City of Canfield previously entered into an Annexation Agreement with Canfield Township providing for the annexation of certain property located in Canfield Township, and

**WHEREAS**, the City and Canfield Township have mutually determined it necessary to amend the previous adopted agreement.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:**

**Section 1.** That Section III (D) of the agreement shall be amended as delineated on Exhibit 1, which is attached hereto and incorporated herein by reference.

**Section 2.** That the City Manager of the City of Canfield is hereby authorized and directed to enter into the Annexation Agreement amended as attached hereto and to take any and all other actions as may be required by law to effect the terms of the Agreement, and this amendment.

**Section 3:** That this Ordinance and all deliberation relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to wit:  
\_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY

RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

Introduced by: \_\_\_\_\_

First Reading: \_\_\_\_\_

ORDINANCE

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$106,555 AGGREGATE PRINCIPAL AMOUNT OF BONDS OF THE CITY OF CANFIELD, TO PAY COSTS OF ACQUIRING AND EQUIPPING A UTILITY BUCKET TRUCK, INCLUDING ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the Improvements described in Section 1 is at least five years and the maximum maturity of the Bonds described in Section 1 is five years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, MAHONING COUNTY, OHIO:

Section 1: It is necessary to issue bonds of this City in the aggregate principal amount of not to exceed \$106,555 (the Bonds), to pay costs of acquiring and equipping a utility bucket truck, including all necessary appurtenances thereto (the Improvements). The principal amount of the Bonds shall be the amount determined by the Director of Finance in the certificate awarding the Bonds in accordance with Section 7 hereof (the Certificate of Award) to be the amount necessary to pay costs of the improvements described herein (the Improvements), including any issuance costs, after having determined the amount of any other available funds for that purpose.

The Bonds shall be issued in one lot and only as fully registered bonds, in the denominations requested by the original purchaser. The Bonds shall be dated as of February 8, 2019 or such other date as may be determined by the Director of Finance in the Certificate of Award, but in any case not more than 50 days prior to the date of their initial delivery.

The Bonds shall bear interest at the rate or rates per year (computed on a 360-day year basis) not to exceed 3.73% per year for any stated maturity, as specified in the Certificate of Award; provided that the Bonds of any one maturity shall all bear the same rate of interest; and provided further that the amounts of principal payments and those interest rates shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. Interest on the Bonds shall be payable on June 1 and December 1 of each year (the Interest Payment Dates), commencing June 1, 2019, until the principal amount has been paid or provided for; provided, if determined to be necessary or advisable to the issuance and sale of the Bonds, differing Interest Payment Dates and/or a different initial Interest Payment Date may be established by the Director of Finance in the Certificate of Award. 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, for their date.

The Bonds shall mature or be payable pursuant to mandatory sinking fund redemption requirements on June 1 and December 1 of each of the following years (the Principal Payment Dates) in such amounts such principal installments that the total

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Passed \_\_\_\_\_, \_\_\_\_\_

principal and interest payments in any fiscal year in which principal is payable is substantially equal.

Section 2: The Bonds may be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If requested by the original purchaser and confirmed in the Certificate of Award, the principal maturity amount on any maturity date may be consolidated with one or more consecutive preceding annual principal maturity amounts into a single aggregate principal amount stated to mature on that maturity date. In that case, those Bonds then stated to mature on such maturity date (the Term Bonds) shall be subject to mandatory sinking fund redemption in part by lot and be redeemed at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates as set forth in the Certificate of Award (such dates and amounts, the Mandatory Sinking Fund Redemption Requirements).

The aggregate amount of money to be deposited with the Bond Registrar (as shall be determined as provided in Section 4 below) for payment of principal of and interest on Term Bonds on each Mandatory Redemption Date shall include amounts sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

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 Mandatory Sinking Fund Requirement (and corresponding mandatory redemption obligation) of the City for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding the applicable Mandatory Redemption Date, by furnishing the Bond Registrar a certificate, executed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirement) or purchased for cancellation and canceled by the Bond Registrar, to the extent not theretofore applied as a credit against any Mandatory Sinking Fund Redemption Requirements for Term Bonds.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) for Term Bonds. Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) for Term Bonds in the order directed by the Director of Finance.

(b) Optional Redemption. If it is determined by the Director of Finance in the Certificate of Award to be necessary or advisable to the sale of the Bonds, the Bonds shall as provided in that Certificate of Award be subject to redemption by and at the option of the City, in whole or in part on any date, at the



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redemption prices specified (expressed as a percentage of the principal amount redeemed) plus, in each case, accrued interest to the redemption date; provided that, the highest redemption price shall not be greater than 100%.

Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the City to the Bond Registrar, given upon the direction of the Director of Finance by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as hereinafter provided, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys which, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

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

(d) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

Section 3: The Bonds shall be signed by the City Manager and the Director of Finance of the City in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Director of Finance, 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. No Bond shall be valid or obligatory for any

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Passed \_\_\_\_\_

purpose or shall be entitled to any security or benefit under the Bond Proceedings (as defined in Section 7) unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar (as defined in Section 4) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar, or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 4: The Director of Finance shall act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Bond Registrar)

Section 5: 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 shall be payable when due upon presentation and surrender of the Bonds at the main office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed by the Bond Registrar 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 (the Record Date).

Section 6: So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep at its main office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the main office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at that office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar.

Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall provide for the signing and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings, as the Bonds surrendered upon that exchange or transfer.

Section 7: The Bonds are hereby sold and awarded at par (plus any accrued interest) at private sale to The Farmers National Bank of Canfield (the Original Purchaser) with the purchase price, the aggregate principal amount, the amount of each principal payment, the interest rate on the Bonds for each maturity, serial maturities of Serial Bonds and Mandatory Sinking Fund Redemption Requirements for any Term Bonds, any optional redemption provisions and other matters as provided for herein, as set forth in the Certificate of Award, in accordance with law and the provisions of this ordinance. The City Manager, Director of Finance, Clerk of Council, Director of Law, and other City officials, 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: The proceeds from the sale of the Bonds, 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 Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 9: There shall be levied on all the taxable property in the City in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall be not less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 Bonds when and as the same fall due.

Section 10: The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

The City hereby designates the Bonds as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all of its subordinate entities or entities which issue obligations on its behalf or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations", in excess of \$10,000,000, and have not issued, do not reasonably expect to issue and will not issue tax-exempt obligations so designated in an aggregate amount in excess of \$10,000,000 without first obtaining an opinion of bond counsel that such designation will not adversely affect the status of the Bonds as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Bonds as "qualified tax-exempt obligations," it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 11: The Director of Finance is directed to forward a certified copy of this ordinance and Certificate of Award to the County Auditor.

Section 12: 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 Bonds 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 Bonds 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 9) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 13: This Council finds and determines that this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

Section 14: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds as soon as possible which is necessary so that the City can timely meet its obligations for the acquisition of the Improvements which are necessary to enhance utility services to its citizens; wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the City Manager.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY

# RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

*Ordinance No.* \_\_\_\_\_

*Passed* \_\_\_\_\_, \_\_\_\_\_

# RECORD OF RESOLUTIONS

*Resolution No.* \_\_\_\_\_ *Passed* \_\_\_\_\_,

Introduced By: \_\_\_\_\_  
First Reading: \_\_\_\_\_

### RESOLUTION

#### A RESOLUTION REQUESTING ADVANCES ON THE COLLECTION OF REAL ESTATE TAXES.

WHEREAS, Ohio Revised Code Section 321.34 provides for advances on real estate tax collection from the County Auditor; and

WHEREAS, Council desires to formally request said advances pursuant to Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The City of Canfield hereby requests advances on the collection of 1<sup>st</sup> and 2<sup>nd</sup> half tax year 2018 Real Estate Taxes.

Section 2: That this Resolution and all deliberations relating to the passage of this Resolution were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2019.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

#### Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Resolution was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY