

RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
**AUTHORIZING THE SALE OF PROPERTY ITEMS RECEIVED INTO
POSSESSION BY THE CITY OF BAY VILLAGE,
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Bay Village has a variety of property items in possession that were determined to be obsolete or abandoned; and

WHEREAS, the City of Bay Village has made reasonable efforts to locate persons entitled to possession of the property in its custody; and

WHEREAS, said items have value and will be placed for auction on GovDeals.com

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1: That Council approves the auction on GovDeals.com property items taken into possession by the City of Bay Village, items that were determined to be obsolete or abandoned.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution 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 law.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and further so said auction may move forward expeditiously, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

GovDeals talking points

5200+ Sellers in 48 States & Canada– First Online Auction over ten years ago – Sold over \$130 Million in last 12 months

Welcome to GovDeals....

The *experienced* government surplus auction service provider with 5200+ sellers in 48 states, including 17 State Surplus programs with expansion into Canada.....

GovDeals basics

An online solution often described as eBay-like and built for government surplus.

Only sells surplus and confiscated items for government entities.... cities, counties, states, school boards, public utilities, law enforcement, etc.

Any registered and verified bidder may buy items on GovDeals.com.

300,000+ GovDeals verified bidders compete online for our 5200+ sellers' surplus items.

Doing business with GovDeals

GovDeals offers the same fee schedule to all sellers and only charges for sold items.... no other charges to seller. An Annual Volume Discount Program is in place for higher volume sellers and cooperative users.

Optional Financial Settlement Services (FSS) to electronically collect funds from winning bidders.

Flexible Pricing Options (FPO) allow distribution of fees between seller and buyer.

Patented Tiered-Redistribution functionality facilitates the reallocation of assets with no fee.

Non-exclusive Online Sign-up Process or use of one of our National Cooperative Awards allows sellers to use GovDeals only when they wish.

GovDeals' direct staff of 64 full time employees includes 32 Regionally and field based sales reps and client support reps and continues to work hard in support of your program long after you sign up (onsite training and support, help desk, marketing, asset promotion and press release support).

At no additional charge, we actively promote your equipment, more expensive or unusual items after conducting market research to determine the best buyer audience.

GovDeals aggressively works to identify, register, monitor and support bidders, which is the key to high prices for your items at auction. This results in a remarkably low auction *default rate* of <5%.

Part of the Liquidity Services, Inc. family (NASDAQ:*LQDT*). LSI is a growing and financially strong company that has transacted over 2MM Bidders and transacted over \$1.0 Billion in online sales annually.

The GovDeals advantages...

Our clients use GovDeals because they **net** considerably more for their surplus on our site.

Items may be sold immediately, rather than waiting for your next traditional auction or sealed bid ad.

Items are exposed to a huge audience for a longer period of time, creating more competition.

GovDeals is a **Green Solution** as items may be left where they are, 'as is', thus eliminating unnecessary storage and costly transportation to an auction site.

Results and satisfied government clients best tell the GovDeals story....

Anyone browsing our site may see the complete auction details and results of EVERY auction item sold during the past 12 months. There are no secrets! This allows you to compare our results to your current solution and see how powerful and successful the GovDeals program is.

Contact GovDeals' Sales Support Team for additional information: salesupport@govdeals.com

GovDeals

Financial Settlement Services (FSS)

It is understood the Client elects GovDeals to collect all proceeds due the Client from the winning bidder and remit the proceeds to the Client less the GovDeals fee. Optionally, the Client may elect to not have GovDeals withhold the fees.

GovDeals will charge the winning bidder a "Buyer's Premium", therefore, the Client is not allowed to charge the winning bidder an additional "Buyer's Premium".

GovDeals will collect all proceeds from the winning bidder, including the "Buyer's Premium" through PayPal, credit card or wire transfer. This is the only means of payment by the bidder.

The Client will not release an asset to the winning bidder until the Client has received verification from GovDeals that payment has been received from the winning bidder. Prior to an item being released to the winning bidder, the Client will ensure the winning bidder or his/her agent has signed a "Bill of Sale" containing the following notation: "Asset is sold as is, where is and without warranty. Once the asset is removed from the seller's premises there is no refund of monies previously paid". The Bill of Sale must be printed from the Client Asset Server (CAS). Any other "Bill of Sale" used by the Client must be submitted to GovDeals for approval.

No proceeds will be remitted to the Client for any asset sold without verification of payment from GovDeals and verification from the Client the item has been picked up by the winning bidder. Approved payment from the winning bidder through PayPal, credit card or wire transfer will be noted in CAS. It is the Client's responsibility to notify GovDeals when an item has been picked up, which is accomplished by the Client accessing CAS and selecting the "Picked Up" option from the "Paid, not picked up" report.

GovDeals will remit all proceeds collected, less the "Buyer's Premium" and the GovDeals fee to the Client on a weekly basis for all assets marked in CAS as 'Picked Up'. However, if you choose to be invoiced for the GovDeals' fee, GovDeals will remit all proceeds collected, less the "Buyer's Premium" only. All proceeds will be remitted electronically by Automatic Clearing House (ACH) unless elected on the following page of this exhibit to receive a paper check. Whether proceeds are remitted electronically via ACH or via paper check, a detailed backup will be submitted to the Client to support the amount remitted.

Under no circumstance will the Client collect any proceeds directly from the winning bidder and if requested to do so, the Client should refer the winning bidder directly to GovDeals for payment instructions.

GovDeals will absorb all costs of Charge Backs by PayPal or a credit card company where an item is released to the winning bidder after the Client receives proper payment notification from GovDeals, GovDeals receives proper pickup notification from the Client and the Client obtained and retained a signed "Bill of Sale" from the winning bidder.

GovDeals will refund proceeds collected to the winning bidder in those rare occasions where the winning bidder pays for an asset but never picks it up and subsequently convinces PayPal or the credit card company to withdraw the amount from GovDeals' bank account. It is the Client's responsibility to request a credit on the asset paid for but not picked up as soon as the allowable pick up time passes. By taking the credit, it insures GovDeals will not charge the Client a fee and will allow the Client to resell the asset. If the asset is mistakenly placed in 'picked up' status by the Client and GovDeals has remitted payment, the Client agrees to refund this amount back to GovDeals.

A GovDeals' Client Services Representative or a GovDeals Help Desk Representative will train the Client on how to effectively use the Financial Settlement Services feature and provide ongoing support as needed. There are no additional costs to the Client for training and support.

GovDeals is covered by a Crime Insurance Policy with a limit of \$5,000,000, which will protect the Client against any loss of funds.

AN ORDINANCE
ENACTING REVISED CODIFIED ORDINANCE CHAPTER 151
ENTITLED EMPLOYMENT PROVISIONS

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Codified Ordinances of the City of Bay Village are hereby amended by enacting revised Chapter 151 to read as follows:

“CHAPTER 151”
Employment Provisions

EDITOR’S NOTE: Compensation and bond requirements are not included in these Codified Ordinances due to the fact that they are subject to constant change.

- 151.01 Payment to employees on military leave.
- 151.02 Payment of City wages during jury duty.
- 151.03 Mileage allowance.
- 151.031 Legitimate expenses.
- 151.04 Holidays.
- 151.05 Vacations.
- 151.06 Hospitalization.
- 151.061 Hospitalization eligibility.
- 151.07 Physical examinations.
- 151.08 Sick leave.
- 151.081 Family Medical Leave Act.
- 151.09 Longevity
- 151.10 Overtime compensation.
- 151.11 Life insurance.
- 151.12 Privacy Act rules.
- 151.13 Surety bonds.
- 151.14 Equal employment opportunity policies.
- 151.15 Compensation payment.
- 151.16 Uniforms and uniform allowances.
- 151.17 PERS pick up.
- 151.18 Drug free Workplace and Harassment Policy.
- 151.19 PERS pickup of additional service credit.
- 151.20 Whistleblower protection for Employees.

151.01 PAYMENT TO EMPLOYEES ON MILITARY LEAVE.

(a) All regular full-time employees of the City who are on leaves of absence from their Municipal duties and in attendance in the military service, field training or other active duty of the Ohio National Guard, Ohio Defense Corps, Ohio Naval Militia, or as members of other Reserve components of the Armed Forces of the United States, shall be entitled to receive for the

period of such service, training or active duty not in excess of thirty-one days in any one calendar year, their regular pay, less the pay received for participation in such service, training or other active duty. Reimbursed expenses, travel and subsistence pay and other similar allowances shall not be considered in determining the amount of pay received for such service, training or active duty. Provisions of this section shall not apply if such military service, field training or other active duty is less than seventy-two consecutive hours or longer than thirty-one consecutive days.

(b) Any such City employee may, at his election, credit all or any portion of such military leave of absence against his regular annual vacation and for such period so charged the employee shall receive his regular vacation pay without deduction for the pay received for such service, training or active duty.

151.02 PAYMENT OF CITY WAGES DURING JURY DUTY.

(a) All City employees shall receive their regular wages for time lost from their work with the City while serving as a member of a municipal, common pleas or federal court jury panel.

(b) In order to qualify for such pay, the employee shall notify his supervisor of such service in advance and upon completion of such service present proof satisfactory to the Director of Finance from the court as to the time spent in such service.

(c) No time spent in such service shall be counted or used for purposes of determining eligibility for overtime pay or compensatory time off.

(d) The employee may keep any amount received from the court for such services, in lieu of reimbursement for any expenses associated with such service.

151.03 MILEAGE ALLOWANCE.

All employees and elected officials of the City shall receive, as reimbursement for the use of their personal motor vehicles on City business, a sum in accordance with the mileage allowance under the Internal Revenue Service Regulations, plus parking fees. The Director of Finance shall approve such reimbursement

151.031 LEGITIMATE EXPENSES.

Tips and gratuities which are included in any legitimate expense shall be paid by the City.

151.04 HOLIDAYS.

(a) (1) All full-time employees of the City, excluding employees covered under separate labor contract, shall have the following days off with pay:

New Year's Day	Columbus Day (taken Day After Thanksgiving)
Presidents' Day	Veterans' Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day
July 4th	Martin Luther King Day
Labor Day	

(2) In the event that any of the aforesaid holidays shall fall on a Saturday or Sunday, when such holiday is not being observed on the preceding Friday or succeeding Monday, such employee shall receive comparable time off with pay on a date designated by the Mayor or the department or division head. Full-time employees in the Service Department and full-time employees of the Parks and Recreation Department for hours worked on the holiday shall receive one and one-half times the employee's regular rate of pay, which compensation shall be in addition to the regular holiday pay for the day involved. The above referred to employees of the Service Department and Parks and Recreation Department shall receive double time in addition to holiday pay for all emergency call-ins midnight to midnight on Christmas Day. (December 25th)

- (3) The preceding provision shall not apply to swimming pool personnel or temporary, seasonal or per diem personnel. Refusal on the part of an employee to work on a holiday when requested to do so shall constitute a forfeiture of all benefits of holiday pay under this section. Failure of an employee to work on the scheduled work day preceding and the scheduled work day succeeding the holiday, unless excused by the Mayor or department or division head, or unless on vacation, shall constitute a forfeiture of all benefits of holiday pay under this section.

0 Months to 4 Years	2	2.69 Hours	3.08 Hours
4 to 10 Years	3	4.04 Hours	4.62 Hours
10 to 17 Years	4	5.38 Hours	6.15 Hours
17 to 24 Years	5	6.73 Hours	7.69 Hours
25 or More Years	6	8.08 Hours	9.23 Hours

(b) No employee shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(c) No part time or seasonal employee will receive holiday pay.

151.05 VACATIONS.

(a) Effective January 1, 2014, full time employees shall accrue vacation time, as set forth in the schedule below, unless otherwise agreed to by contract. An increase in accrual rate due to increase in longevity will be implemented in the next full pay period following the anniversary date. The Finance Director is hereby authorized to account for the hourly accumulation of earned vacation time on the bi-weekly payroll check of all City employees entitled to vacation time.

<u>LENGTH OF SERVICE</u>	<u>ANNUAL VACATION</u>	<u>BI-WEEKLY ACCRUALS</u>	
	<u>IN WEEKS</u>	<u>35 Hour Week</u>	<u>40 Hour Week</u>

(1) More than thirty but less than forty hour employees. Employees who work less than a forty-hour but more than thirty-hour week shall accrue vacation hours pro-rated, on the basis of a forty-hour week.

(b) Effective January 1, 2014, unless otherwise agreed by contract, no employee shall be entitled to accumulate more than three weeks of vacation time. Any vacation time accumulated in excess of such limit shall be forfeited if not used by the employee by December 31, of each year.

(c) Effective January 1, 2014, unless otherwise agreed by contract, all employees that have accumulated vacation time in excess of three weeks shall be permitted to sell back to the City any accrued time in excess of three weeks by November 30 of each year. The employee shall receive payment from the City in the first regular pay date in December. No employee will be paid more than three weeks of time under this provision unless approved by both the Mayor and the Director of Finance. Any accrued time in excess of three weeks that an employee does not sell back or use prior to December 31 shall be forfeited.

(d) When an employee resigns, retires or dies, payments in lieu of unused vacation allowance shall be granted in accordance with the schedule set forth above, provided the employee is leaving in good standing and has given two weeks' notice of the separation, where applicable:

(1) Any employee who has less than one year of service shall not be entitled

to payment in lieu of vacation.

(e) Full time years of service accumulated by any employee in one department or division shall be credited to such employee who transfers to another department or division for purposes of computation of vacation time.

(f) No employee of the City shall receive the benefit of the provisions of this section in more than one employment capacity with the City.

(g) The period of vacation shall be designated by the Mayor or the appropriate department or division head, or in the case of employees of Council, by Council.

(h) Effective January 1, 2014, no employee of the City shall be permitted to perform work for the City, in any capacity, while simultaneously receiving vacation pay.

(i) No part-time or seasonal employee will receive vacation pay.

(j) Any employee who becomes an employee of the City of Bay Village in a position of Director or Assistant Director after being employed by another political subdivision shall for the purposes of computation of vacation time be credited with the total years of his prior service with such political subdivision. The maximum vacation allowance for such an employee may not exceed 4 weeks for their first year of employment with the City of Bay Village and shall increase by 1 week for each year of continued service until the employee meets the vacation schedule in Section 151.05(a).

151.06 HOSPITALIZATION.

(a) Effective January 1, 2010, the City shall pay the cost of hospitalization insurance determined by the Plan adopted annually by the City of Bay Village.

(b) An election to participate in the group shall be made only at such times as permitted by the insurance carrier.

151.061 HOSPITALIZATION ELIGIBILITY.

(a) Effective January 1, 2012, the City will provide medical, dental, vision and hearing benefits to eligible employees, in accordance with state and federal law. The cost of such benefits shall be determined annually by the City, unless otherwise agreed by contract.

(b) Eligible employees may receive family or employee only coverage per state and/or federal law and in accordance with the terms of the City of Bay Village's Health Plan.

151.07 PHYSICAL EXAMINATIONS.

(a) Every new employee of the City, except seasonal employees, shall submit to a physical examination, if necessary to the performance of their job duties.

(b) After a period of illness which requires any employee to be absent from his employment for ten consecutive working days or more, the Mayor may require the employee to submit to a physical examination prior to being returned to employment.

(c) Any employee who refuses to undergo such physical examinations as required in subsections (a) through (b) hereof, may be subject to discharge from his employment by the City.

(d) The Mayor shall designate the person who is to perform such physical examinations, and the expenditure of the City funds from the correct account is hereby authorized.

151.08 SICK LEAVE.

(a) Every full-time employee shall be entitled for each completed eighty hours of compensated service to sick leave of 4.6 hours with pay. Such employees may use sick leave,

upon approval of the responsible administrative officer of the employing department, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death as set forth in the Employee Handbook. Said Employee Handbook is incorporated herein and made a part hereof as if fully rewritten herein. For the purpose of this section:

- (1) Department heads (excepting the Director of Law) and division chiefs shall be considered to have a work week of 40 hours; and
- (2) "Completed compensated service" shall include paid holiday time, paid vacation time and paid sick leave time.

(b) Effective January 1, 2010 permanent part-time employees compensated on an hourly basis shall receive sick leave as provided in Section 151.08(a) for salaried employees.

(c) Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. There will be no reduction of sick leave time when an employee is absent due to job related injury and that employee has entered into a wage continuation agreement with the City.

(d) Any employee who, without resigning or retiring, transfers from one department of the City to another department of the City shall be credited with the unused balance of his accumulated sick leave.

(e) The responsible administrative officer of the employing department may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal.

(f) Payment at Resignation, Retirement or Death.

- (1) Department of Public Safety. Each employee with fifteen or more years of continuous full time service with the City shall receive payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:
 - Forty percent (40%) after fifteen years of service
 - Fifty percent (50%) after twenty years of serviceup to a maximum payment of fifty percent (50%) of the employee's annual compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee's estate.
- (2) All other departments. Each employee with ten or more years of continuous full time service with the City shall receive payment of his or her accrued but unused sick leave based on his or her rate of pay at resignation, retirement or death at the following schedule:
 - Twenty-five percent (25%) after ten years of service
 - Forty percent (40%) after fifteen years of service
 - Fifty percent (50%) after twenty years of serviceup to a maximum payment of fifty percent (50%) of the employee's annual compensation, which payment shall be in full settlement of any and all accumulated sick leave. In the event of death, such payment shall be made to the surviving spouse, or if there is no surviving spouse, to the employee's estate. Employees who are discharged for cause forfeit all rights to payment under this subsection.
- (3) All departments. Employees laid off for more than one year will receive accumulated sick leave based upon the last day worked and paid in accordance with the above after lapse of one year if not recalled.

(g) The following circumstances will control the use of "sick leave" time for all employees of the City of Bay Village:

- (1) Illness of employee: All regularly scheduled working hours.
- (2) Death of employee's: son-in-law, daughter-in-law, or other relatives at the discretion of the respective department director. Sufficient time to attend funeral if scheduled to work, four hours maximum time.
- (3) Illness requiring hospitalization of: spouse, child, mother, father, brother, sister, and any other relative living in the employee's household.
 - A. Days of admittance to and discharge from hospital.
 - B. Day of surgery, including child birth.
 - C. Time certified as "critical" by attending physician.
- (4) Sudden illness or injury: To anyone living in the employee's household.

(h) The following circumstances shall control "bereavement leave" for all employees of the City of Bay Village, which excused leave shall not be charged against accumulated but unused sick leave time and for which the employee shall be compensated as though present in his or her employment with the City.

- (1) Death of employee's: spouse, children, step-children, parents, parents-in-law, siblings and/or other relative living in the employee's household. Scheduled working hours from time of death through and including day of funeral or memorial services.
- (2) Death of employee's: siblings-in-law, grandparents, grandchildren, aunt, uncle and spouses grandparents, grandchildren, aunt and uncle. Day of funeral or memorial services if scheduled to work.

(i) For the purpose of administering the provisions of this section the following procedures shall be followed:

- (1) The Director of Finance shall maintain for each employee and each department a sick leave time account.
- (2) Charges against the accumulated but unused sick leave time shall be made of one hour for every one hour of absence during regularly scheduled working hours.

151.081 FAMILY MEDICAL LEAVE ACT (FMLA).

Family Medical Leave shall be granted and administered in accordance with applicable Federal and State laws

151.09 LONGEVITY.

(a) Effective January 1, 2001, there shall be paid to all non-elected full-time employees, excluding employees covered under separate labor contract, additional compensation based on their years of continuous service, at the rate of one hundred dollars (\$100.00) per year of service, after completion of five years, to a maximum of three thousand dollars (\$3,000).

(b) The calculation of "years of service" shall begin on the anniversary date of the employee's original date of hire by the City.

(c) No individual employed by the City in more than one capacity shall be entitled to the benefits of this compensation in other than his primary department.

(d) Termination of employment, for any reason, either voluntary or involuntary, shall terminate all rights and accrued benefits and eligibility under this section, except that those retiring shall be paid a pro-rated amount at time of retirement. Any employee who retires and is hired full-time by another department of the City shall accrue benefits hereunder as if the employee were a new employee and prior service with the City shall not be counted.

(e) For the purpose of determining the eligibility for longevity only, "full-time" shall be defined as an employee working 30 hours or more each week. The Mayor shall receive

longevity only if specifically provided for in the compensation ordinance for the term in question.

(f) The amounts due hereunder shall be paid only to full-time employees, as defined in Section 151.09(e), on the first regular pay date in December.

(g) In addition to the cash payments provided for in this chapter, the Mayor is authorized to present Service Award Pins to those full-time or part-time employees, members of boards and commissions, and such other persons as the Mayor may designate from time to time, whether paid or unpaid, who have at least five years' service with the City.

(h) Part-time and seasonal employees shall not be eligible for longevity compensation hereunder.

151.10 OVERTIME COMPENSATION.

(a) Salaried/Exempt employees shall not be paid overtime for hours worked in excess of forty in a workweek, unless otherwise agreed by contract.

(b) Hourly/Non-exempt employees shall receive overtime for hours worked in excess of forty in a workweek

(c) No employee who serves the City in more than one capacity may combine his total work hours for the calendar week for the purposes of overtime computation, but each position's work hours are to be counted separately.

(d) Holiday, vacation and sick leave time shall be included in the computation of overtime hours for the calendar week.

(e) Payment of overtime compensation (except that for the Department of Public Safety) shall be made on the first regular payday occurring after the hours have been worked.

151.11 LIFE INSURANCE.

The City shall pay the cost of group term life and accidental death and dismemberment insurance up to a maximum benefit of \$50,000.00 for employees who work thirty (30) hours or more in a given workweek, elect to participate, and are acceptable to the insurance company.

151.12 PRIVACY ACT RULES.

The Mayor is hereby authorized to adopt such written rules and regulations as may be necessary for the purpose of interpreting and enforcing the Ohio Privacy Act, being Ohio R.C. 1347.01 et seq. Such rules and regulations shall not conflict with or waive any privileges as provided by this City's Charter or ordinances. Such rules and regulations shall be on file with the City, and all parties affected shall be advised of their contents.

151.13 SURETY BONDS.

The surety bonds covering the employees of the City shall be as follows:

(a) Mayor - \$15,000 public official bond for term of office.

(b) Director of Finance - \$50,000 public official bond for an indefinite term.

(c) All other City employees - \$25,000 honesty blanket position bond.

151.14 EQUAL EMPLOYMENT OPPORTUNITY POLICIES.

(a) Council formally declares that the City shall provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required job performance), genetic information, marital status, amnesty, status as a covered veteran or pregnancy in accordance with applicable federal, state and local laws. The City shall comply with all applicable state and local laws governing non-discrimination in employment in every location or facility. This policy applies to all terms and conditions of employment, including but not limited to recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

(b) Artificial barriers of personal attitudes and customs cannot be permitted to have effect in matters of personnel practices.

(c) The City expressly prohibits any form of unlawful employee harassment based on sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, veteran status or pregnancy. Improper interference with the ability of the City's employees to perform their expected job duties is absolutely not tolerated.

(d) The Director of Finance, by direction of the Mayor, will have overall responsibility for the implementation of this policy. With the cooperation of appropriate personnel, the Director of Finance will conduct periodic reviews to determine whether or not this policy is being adhered to. Reports of these reviews will be the basis for appropriate action to correct deficiencies.

(e) When outside sources of recruitment are used they shall be informed that the City is an Equal Opportunity Employer and that legal advertisements for bids include the wording, "AN EQUAL OPPORTUNITY EMPLOYER" and that Equal Opportunity clauses be included in all major single purchase orders, leases and contracts.

(f) The Clerk of Council is hereby directed to post, or have posted, a copy of this resolution on all departmental bulletin boards as well as provide a copy of this resolution to all employees of the City.

151.15 COMPENSATION PAYMENT.

(a) Payment dates shall be:

- (1) For hourly employees. On February 14, 1975, and every other Friday thereafter, all hourly paid employees shall be paid for all hours worked during the previous two weeks;
- (2) For salaried employees and elected officials. All salaried employees and elected officials shall receive their appropriate annual compensation on a bi-weekly basis, payment to be made on the same dates as payment is made to hourly personnel. The Director of Finance shall adjust the pay period rate so that in each calendar year the precise annual compensation is paid regardless of the number of bi-weekly payment dates during the year.

(b) Should any payment date referred to herein fall on a holiday, payment shall be made on the last working day preceding such holiday.

151.16 UNIFORMS AND UNIFORM ALLOWANCES.

(a) Department of Public Safety.

- (1) Effective January 1, 1998, deputy police officers in the Division of Police shall receive a five hundred dollar (\$500.00) uniform allowance at the completion of each 1,040 hours of service.
- (2) The above payments may be made at any time during the thirty days following the date on which they are due as may be convenient to the Director of Finance.

(b) Department of Public Service and Properties. Effective January 1, 2011, the Director of Public Services and Properties shall receive a Two Hundred Fifty Dollar (\$250.00) annual uniform allowance, and the Department of Public Service and Properties shall provide a uniform voucher of Five Hundred Seventy-Five Dollars (\$575.00) annually to each full-time employee of the Department whose job requires manual labor outside the office of the Department.

(c) Police Chief and Fire Chief. Effective January 1, 2011, the Chief of the Fire Division and the Chief of the Police Division shall receive a Seven Hundred Fifty Dollar (\$750.00) annual uniform allowance.

151.17 PERS PICK UP.

(a) Effective July 1, 1993, the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be withheld from the gross pay of each person within any of the classes established in subsection (b) hereof and shall be "picked up" (assumed and paid to the Public Employees Retirement System of Ohio) by the City. This "pick up" by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in subsection (b) hereof. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City or of being excluded from the "pick up".

The City shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employee's contribution for each person subject to this "pick up" has been made as provided by the statute.

(b) The "pick up" by the City provided by this section shall apply to all persons that:
Are employees of the City who are or become contributing members of the Public Employees Retirement System of Ohio.

(c) The City's method of payment of compensation to employees who are participants in PERS is hereby modified as follows, in order to provide for a compensation reduction pick-up of employee contributions to PERS.

(d) The total compensation for each employee shall be the compensation otherwise payable under the City policies. Such total compensation of each employee shall be payable by the City in two parts: (1) deferred compensation and (2) cash compensation. An employee's deferred compensation shall be equal to that percentage of that employee's total compensation which is required from time to time by PERS to be paid as an employee contribution by that employee, and shall be paid by the City to PERS on behalf of that employee as a pick-up and in lieu of the PERS employee contribution otherwise payable by that employee. An employee's cash compensation shall be equal to that employee's total compensation less the amount of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The City shall compute and remit its employer contributions to PERS based upon an employee's total compensation. The total combined expenditures of the City for each employees' total compensation payable under applicable City policies and the pick-up provisions of this section shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

(e) The Director of Finance is hereby authorized and directed to implement the provisions of this section to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof so as to enable them to obtain the result in Federal and State tax deferrals and other benefits.

151.18 DRUGFREE WORKPLACE AND HARASSMENT POLICY.

(a) It is the policy of the City to maintain a workplace that is free from the effects of drug and alcohol abuse.

(1) Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, unauthorized prescription drugs, controlled substances, narcotics, or alcoholic beverages on City premises or work sites. In addition, the City prohibits the off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when those activities adversely affect job performance, job safety, or the City's reputation.

- (2) The City will not hire, subject to legal restrictions, alcoholics or drug abusers whose current use of those substances prevents them from performing their jobs or who would constitute a direct threat to the property or safety of others. Whenever applicants for employment are to be tested for the presence of illegal drugs or alcohol, they are to be informed in advance and in writing.
- (3) Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Violations include, but are not limited to, possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on City premises and work sites. Employees, their possessions, and City-issued equipment and containers under their control are subject to search and surveillance at all times while on City premises or work sites or while conducting City business. Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction to the Personnel Department within five days, and the Personnel Department is then to take appropriate action as required by law.
- (4) Upon reasonable suspicion, employees may be asked to take a test at any time to determine the presence of drugs, narcotics, or alcohol, unless the tests are prohibited by law. Employees that agree to take the test must sign a consent form authorizing the test and the City's use of the test results for purposes of administering its discipline policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by the City are the property of the City, and the examination records will be treated as confidential and held in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (5) Supervisors should report immediately to the Personnel Department any action by an employee who demonstrates an unusual pattern of behavior. The Personnel Department will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises.
- (6) Employees must report their use of over-the-counter or prescribed medications to the Personnel Department if the use might impair their ability to perform their job safely and effectively. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly.
- (7) Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek counseling help. Participation in counseling, including City-sponsored or required counseling, is confidential and should not have any influence on performance appraisals. Job performance, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.
- (8) Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the Personnel Department that the employee is capable of performing his job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of

this or other City policies.

- (9) The City will, to the extent feasible, provide continuing awareness programs about the harmful effects of drug and alcohol abuse.

(b) It is the policy of the City to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. No form of harassment will be tolerated, including harassment for the following reasons: sex, race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, veteran status, or pregnancy. Each person has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate either explicitly or implicitly that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory or non-employees is also prohibited. This conduct includes, but is not limited to:

- (1) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances or propositions;
- (2) Verbal abuse of a sexual nature;
- (3) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body;
- (4) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs;
- (5) Demeaning, insulting, intimidating or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct or offensive conduct, directed at individuals because of their race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, , genetic information, disability, veteran status or pregnancy. is also prohibited.

Any employee who believes that a supervisor's, manager's, other employee's or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible.

The report or complaint should be made to the employee's supervisor or to the department head or personnel manager if the complaint involves the supervisor or manager.

Complaints of harassment are to be handled and investigated under the City's grievance policy, unless special procedures are considered appropriate. Regardless, all complaints of harassment are to be investigated properly in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.

Any employee, supervisor or manager who is found to have violated this harassment policy will be subject to appropriate disciplinary action, up to and including termination of employment. The City prohibits any form of retaliation against employees for bringing bona fide complaints or providing information of harassment. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

(c) It is the policy of the City that an employee should have an opportunity to present complaints regarding harassment and to appeal the decision through a dispute resolution or grievance procedure. The City will attempt to resolve promptly all complaints. Employees who believe that they have been improperly harassed are to proceed as follows:

- Step 1: Promptly bring the complaint to the attention of the immediate supervisor. If the complaint involves the supervisor, then it is permissible to proceed directly to Step 2.
- Step 1a: The supervisor is to investigate the complaint, attempt to resolve it and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the complaint and proposed resolution for file purposes.
- Step 2: Appeal the decision of the department head if dissatisfied with the supervisor's decision or initiate the procedure with the department head if

Step 1 has been bypassed, because the immediate supervisor is the subject of complaint. Such an appeal or initial complaint must be made in a timely fashion in a written form. The supervisor's version of the complaint and decision will then be submitted in writing as well. The department head will, in a timely fashion, confer with the employee, supervisor, and any other persons considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved.

Step 3: Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and the procedures to be followed are similar to those in Step 2. The Mayor may take the necessary steps to review and investigate the complaint and will then issue a written, final and binding decision.

Final decisions on complaints will not be precedent or binding on future complaints. When appropriate, the decisions will be retroactive to the date of the employee's original complaint. Information concerning a complaint is to be held in confidence. Supervisors, department heads and other persons who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

Employees are not to be penalized for proper use of the complaint procedure, however, it is not considered proper use if an employee raises complaints in bad faith if solely for the purpose of delay or harassment or repeatedly raises meritless grievance complaints. Implementation of the complaint procedure by an employee does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the complaint procedure. The City may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.

151.19 PERS PICKUP OF ADDITIONAL SERVICE CREDIT.

(a) Effective October 1, 1997, employees of the City of Bay Village, described in subsection (b) hereof, may purchase additional service credit, tax-deferred, and the City of Bay Village shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall pick up (assume and pay) such deduction to the Public Employees Retirement System of Ohio. A person electing this pick up deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction picked up by the City of Bay Village. Members who have elected to participate in this plan cannot increase, decrease, or terminate the amount of the pickup deduction.

(b) The pickup deduction by the City provided by this section shall apply to all persons making the election within the following classes:
All employees, other than seasonal, of the City who are contributing members of the Public Employees Retirement System of Ohio.

(c) The Director of Finance is hereby authorized and directed to implement the provisions of this section to effect the pickup of the payroll deduction for the purchase of additional service credit to the Public Employees Retirement System of Ohio for those persons reflected in subsection (b) hereof.

151.20 WHISTLEBLOWER PROTECTION FOR EMPLOYEES.

(a) If any employee of the City of Bay Village becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or Mayor has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the office of internal audit created under Section 126.45 of the Ohio Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal audit, may report it to the Prosecutor, Director of Law, to the Chief of Police, the President of Council, or, if the violation or misuse of

public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with Section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., Section 2921.42, or Section 2921.43 of the Ohio Revised Code, the employee may report it to the Ohio Ethics Commission.

(b) Except as otherwise provided in subsection (c) hereof, no employee shall take any disciplinary action against any employee for making any report authorized by subsection (a) hereof, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment
- (2) Withholding from the employee compensation increases or employee benefits to which the employee is otherwise entitled
- (3) Transferring or reassigning the employee
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position

(c) Any employee shall make a reasonable effort to determine the accuracy of any information reported under subsection (a) hereof. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under subsection (a) hereof.

SECTION 2. 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 committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance will be in full force and take effect at the earliest time permitted by law.

PASSED:

PRESIDENT OF COUNCIL

CLERK

MAYOR

ORDINANCE NO.: 14-_____
INTRODUCED BY: _____

AN ORDINANCE
**PROVIDING FOR THE ISSUANCE AND SALE OF \$525,000 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF IMPROVING STREETS BY RESURFACING,
PAVING AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN
THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND
DECLARING AN EMERGENCY.**

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 15 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 240 months from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of \$525,000 (the Bonds) for the purpose of paying costs of improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 15 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2015, and the first principal payment of the Bonds is estimated to be December 1, 2016.

SECTION 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$525,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the 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 and approved by the Director of Finance in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. 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. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the 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 and approved by the Director of Finance in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. 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. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in

book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, 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, the Director of Finance, the Director of Law, the Clerk of Council 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. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. 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 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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 9. Provisions for Tax Levy. 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 other funds are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 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 a preference item 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 Notes to be and remain excluded from gross income for federal income tax purposes, (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 Notes to the governmental purposes 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.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations"), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the

Notes 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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 Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

SECTION 11. Retention of Bond Counsel. The legal services of Squire Sanders (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 12. Satisfaction of Conditions for Note Issuance. 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 9) 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. 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 14. 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.

SECTION 15. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to enter into contracts for the improvement which is needed to eliminate existing and potential hazards to vehicular and pedestrian traffic in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2014

/s/ Paul A. Koomar
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: _____, 2014

/s/ Deborah L. Sutherland
MAYOR

I, Joan T. Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 14-_____, passed by the Council of the City of Bay Village on _____, 2014, and now on file in the office of the Clerk of Council.

Clerk of Council

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF BAY VILLAGE, OHIO:

As fiscal officer of the City of Bay Village, Ohio, I certify in connection with your proposed issue of \$340,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of acquiring motor vehicles and equipment and acquiring and installing a work order system for use in performing the functions of the City's Department of Public Services and Properties, together with all necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 10 years, being my estimate of the life or period of usefulness of the improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 15 years from their date of issuance.

Dated: March 3, 2014

Director of Finance
City of Bay Village, Ohio

ORDINANCE NO.: 14-_____
INTRODUCED BY: _____

AN ORDINANCE
**PROVIDING FOR THE ISSUANCE AND SALE OF \$340,000 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF ACQUIRING MOTOR VEHICLES AND
EQUIPMENT AND ACQUIRING AND INSTALLING A WORK ORDER
SYSTEM FOR USE IN PERFORMING THE FUNCTIONS OF THE
CITY'S DEPARTMENT OF PUBLIC SERVICES AND PROPERTIES,
AND DECLARING AN EMERGENCY.**

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 10 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 15 years from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of \$340,000 (the Bonds) for the purpose of paying costs of acquiring motor vehicles and equipment and acquiring and installing a work order system for use in performing the functions of the City's Department of Public Services and Properties, together with all necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 10 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2015, and the first principal payment of the Bonds is estimated to be December 1, 2016.

SECTION 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$340,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or

payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the 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 and approved by the Director of Finance in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. 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. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made

payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, 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, the Director of Finance, the Director of Law, the Clerk of Council 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. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. 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 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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 9. Provisions for Tax Levy. 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 other funds are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 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 a preference item 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 Notes to be and remain excluded from gross income for federal income tax purposes, (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 Notes to the governmental purposes 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.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations"), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as

the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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 Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

SECTION 11. Retention of Bond Counsel. The legal services of Squire Sanders (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 12. Satisfaction of Conditions for Note Issuance. 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 9) 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. 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 14. 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.

SECTION 15. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to enter into contracts for the improvement which is needed to provide for the efficient and safe administration of the functions of the City's Department of Public Services and Properties; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2014

/s/ Paul A. Koomar
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: _____, 2014

/s/ Deborah L. Sutherland
MAYOR

I, Joan T. Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 14-_____, passed by the Council of the City of Bay Village on _____, 2014, and now on file in the office of the Clerk of Council.

Clerk of Council

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF BAY VILLAGE, OHIO:

As fiscal officer of the City of Bay Village, Ohio, I certify in connection with your proposed issue of \$133,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of acquiring motor vehicles and equipment for use in performing the functions of the City's Police Department, together with all necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is six years. That maximum maturity is based on my calculation of the average number of years of life or period of usefulness of the improvement as measured by the weighted average of the amounts proposed to be expended for the several classes of the improvement as follows: (i) \$47,000 for equipment, 10 years, and \$86,000 for motor vehicles, five years; the weighted average is therefore six years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 11 years from their date of issuance.

Dated: March 3, 2014

Director of Finance
City of Bay Village, Ohio

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF BAY VILLAGE, OHIO:

As fiscal officer of the City of Bay Village, Ohio, I certify in connection with your proposed issue of \$129,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving the City's parks and recreational facilities by constructing and improving lighting facilities at Hartman Field, together with the necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 30 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 240 months from their date of issuance.

Dated: March 3, 2014

Director of Finance
City of Bay Village, Ohio

ORDINANCE NO.: 14-_____
INTRODUCED BY: _____

AN ORDINANCE
**PROVIDING FOR THE ISSUANCE AND SALE OF \$133,000 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF ACQUIRING MOTOR VEHICLES AND
EQUIPMENT FOR USE IN PERFORMING THE FUNCTIONS OF THE
CITY'S POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is six years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 11 years from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of \$133,000 (the Bonds) for the purpose of paying costs of acquiring motor vehicles and equipment for use in performing the functions of the City's Police Department, together with all necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in six annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2015, and the first principal payment of the Bonds is estimated to be December 1, 2016.

SECTION 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$133,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the 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 and approved by the Director of Finance in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. 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. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in

book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, 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, the Director of Finance, the Director of Law, the Clerk of Council 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. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. 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 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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 9. Provisions for Tax Levy. 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 other funds are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 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 a preference item 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 Notes to be and remain excluded from gross income for federal income tax purposes, (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 Notes to the governmental purposes 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.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations"), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the

Notes 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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 Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

SECTION 11. Retention of Bond Counsel. The legal services of Squire Sanders (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 12. Satisfaction of Conditions for Note Issuance. 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 9) 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. 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 14. 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.

SECTION 15. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to enter into contracts for the improvement which is needed to timely and efficiently provide municipal police services to City residents and thereby better maintain order and safety in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2014

/s/ Paul A. Koomar
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: _____, 2014

/s/ Deborah L. Sutherland
MAYOR

I, Joan T. Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 14-_____, passed by the Council of the City of Bay Village on _____, 2014, and now on file in the office of the Clerk of Council.

Clerk of Council

ORDINANCE NO.: 14-_____
INTRODUCED BY: _____

AN ORDINANCE
**PROVIDING FOR THE ISSUANCE AND SALE OF \$129,000 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF IMPROVING THE CITY'S PARKS AND
RECREATIONAL FACILITIES BY CONSTRUCTING AND IMPROVING
LIGHTING FACILITIES AT HARTMAN FIELD, AND DECLARING AN
EMERGENCY.**

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 30 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 240 months from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of \$129,000 (the Bonds) for the purpose of paying costs of improving the City's parks and recreational facilities by constructing and improving lighting facilities at Hartman Field, together with the necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 30 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2015, and the first principal payment of the Bonds is estimated to be December 1, 2016.

SECTION 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$129,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the 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 and approved by the Director of Finance in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. 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. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive

the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, 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, the Director of Finance, the Director of Law, the Clerk of Council 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. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. 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 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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 9. Provisions for Tax Levy. 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 other funds are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 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 a preference item 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 Notes to be and remain excluded from gross income for federal income tax purposes, (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 Notes to the governmental purposes 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.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations"), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted or required to make or give under the federal income tax laws, including,

without limitation thereto, any of the elections provided for or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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 Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

SECTION 11. Retention of Bond Counsel. The legal services of Squire Sanders (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 12. Satisfaction of Conditions for Note Issuance. 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 9) 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. 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 14. 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.

SECTION 15. Declaration of Emergency: Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to enter into contracts for the improvement which is needed to promote the health of the residents of the City by enhancing their recreational opportunities; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2014

/s/ Paul A. Koomar

PRESIDENT OF COUNCIL

/s/ Joan T. Kemper

CLERK OF COUNCIL

APPROVED: _____, 2014

/s/ Deborah L. Sutherland

MAYOR

I, Joan T. Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 14-_____, passed by the Council of the City of Bay Village on _____, 2014, and now on file in the office of the Clerk of Council.

Clerk of Council

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF BAY VILLAGE, OHIO:

As fiscal officer of the City of Bay Village, Ohio, I certify in connection with your proposed issue of \$90,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of acquiring office equipment for use in performing the administrative functions of the City, together with all necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is five years, being my estimate of the life or period of usefulness of the improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 10 years from their date of issuance.

Dated: March 3, 2014

Director of Finance
City of Bay Village, Ohio

ORDINANCE NO.: 14-_____
INTRODUCED BY: _____

AN ORDINANCE
**PROVIDING FOR THE ISSUANCE AND SALE OF \$90,000 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF ACQUIRING OFFICE EQUIPMENT FOR USE IN
PERFORMING THE ADMINISTRATIVE FUNCTIONS OF THE CITY,
AND DECLARING AN EMERGENCY.**

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is five years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 10 years from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of \$90,000 (the Bonds) for the purpose of paying costs of acquiring office equipment for use in performing the administrative functions of the City, together with all necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in five annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2015, and the first principal payment of the Bonds is estimated to be December 1, 2016.

SECTION 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$90,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the 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 and approved by the Director of Finance in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. 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. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in

book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, 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, the Director of Finance, the Director of Law, the Clerk of Council 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. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. 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 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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 9. Provisions for Tax Levy. 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 other funds are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 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 a preference item 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 Notes to be and remain excluded from gross income for federal income tax purposes, (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 Notes to the governmental purposes 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.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations"), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the

Notes 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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 Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

SECTION 11. Retention of Bond Counsel. The legal services of Squire Sanders (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 12. Satisfaction of Conditions for Note Issuance. 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 9) 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. 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 14. 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.

SECTION 15. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to enter into contracts for the improvement which is needed to provide for the efficient and safe administration of the government of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2014

/s/ Paul A. Koomar
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: _____, 2014

/s/ Deborah L. Sutherland
MAYOR

I, Joan T. Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 14-_____, passed by the Council of the City of Bay Village on _____, 2014, and now on file in the office of the Clerk of Council.

Clerk of Council

ORDINANCE NO.: 14-_____
INTRODUCED BY: _____

AN ORDINANCE
**PROVIDING FOR THE ISSUANCE AND SALE OF \$60,000 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF ACQUIRING A BUS FOR USE IN PERFORMING
THE FUNCTIONS OF THE CITY'S DEPARTMENT OF COMMUNITY
SERVICES, AND DECLARING AN EMERGENCY.**

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 15 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 240 months from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of \$60,000 (the Bonds) for the purpose of paying costs of acquiring a bus for use in performing the functions of the City's Department of Community Services, together with all necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 15 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2015, and the first principal payment of the Bonds is estimated to be December 1, 2016.

SECTION 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$60,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the 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 and approved by the Director of Finance in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. 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. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in

book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, 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, the Director of Finance, the Director of Law, the Clerk of Council 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. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. 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 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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 9. Provisions for Tax Levy. 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 other funds are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 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 a preference item 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 Notes to be and remain excluded from gross income for federal income tax purposes, (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 Notes to the governmental purposes 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.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations"), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the

Notes 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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 Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

SECTION 11. Retention of Bond Counsel. The legal services of Squire Sanders (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 12. Satisfaction of Conditions for Note Issuance. 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 9) 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. 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 14. 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.

SECTION 15. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to enter into contracts for the improvement which is needed to provide for the efficient and safe transit of residents of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2014

/s/ Paul A. Koomar
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: _____, 2014

/s/ Deborah L. Sutherland
MAYOR

I, Joan T. Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 14-_____, passed by the Council of the City of Bay Village on _____, 2014, and now on file in the office of the Clerk of Council.

Clerk of Council

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF BAY VILLAGE, OHIO:

As fiscal officer of the City of Bay Village, Ohio, I certify in connection with your proposed issue of \$43,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of acquiring a motor vehicle and equipment for use in performing the functions of the City's Fire Department, together with all necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 10 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 15 years from their date of issuance.

Dated: March 3, 2014

Director of Finance
City of Bay Village, Ohio

ORDINANCE NO.: 14-_____
INTRODUCED BY: _____

AN ORDINANCE
**PROVIDING FOR THE ISSUANCE AND SALE OF \$43,000 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF ACQUIRING A MOTOR VEHICLE AND
EQUIPMENT FOR USE IN PERFORMING THE FUNCTIONS OF THE
CITY'S FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.**

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 10 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 15 years from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of \$43,000 (the Bonds) for the purpose of paying costs of acquiring a motor vehicle and equipment for use in performing the functions of the City's Fire Department, together with all necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2015, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 10 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2015, and the first principal payment of the Bonds is estimated to be December 1, 2016.

SECTION 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$43,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the 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 and approved by the Director of Finance in the Certificate of Award. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. 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. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in

book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, 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, the Director of Finance, the Director of Law, the Clerk of Council 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. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. 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 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. 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 9. Provisions for Tax Levy. 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 other funds are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 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 a preference item 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 Notes to be and remain excluded from gross income for federal income tax purposes, (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 Notes to the governmental purposes 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.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as “qualified tax-exempt obligations”), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the

Notes 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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 Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

SECTION 11. Retention of Bond Counsel. The legal services of Squire Sanders (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 12. Satisfaction of Conditions for Note Issuance. 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 9) 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. 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 14. 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.

SECTION 15. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to enter into contracts for the improvement which is needed to timely and efficiently provide municipal fire services to City residents and thereby better protect their property and provide for their safety; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2014

/s/ Paul A. Koomar
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: _____, 2014

/s/ Deborah L. Sutherland
MAYOR

I, Joan T. Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 14-_____, passed by the Council of the City of Bay Village on _____, 2014, and now on file in the office of the Clerk of Council.

Clerk of Council

ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO
CONDUCT BRIDGE INSPECTIONS**

WHEREAS, Cuyahoga County council passed Ordinance No. 02013-0007, establishing a Countywide Inspection Program; and

WHEREAS, the City has received a 2014 Bridge Inspection Structural Cost Proposal for inspection of Ashton Lane Bridge Over Porter Creek (SFN 1863495) and Queenswood Drive

BE IT ORDAINED, by the Council of the City of Bay Village, Ohio:

SECTION 1: That the Mayor is hereby authorized in the name of the City of Bay Village to enter into an agreement with the Cuyahoga County of Public Works to conduct bridge inspections.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

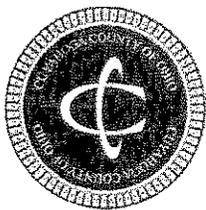
PRESIDENT OF COUNCIL

CLERK OF COUNCIL

APPROVED:

MAYOR

02/28/14 II



**CUYAHOGA COUNTY
DEPARTMENT of PUBLIC WORKS**

January 22, 2014

City of Bay Village
350 Dover Center Road
Bay Village, Ohio 44140-2299

Attn: Daniel M. Galli
Director of Public Service & Property

Re: Ashton Lane Bridge Over Porter Creek (SFN 1863495) and Queenswood Drive
2014 Inspection Proposal & Agreement

Dear Mr. Galli:

Per the municipality's request and your letter dated March 18, 2010, the Cuyahoga County Public Works Department has enclosed a 2014 Bridge Inspection Structural Cost Proposal for the above-referenced structures.

County Council passed Ordinance O2013-0007, formally establishing a Countywide Inspection Program (copy enclosed). We ask that if you still wish for us to proceed with the inspection work that you work with your Council to pass the enclosed agreement.

If you should have any questions or comments regarding this submittal or the contents, please feel free to contact me at 216-348-3936 or jhorvath@cuyahogacounty.us.

Sincerely,

Jeffrey D. Horvath, P.E.
Chief Section Engineer – Bridge Inspection/Maintenance

Enclosures: As noted

cc: S. Kosilesky, J. Kusner, File

A G R E E M E N T

This AGREEMENT is entered into this _____ day of _____, 2014 between the County of Cuyahoga, Ohio, hereinafter referred to as "COUNTY", on behalf of Cuyahoga County Department of Public Works (hereinafter referred to as CCDPW), and the City of Bay Village, hereinafter referred to as "MUNICIPALITY" a municipal corporation of the State of Ohio, pursuant to the authority of Resolution/Ordinance No. _____ passed by Council on _____ for MUNICIPALITY.

WITNESSETH:

WHEREAS, MUNICIPALITY desires to retain CCDPW to inspections and related services for the MUNICIPALITY; and,

WHEREAS, MUNICIPALITY desires to have CCDPW direct bill said services; and

NOW THEREFORE, in consideration of the promises and mutual obligations contained herein to be observed and performed by the parties hereto, COUNTY and MUNICIPALITY hereby agree as follows:

ARTICLE ONE – APPROVAL OF TASK ORDER FOR SERVICES

- a. At the request of MUNICIPALITY, CCDPW will develop a task order of inspections and related services that CCDPW is willing to perform for the MUNICIPALITY.
- b. The task order shall include the scope of work to be performed, together with an estimate of the cost of the work prepared by CCDPW.
- c. CCDPW shall present the task order to the Mayor of MUNICIPALITY for approval. If CCDPW receives written approval from the Mayor, CCDPW shall proceed to perform the services set forth in the task order. After completing the services, CCDPW shall send an invoice to MUNICIPALITY for the cost of the services performed, which cost shall not exceed the estimate contained in the task order.
- d. MUNICIPALITY shall pay the invoice within thirty (30) days of receipt of same.
- e. MUNICIPALITY shall be responsible for acquiring and paying for any and all permits, easements and/or rights-of-entry required by COUNTY when performing the services set forth in an approved task order.

ARTICLE TWO – GENERAL CONDITIONS

This AGREEMENT constitutes the entire AGREEMENT between COUNTY and MUNICIPALITY, and supersedes any prior understanding or representation of any kind preceding the date of this AGREEMENT. There are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this AGREEMENT.

- a. If any provision of this AGREEMENT is invalid or unenforceable for any reason, this AGREEMENT shall be divisible as to such provision and the remainder of this

AGREEMENT shall be and remain valid and binding as though such provision was not included herein.

- b. This AGREEMENT may be modified in writing upon the mutual agreement of COUNTY and MUNICIPALITY.
- c. By entering into this AGREEMENT, MUNICIPALITY agrees on behalf of its respective elected officials, officers, employees, subcontractors, subgrantees, agents or assigns, to conduct this transaction by electronic means by agreeing that all documents requiring COUNTY signatures may be executed by electronic means, and that the electronic signatures affixed by COUNTY to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. MUNICIPALITY also agrees to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of COUNTY.
- d. All COUNTY agreements, including this AGREEMENT, are subject to all applicable COUNTY ordinances, including but not limited to, the Cuyahoga County Ethics ordinance and Cuyahoga County Inspector General Ordinance. MUNICIPALITY agrees that the charter provisions and all ordinances, resolutions, rules and regulations of the COUNTY now or hereafter applicable shall be included in this AGREEMENT for all purposes.
- e. MUNICIPALITY represents and warrants that it is not subject to an "unresolved" finding for recovery under Ohio Revised Code Section 9.24.
- f. This AGREEMENT has been properly authorized pursuant to the required provisions of any and all charter provisions, ordinances, resolutions and regulations of COUNTY and MUNICIPALITY. The individuals signing on behalf of the parties to this AGREEMENT are authorized to execute this AGREEMENT on behalf of COUNTY and MUNICIPALITY. MUNICIPALITY recognizes and agrees that no public official or employee of COUNTY may be deemed to have apparent authority to bind COUNTY to any contractual obligations not properly authorized pursuant to COUNTY'S Contracting and Purchasing Procedures.

ARTICLE THREE – INDEMNITY AND INSURANCE

MUNICIPALITY and COUNTY agree that neither entity can or will indemnify the other as both parties are political subdivisions and are prohibited by law from entering into an indemnification agreement. Accordingly, MUNICIPALITY and COUNTY agree that each will be solely and entirely responsible for its acts, errors, and omissions, and those of its employees and agents, during the performance of this AGREEMENT. MUNICIPALITY and COUNTY further agree that each will maintain and carry sufficient and appropriate liability insurance relative to the duties and obligations under this AGREEMENT.

ARTICLE FOUR – TERMINATION

This AGREEMENT shall remain in full force and effect until terminated as follows:

Either party shall have the right to terminate this AGREEMENT at any time with thirty (30) days advance written notice to the other party.

Any notice of termination shall be by certified mail, addressed to the Director in case of CCDPW or the highest ranking official in case of MUNICIPALITY. Upon termination of the AGREEMENT, MUNICIPALITY shall pay any and all outstanding expenses relating to the performance of this AGREEMENT within thirty (30) days of the receipt of an invoice showing monies owed for services rendered.

ARTICLE FIVE – NOTICES

Any notice to be given under this AGREEMENT by either party to the other may be effected either by personal delivery in writing or by certified mail, postage-prepaid, return receipt requested, unless it is a notice of termination which must be certified mail. Notice delivered personally shall be deemed received upon actual receipt; notice sent by certified mail shall be deemed received on the date the return receipt is either signed or refused. Mailed notices shall be addressed to the parties at the addresses appearing below:

To COUNTY: Attn: Cuyahoga County Director of Public Works
 Cuyahoga County Department of Public Works
 900 Prospect Avenue
 Cleveland, Ohio 44113

With a copy to: Attn: Cuyahoga County Director of Law
 Cuyahoga County Department of Law
 900 Prospect Avenue
 Cleveland, Ohio 44113

To MUNICIPALITY: Attn: _____

ARTICLE SIX – GOVERNING LAW AND JURISDICTION

This AGREEMENT shall be governed by and construed under the laws of the State of Ohio without regard to conflicts of law provisions. The parties agree that the state and federal courts sitting in Ohio will have exclusive jurisdiction over any claim arising out of this AGREEMENT, and each party consents to the exclusive jurisdiction of such courts.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the Day and Year first mentioned above.

CITY OF BAY VILLAGE

By: _____
Debbie Sutherland, Mayor

COUNTY OF CUYAHOGA, OHIO

By: _____
Edward FitzGerald, County Executive

The legal form and correctness
of this Agreement is hereby approved.

CITY OF BAY VILLAGE

By: _____
Gary A. Ebert, Director of Law

Date: _____

CUYAHOGA COUNTY LAW DEPARTMENT

By: _____

Date: _____

Cost Proposal Breakdown - Manhours

January 14, 2014

Item or Work Task	Base Wage	CM	BIM ENG	BIM ENG IV	BIM ENG I	SR BR INSP	SR BR INSP	SR BR INSP	SR BR INSP
Site Review and Preparation for Inspections		\$46.67		\$35.21	\$23.06	\$27.42	\$27.42	\$27.42	\$27.42
Field Inspections: Routine			1.50			1.50			
Field Inspections: Full Detail									
Br Inv, Setup/Coord with ODOT (If Authorized)									
Preliminary Sketches and Details									
Recommendations for Repairs/Maint. Items						1.00			
Cost Estimates (If Authorized)									
Coordination with Coast Guard									
Coordination with Railroads, RTA									
Coordination, Kickoff and/or Review Mtgs.									
Engineering (If Authorized) - Load Rating									
Reports, Picture Logs, Etc.						1.00			1.00
Inspection Report Reviews			0.50						
Traffic Control									
Project Management/Administration		0.50							
Total Hours worked on job		0.50	2.00	0.00	0.00	3.50	0.00	0.00	1.00
Overhead, Fringe Cost		30.64	92.46			189.01			54.00
Total cost		\$30.64	\$92.46			\$189.01			\$54.00

Overhead Cost x Overtime Rate = 1.9695
 Overtime Rate = 1.5
 Fringe Benefits, Overhead = 131.30%

Not calculated w/overtime

<u>Direct Costs:</u>	<u>Cost/Unit</u>	<u>Quantity</u>	<u>Total</u>
Jon Boat	\$10.63		
Bucket Boat	\$2,000.00		
Snooper/UB-60	\$75.00		
Bridge Tracker *	\$450.00		
Inspection Supplies	N/A		N/A
Reproductions, Mail, CDs, etc.	N/A		N/A
Miscellaneous			
Cargo Van	\$10.63	1.50	\$15.95

Total Direct Costs \$15.95

* Bridge Tracker - 2014 Costs are \$18,000/week
assume 40 hour week and break it down to hourly rate
NOTE: Includes Operator/Driver/Equipment



Cuyahoga County
DEPARTMENT of PUBLIC WORKS
Bridge Inspection/Maintenance Department

TERMS & CONDITIONS

- This proposal is for Ashton Lane Bridge B-0010 - SFN 1863495
- The type of inspection for this structure will be a routine type of inspection
- Considering 2014 costs, the Bridge Inspection/Maintenance Department can only accomplish this work on an overtime basis, due to our current workload
- Overtime hours will translate into working on a Saturday or evenings depending upon the availability of the inspection team(s)
- The overtime rate includes overhead, fringe benefits, etc. calculated at (1.5 x rate x 131.30%) with the exception of the Chief Bridge Inspection/Maintenance Engineer and the Bridge Inspection/Maintenance Engineer IV
- The 131.30% rate is the approved state rate for Fringe/Indirect Costs for 2014
- The City of Bay Village will assume responsibility for any maintenance items that are reported, any structural analyses that might be warranted and for the inventory of this structure with ODOT, unless noted in writing otherwise
- The City of Bay Village will provide the Department of Public Works with plans of the structure and any pertinent correspondence and/or information
- The figures for consecutive years shall be adjusted accordingly to match the hours and wages for the individuals performing the work
- The City of Bay Village shall forward a copy of the ODOT BR-86 Inspection Report to ODOT Central Office and ODOT District 12
- Site inspections will be completed by November 28, 2014



Cuyahoga County
DEPARTMENT of PUBLIC WORKS
Bridge Inspection/Maintenance Department

TERMS & CONDITIONS (continued)

- The inspection report, maintenance recommendations and relevant pictures will be sent to the City of Bay Village by December 15, 2014
- The Fiscal Department of The Department of Public Works Office will invoice the City of Bay Village concurrently when the final report and package is sent to the city or by December 31, 2014
- The Proposal contains "If Authorized" portions of work. If Bay Village would like the County to perform these items, they must submit a formal letter to the County directing them to perform the work.

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0007

Sponsored by: County Executive FitzGerald/Department of Public Works	An Ordinance establishing the Cuyahoga Countywide Inspection Program, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmember Miller	

WHEREAS, Ohio Revised Code 5591.02 provides: "the board of county commissioners shall construct and keep in repair all necessary bridges in municipal corporations on all county roads and improved roads that are of general and public utility, running into or through the municipal corporations, and that are not on state highways;" and,

WHEREAS, Cuyahoga County Charter Section 3.09, Subsection 8 provides that the powers of the County Council include the ability to adopt legislation "to cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for providing a common service, and to provide the terms upon which the County shall perform any of the services and functions of any other county or any municipality or other political subdivision;" and,

WHEREAS, through the Cuyahoga Countywide Inspection Program, the County will perform certain inspection services relating to bridges, culverts and other structures as outlined in the agreement with participating municipalities; and,

WHEREAS, the services provided under the Cuyahoga Countywide Inspection Program shall include, but not necessarily be limited to, the following tasks: site visit; field inspection; review of existing plans and reports; inventory setup and control; development of preliminary sketches and details; recommendations for repairs and preventive maintenance; traffic control; and preparation of reports; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can commence and continue on behalf of the various municipalities within the County's jurisdiction.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. There is hereby established the Cuyahoga Countywide Inspection Program to provide inspection services relating to bridges, culverts, and other structures. The Department of Public Works shall administer the program.

SECTION 2. The services provided under the Cuyahoga Countywide Inspection Program shall include, but not necessarily be limited to, the following tasks: site visit; field inspection; review of existing plans and reports; inventory setup and control; development of preliminary sketches and details; recommendations for repairs and preventive maintenance; traffic control; and preparation of reports. **Participating municipalities shall reimburse the County for all the services provided under the Countywide Inspection Program.**

SECTION 3. All contracts and agreements under the Cuyahoga Countywide Inspection Program shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each such contract or agreement in accordance with the Cuyahoga County Contracting and Purchasing Procedures Ordinance.

SECTION 4. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

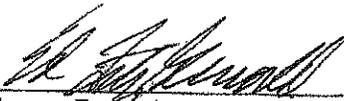
On a motion by Mr. Miller, seconded by Mr. Rogers, the foregoing Ordinance was duly enacted.

Yeas: Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell and Connally

Nays: None


County Council President

3-12-13
Date


County Executive

3/18/13
Date


Clerk of Council

3/12/2013
Date

First Reading/Referred to Committee: February 12, 2013
Committee(s) Assigned: Public Works, Procurement & Contracting

Committee Report/Second Reading: February 26, 2013

Legislation Amended on the Floor: March 12, 2013

Additional Sponsorship Requested on the Floor: March 12, 2013

Journal CC009
March 12, 2013

ORDINANCE NO. 13-131
INTRODUCED BY: Mr. Lee

First Reading 12-16-13
Second Read 2-24-14

AN ORDINANCE
AMENDING CODIFIED ORDINANCE CHAPTER 1322 REGARDING
RESIDENTIAL CODE OF OHIO FOR ONE-, TWO-, AND THREE-
FAMILY DWELLINGS

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That codified Ordinance Chapter 1322 which presently reads as follows:

“CHAPTER 1322
Residential Code of Ohio for One-, Two-, and Three-Family Dwellings

- 1322.01 Application and enforcement.
- 1322.02 Board of Building Code Appeals.
- 1322.03 File and distribution copies.
- 1322.04 Definitions.
- 1322.05 Permit requirements and fees.
- 1322.06 Enforcement; right of entry.
- ~~1322.07 *Conflicts of laws.*~~
- ~~1322.08 Homeowners' exception.~~
- ~~1322.09 *Workmanship.*~~
- 1322.99 Penalty.

1322.01 APPLICATION AND ENFORCEMENT.

In order to regulate the erection, construction, repair, alteration and maintenance of residential dwellings, the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings as adopted by the Ohio Board of Building Standards and as may be amended and updated from time to time, pursuant to Ohio R.C. 3781.10, shall apply and be enforced within the Municipality. (Ord. 06-111. Passed 11-6-06.)

1322.02 BOARD OF BUILDING CODE APPEALS.

The Board of Zoning Appeals is hereby designated as the Board to carry out and perform the duties charged upon the Board of Appeals by the Residential Code of Ohio. Appeals shall follow the process noted in Bay Village Planning and Zoning Code Chapter 1127. (Ord. 06-111. Passed 11-6-06.)

1322.03 FILE AND DISTRIBUTION COPIES.

One copy of the ~~2006~~ Residential Code of Ohio, as adopted in Section 1322.01, shall be on file with the Clerk of Council for inspection by the public and available on file with the Bay Village Library. In addition, the Clerk of Council shall have copies available for sale to the public, at cost. (Ord. 06-111. Passed 11-6-06.)

1322.04 DEFINITIONS.

As used in this chapter and in the ~~2006~~ Residential Code of Ohio adopted in Section 1322.01:

- (a) "Building Official" means the Building Director and Building Inspector of the City.
- (b) "City" or "Municipality" means the City of Bay Village.
- (c) "Planning and Zoning Code" means Part Eleven of the Codified Ordinances of the City. (Ord. 06-111. Passed 11-6-06.)

1322.05 PERMIT REQUIREMENTS AND FEES.

- (a) Work requiring approval by the Residential Code of Ohio adopted herein shall not proceed until fees have been paid as required by Chapter 1305 and the necessary permits have been issued.
- (b) In addition to the requirements of the Residential Code of Ohio, approvals and permits shall be required for the following work:
- (1) Accessory structures.
 - (2) Fences.
 - (3) Driveways and sidewalks over 50 square feet.
 - (4) Swimming pools over 12 inches deep as defined in Chapter 1349.
 - (5) New kitchen wall and base cabinets and countertops.
 - (6) Yard and lot grading.
- (c) Standards of construction for approvals required by this Section shall be those of the current Residential Code of Ohio. Permit fees shall be paid as required by Chapter 1305.
- (d) In reference to 1322.05(b)(5), whenever the wall, base cabinets and countertops are replaced, the entire kitchen area shall be brought to current code requirements for the electric and plumbing. Replaced, for the purposes of this Section, shall mean the replacement of all wall, base cabinets and countertops within a twelve (12) month period. (Ord. 06-111. Passed 11-6-06.)

1322.06 ENFORCEMENT; RIGHT OF ENTRY.

The Building Official shall enforce the ~~2006~~ Residential Code of Ohio, as adopted in Section 1322.01, and all other laws relating to buildings and structures and, in the discharge of his or her official duties, shall have authority, upon proper identification, to enter any dwelling, building, structure or premises at any reasonable hour to enforce and ascertain compliance with such Code or law. (Ord. 06-111. Passed 11-6-06.)

~~1322.07 CONFLICTS OF LAWS.~~

~~In the event of any conflict between the requirements of the 2006 Residential Code of Ohio, as adopted in Section 1322.01, and the Regional Dwelling House Code, as adopted in Section 1321.01, or any provisions of any other City ordinance or technical code adopted by the City, the 2006 Residential Code of Ohio shall govern. (Ord. 06-111. Passed 11-6-06.)~~

~~1322.08 HOMEOWNERS' EXCEPTION.~~

~~No provisions of this chapter or of the 2006 Residential Code of Ohio, as adopted in Section 1322.01 shall be interpreted to require that the owner of dwelling governed by the 2006 Residential Code of Ohio who performs construction work shall be licensed or registered or hold a certificate of qualification personally to perform work upon the premises occupied, or to be occupied, by such owner thereof or by such owner's established resident. All such work shall be done by said owner, and work shall be done in conformity with the provisions of the 2006~~

Residential Code of Ohio and rules or regulations promulgated thereunder, and all other Ordinances of the City and no work shall be done unless all permits, inspections and approvals required by the ~~2006~~ Residential Code of Ohio are secured. (Ord. 06-111. Passed 11-6-06.)

~~1322.09~~ WORKMANSHIP.

~~(a) In addition to the provisions of the 2006 Residential Code of Ohio, as adopted in Section 1322.01, all erection, construction, alteration and repair of one, two and three-family dwellings and appurtenant structures shall be performed in a workmanlike manner including, but not limited to, the following:~~

~~(1) All work shall be in compliance with those performance standards recognized by the applicable trade or industry.~~

~~(2) Walls shall be plumb, floors level and corners square within accepted standards and tolerances within the trade or industry, unless required by design to be otherwise.~~

~~(b) The mere fact that a particular erection, construction, alteration or repair is functional shall not give rise to a presumption that it has been performed in a workmanlike manner as discussed in subsection (a) hereof.~~ (Ord. 06-111. Passed 11-6-06.)

1322.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a misdemeanor and fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1000.00) for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day's continued violation shall constitute a separate offense. (Ord. 06-111. Passed 11-6-06.)

be and the same is hereby amended to read:

"CHAPTER 1322

Residential Code of Ohio for One-, Two-, and Three-Family Dwellings

1322.01	Application and enforcement.
1322.02	Board of Building Code Appeals.
1322.03	File and distribution copies.
1322.04	Definitions.
1322.05	Permit requirements and fees.
1322.06	Enforcement; right of entry.
<u>1322.07</u>	Homeowners' exception.
<u>1322.08</u>	Workmanship.
1322.99	Penalty.

1322.01 APPLICATION AND ENFORCEMENT.

In order to regulate the erection, construction, repair, alteration and maintenance of residential dwellings, the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings as adopted by the Ohio Board of Building Standards and as may be amended and updated from time to time, pursuant to Ohio R.C. 3781.10, shall apply and be enforced within the Municipality.

1322.02 BOARD OF BUILDING CODE APPEALS.

The Board of Zoning Appeals is hereby designated as the Board to carry out and perform the duties charged upon the Board of Appeals by the Residential Code of Ohio. Appeals shall follow the process noted in Bay Village Planning and Zoning Code Chapter 1127.

1322.03 FILE AND DISTRIBUTION COPIES.

One copy of the most current edition of the Residential Code of Ohio, as adopted in Section 1322.01, shall be on file with the Clerk of Council for inspection by the public and available on file with the Bay Village Library. In addition, the Clerk of Council shall have copies available for sale to the public, at cost.

1322.04 DEFINITIONS.

As used in this chapter and in the most current edition Residential Code of Ohio adopted in Section 1322.01:

- (a) "Building Official" means the Building Director and Building Inspector of the City.
- (b) "City" or "Municipality" means the City of Bay Village.
- (c) "Planning and Zoning Code" means Part Eleven of the Codified Ordinances of the City.

1322.05 PERMIT REQUIREMENTS AND FEES.

(a) Work requiring approval by the Residential Code of Ohio adopted herein shall not proceed until fees have been paid as required by Chapter 1305 and the necessary permits have been issued.

(b) In addition to the requirements of the Residential Code of Ohio, approvals and permits shall be required for the following work:

- (1) Accessory structures.
- (2) Fences.
- (3) Driveways and sidewalks over 50 square feet.
- (4) Swimming pools over 12 inches deep as defined in Chapter 1349.
- (5) New kitchen wall and base cabinets and countertops.
- (6) Yard and lot grading.

(c) Standards of construction for approvals required by this Section shall be those of the current Residential Code of Ohio. Permit fees shall be paid as required by Chapter 1305.

(d) In reference to 1322.05(b)(5), whenever the wall, base cabinets and countertops are replaced, the entire kitchen area shall be brought to current code requirements for the electric and plumbing. Replaced, for the purposes of this Section, shall mean the replacement of all wall, base cabinets and countertops within a twelve (12) month period.

1322.06 ENFORCEMENT; RIGHT OF ENTRY.

The Building Official shall enforce the most current edition of the Residential Code of Ohio, as adopted in Section 1322.01, and all other laws relating to buildings and structures and, in the discharge of his or her official duties, shall have authority, upon proper identification, to enter any dwelling, building, structure or premises at any reasonable hour to enforce and ascertain compliance with such Code or law.

1322.07 HOMEOWNERS' EXCEPTION.

No provisions of this chapter or of the most current edition of the Residential Code of Ohio, as adopted in Section 1322.01 shall be interpreted to require that the owner of dwelling governed by the most current edition of the Residential Code of Ohio who performs construction work shall be licensed or registered or hold a certificate of qualification personally to perform work upon the premises occupied, or to be occupied, by such owner thereof or by such owner's established resident. All such work shall be done by said owner, and work shall be done in conformity with the provisions of the most current edition of the Residential Code of Ohio and rules or regulations promulgated thereunder, and all other Ordinances of the City and no work shall be done unless all permits, inspections and approvals required by the most current edition of the Residential Code of Ohio are secured.

1322.08 WORKMANSHIP.

(a) All construction work regardless of trade shall be completed in a workman-like manner, within acceptable standards and tolerances recognized by such trade or industry.

(b) Meeting the performance standards of the applicable code and thus being 'functional' shall not be deemed a sufficient level of workmanship in and of itself. Work that is deemed shoddy, incomplete, haphazard, or inferior shall be construed as poor workmanship. The quality of the work shall reflect the value received and meet or exceed the minimum codes and the industry standards.

1322.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a misdemeanor and fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1000.00) for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day's continued violation shall constitute a separate offense."

and current Chapter 1322 is hereby repealed.

SECTION 2. 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 committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

7/24/13 jc

ORDINANCE NO. 13-97
INTRODUCED BY: Mr. Lee

First Reading 12-2-13
Second Reading 12-16-13

AN ORDINANCE
AMENDING CODIFIED ORDINANCE 1301 REGARDING DEPARTMENT
OF BUILDING, ENGINEERING, AND INSPECTION; ENFORCEMENT

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance 1301 which presently reads as follows:

"CHAPTER 1301

Department of Building Engineering and Inspection; Enforcement

- 1301.01 Department established.
- 1301.02 Personnel.
- ~~1301.03 *Duties of Director.*~~
- 1301.04 Contracted professional inspection services.
- ~~1301.05 *Contracted professional Class I Building Official services.*~~
- 1301.99 Code penalty.

1301.01 DEPARTMENT ESTABLISHED.

There is hereby established a Department of Building Engineering and Inspection.
(Ord. 70-142. Passed 9-21-70.)

1301.02 PERSONNEL.

The Department of Building Engineering and Inspection shall consist of the *Director of the Department, the Commissioner of Building Chief Building Official* and such other employees as are necessary.

Within the Department of Building Engineering and Inspection there is established the position of Commissioner of Building who shall perform such duties as are prescribed by the Director of the Building Department and as otherwise set forth in the ordinances of the City.
(Ord. 70-142. Passed 9-21-70.)

~~1301.03 DUTIES OF DIRECTOR.~~

~~*It shall be the duty of the Director of the Department of Building Engineering and Inspection to enforce the provisions of this Building Code and the Zoning Code.*~~

~~*All of the authorities and duties conferred upon the Building Commissioner in the ordinances of the City are hereby conferred upon the Director of the Department of Building Engineering and Inspection.*~~
(Ord. 70-142. Passed 9-21-70.)

1301.04 CONTRACTED PROFESSIONAL INSPECTION SERVICES.

Effective January 1, 1998, the Director of Building Engineering and Inspection may contract professional back-up inspection services when necessary. Such services shall be compensated as defined in contract between Back-Up Inspector and the City at the fixed rate of thirty-five dollars (\$35.00) per inspection.
(Ord. 00-23. Passed 3-20-00.)

~~1301.05 CONTRACTED PROFESSIONAL CLASS I BUILDING OFFICIAL SERVICES.~~

~~Effective January 1, 1998, the Director of Building Engineering and Inspection may contract professional Class I Building Official services. Such services shall be compensated as defined in contract between Class I Building Official and the City at a fixed rate of one hundred dollars (\$100.00) per month. (Ord. 02-75. Passed 5-20-02.)~~

1301.99 ~~CODE~~ PENALTY.

Whoever violates or fails to comply with this Building ~~Code~~, where another penalty is not provided, shall be deemed guilty of a misdemeanor and fined not exceeding three hundred dollars (\$300.00) or imprisoned not more than three months, or both. Each day or portion thereof during which any violation is continued or permitted shall constitute a separate offense.”

be and the same is hereby amended to read:

“CHAPTER 1301

Department of Building Engineering and Inspection; Enforcement

- 1301.01 Department established.
- 1301.02 Personnel.
- 1301.03 Contracted professional inspection services.
- 1301.99 Standard penalty.

1301.01 DEPARTMENT ESTABLISHED.

There is hereby established a Department of Building Engineering and Inspection.

1301.02 PERSONNEL.

The Department of Building Engineering and Inspection shall consist of the Director of the Department, the Commissioner of Building and such other employees as are necessary.

Within the Department of Building Engineering and Inspection there is established the position of Commissioner of Building who shall perform such duties as are prescribed by the Director of the Building Department and as otherwise set forth in the ordinances of the City.

1301.03 CONTRACTED PROFESSIONAL INSPECTION SERVICES.

Effective January 1, 1998, the Director of Building Engineering and Inspection may contract professional back-up inspection services when necessary. Such services shall be compensated as defined in contract between Back-Up Inspector and the City at the fixed rate of thirty-five dollars (\$35.00) per inspection.

1301.99 STANDARD PENALTY.

Whoever violates or fails to comply with this Building Standard, where another penalty is not provided, shall be deemed guilty of a misdemeanor and fined not exceeding three hundred dollars (\$300.00) or imprisoned not more than three months, or both. Each day or portion thereof during which any violation is continued or permitted shall constitute a separate offense.”

and current Chapter 1301 is hereby repealed.

SECTION 2. 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 committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

AN ORDINANCE
AMENDING C.O. SECTION 1344.03 REGARDING RESIDENTIAL, COMMERCIAL
AND ACCESSORY STRUCTURE MAINTENANCE DEFINITIONS

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 1344.03 which presently reads as follows:

“1344.03 DEFINITIONS.

Certain words and phrases, as used or found in this chapter, are defined as follows:

- (1) ~~“Apartment house” means a building designed and used as a residence by four or more families living independently of each other or by four or more individuals or groups of individuals living independently. A residential building containing a use other than a dwelling use or an area designed for such other use, excluding home occupation uses approved in the Planning and Zoning Code, shall be considered as commercial. The words “apartment house” and “multiple dwelling” are synonymous.~~
- (2) ~~“Approved” means approved by the Building Director, pursuant to rules and regulations adopted by the Codified Ordinances of the City, or approved by another person or board designated by the City to give approval to the matter in question.~~
- (3) “Available” means that a service or facility is provided and is accessible to a property without the need for crossing the private property of another.
- (4) ~~“Basement” means a space with a floor level two feet or more below adjoining ground, but having less than half its clear height below adjoining ground. A basement shall be deemed a story when the ceiling is more than four feet six inches above adjoining ground.~~
- (5) “Board” means the Board of Zoning Appeals of the City as created and existing under the provisions of Chapter 1127 of the Zoning Code.
- (6) ~~“Building” means any structure designed, built as, occupied as a shelter or enclosure for persons, animals or property of any kind.~~
- (7) ~~“Building, accessory” means a subordinate building located on a lot containing a main building, the use of which is customarily incidental to that of the main building.~~
- (8) “Building Commissioner” means the Building Director of Bay Village.
- (9) “Cellar” means a space having half or more than half of its clear height below adjoining ground.
- (10) “City” means the City of Bay Village, Ohio.
- (11) ~~“Commercial” all buildings, structures and uses, except those listed in Section 1344.05(a) and their accessory buildings, structures and uses.~~
- (12) ~~“Dwelling” means a building designed and occupied as a residence by not more than three families living independently of each other.~~
- (13) ~~“Dwelling, one-story” means a dwelling containing no livable floor area in the second story thereof.~~
- (14) ~~“Dwelling, one and one-half story” means one with floor areas on two levels, one above the other, connected by stairs with the ceiling area of the upstairs smaller than the floor area of the downstairs and at least seven and one-half feet above the upstairs floor.~~
- (15) ~~“Dwelling, split level” means one containing floor area on two or more levels with not less than six feet vertical distance between the plane of one floor level and the plane of the next higher floor level.~~

- (16) ~~“Dwelling structure” means a building or structure used or designed to be used, all or in part, for residential purposes.~~
- (17) ~~“Dwelling, two-story” means a single family dwelling in which the area of the ceiling of the second story thereof is not less than the floor area of the first story thereof.~~
- (18) ~~“Dwelling unit” means a room or a group of rooms arranged, maintained or designed to be occupied by a single family for living, sleeping, cooking and eating. The words “dwelling unit” can mean “apartment” or “suite”.~~
- (19) ~~“Family” an individual or two or more persons living together as a single housekeeping group in a dwelling.~~
- (20) ~~“Finished livable floor area” is a heated room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, lavatories, dressing rooms, storage spaces, hallways, utility rooms, furnace rooms, boiler rooms and cellar recreations rooms.~~
- (21) ~~“Foundation” means the supporting portion of a structure below the first floor construction or ground, including the footings.~~
- (22) ~~“Grade level” means the mean elevation of the ground adjoining a main building or structure on all sides.~~
- (23) ~~“Habitable room” is a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes including rooms and areas connected thereto, excluding cellar recreation rooms.~~
- (24) ~~“Occupant” means a person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or a room.~~
- (25) “Operator” means a person who has charge, care or control of a dwelling structure.
- (26) “Owner” a person, corporation and/or company whether incorporated or not, who has legal right of possession, lawful title and/or the deed holder. For purposes of this ordinance an officer of a corporation and/or company can and shall be the owner of record.
- (27) “Person” means any person, firm, partnership, association, corporation, company, organization or association of persons of any kind.
- (28) “Premises” means a lot, parcel or plot of land, including the building or structures, landscaping and trees thereon.
- (29) “Rental Dwelling” means a dwelling occupied by a family where consideration in the form of money or other valuable consideration is paid exchanged with the legal owner; or occupancy is by a family who is not the legal owner and no money or consideration is paid to the owner.
- (30) ~~“Structure” is anything built or erected, including but not limited to shelters, stadiums, reviewing stands, band stands, display stands, bleachers, booths, parking lots, swimming pools, skating rinks, platforms, decks, towers, bridges, trestles, frameworks, bins, barriers, poles and tanks above or below ground; and shall also mean the supporting framework thereof and appurtenances thereto.~~
- (31) “Supply” or “supplied” means paid for, furnished, provided by or under the control of the owner or operator.

(Ord. 07-34. Passed 4-16-07.)

be and the same is hereby amended to read:

“1344.03 DEFINITIONS.

- (1) “Available” means that a service or facility is provided and is accessible to a property without the need for crossing the private property of another.
- (2) “Board” means the Board of Zoning Appeals of the City as created and existing under the provisions of Chapter 1127 of the Zoning Code.

- (3) *“Building Commissioner” or “Building Director” shall in all cases refer to the Chief Building Official.*
- (4) “Cellar” means a space having half or more than half of its clear height below adjoining ground.
- (5) “City” means the City of Bay Village, Ohio.
- (6) “Operator” means a person who has charge, care or control of a dwelling structure.
- (7) “Owner” a person, corporation and/or company whether incorporated or not, who has legal right of possession, lawful title and/or the deed holder. For purposes of this ordinance an officer of a corporation and/or company can and shall be the owner of record.
- (8) “Person” means any person, firm, partnership, association, corporation, company, organization or association of persons of any kind.
- (9) “Premises” means a lot, parcel or plot of land, including the building or structures, landscaping and trees thereon.
- (10) “Rental Dwelling” means a dwelling occupied by a family where consideration in the form of money or other valuable consideration is paid exchanged with the legal owner; or occupancy is by a family who is not the legal owner and no money or consideration is paid to the owner.
- (11) “Supply” or “supplied” means paid for, furnished, provided by or under the control of the owner or operator. “

and current Section 1344.03 is hereby repealed.

SECTION 2. 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 committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

PRESIDENT OF COUNCIL

CLERK

APPROVED:

MAYOR

