During the regular meeting of the Bay Village City Council held on May 1, 2017, the following agenda items were discussed:

**ANNOUNCEMENTS**

Presentation: Margaret Lann, Cleveland Restoration Society regarding the Heritage Home Loan Program.

**REPORTS**

- Mayor Koomar
- Director of Law Ebert
- Director of Finance Mahoney
- Director of Recreation Enovitch
- Director of Public Safety/Service
- Director of Community Services Selig
- Police Chief Spaetzle
- Fire Chief Lyons
- Chief Building Official Jeff Grassi
- Human Resources Administrator Jen Demaline

**AUDIENCE**

**COMMUNICATIONS**

**COMMITTEE OF THE WHOLE**

**ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent**

Motion to confirm the appointment of Paul Vincent by Mayor Koomar to Bay Family Services. (Motion by Mrs. Stainbrook)

**FINANCE AND CLAIMS - Mr. Clark**

Fiscal Officer’s Certificate dated May 1, 2017 and signed by Renee Mahoney, Director of Finance certifying that $2,904,000 of Notes to be issued in anticipation of Bonds for the purpose of paying cost of improving of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council ($1,246,000 of the Notes), (ii) improving the City’s parks and recreational facilities by improving basketball and tennis courts, aquatic and related facilities and their sites and constructing and improving lighting facilities at Hartman Field ($302,000 of the Notes), (iii) 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 ($136,000 of the Notes), (iv) acquiring motor vehicles and equipment for use in performing the functions of the City’s Police Department ($142,000 of the Notes), and (v) other purposes ($43,000 of the Notes).
Notes), (v) acquiring office equipment for use in performing the administrative functions of the City ($78,000 of the Notes), (vi) acquiring a bus and constructing improvements to facilities used in performing the functions of the City’s Department of Community Services ($67,500 of the Notes), (vii) acquiring motor vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing the functions of the City’s Department of Public Services and Properties ($158,000 of the Notes), (viii) improving the City’s sanitary sewerage system by constructing sewer lines ($164,000 of the Notes), (ix) resurfacing and making other improvements to City surface parking areas ($86,000 of the Notes), (x) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Fire Department ($83,000 of the Notes), (xi) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Police Department ($60,000 of the Notes) and (xii) acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the City’s Department of Public Services and Properties ($381,500 of the Notes) (collectively, the improvements), that of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council ($1,246,000 of the Notes), (ii) improving the City’s parks and recreational facilities by improving basketball and tennis courts, aquatic and related facilities and their sites and constructing and improving lighting facilities at Hartman Field ($302,000 of the Notes), (iii) acquiring motor vehicles and equipment and acquiring and installing a work order system for use in performing the functions of the City’s Police Department ($142,000 of the Notes), (v) acquiring office equipment for use in performing the administrative functions of the City ($78,000 of the Notes), (vi) acquiring a bus and constructing improvements to facilities used in performing the functions of the City’s Department of Community Services ($67,500 of the Notes), (vii) acquiring motor vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing the functions of the City’s Department of Public Services and Properties ($158,000 of the Notes), (viii) improving the City’s sanitary sewerage system by constructing sewer lines ($164,000 of the Notes), (ix) resurfacing and making other improvements to City surface parking areas ($86,000 of the Notes), (x) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Fire Department ($83,000 of the Notes), (xi) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Police Department ($60,000 of the Notes) and (xii) acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the City’s Department of Public Services and Properties ($381,500 of the Notes) (collectively, the improvements), that the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is (A) 15 years as to the portion of the Bonds related to the portion of the Bonds related to the improvements described in clauses (i), (vi) and (ix) above, (B) 30 years as to the portion of the Bonds related to the improvement described in clause (ii) above, (C) 10 years as to the portion of the Bonds related to the improvements described in clauses (iii), (vii), (x) and (xii) above, (D) six years as to the portion of the Bonds related to the improvement described in clause (iv) above, (E) five years as to the portion of the Bonds related to the
improvement described in clause (v) above, (F) 40 years as to the portion of the Bonds related to the improvement described in clause (viii) above and (G) seven years as to the portion of the Bonds related to the improvement described in clause (xi) above, and the maximum maturity of the Notes is (A) June 12, 2033, as to $225,000 of the Notes related to the improvement described in clause (ii) above, which date is 20 years from June 12, 2013, the date of issuance of the original notes issued for that purpose, (B) June 11, 2034, as to $22,000 of the Notes related to the improvement described in clause (i) above, $77,000 of the Notes related to the improvement described in clause (ii) above and $24,000 of the Notes related to the improvement described in clause (vi) above, which date is 20 years from June 11, 2014, the date of issuance of the original notes issued for those purposes, (C) June 11, 2029, as to the portion of the Notes related to the improvement described in clause (iii) above, which date is 15 years from June 11, 2014, the date of issuance of the original notes issued for that purpose, (D) June 11, 2025, as to $13,000 Notes related to the improvement described in clause (iv), which date is 11 years from June 11, 2014, the date of issuance of the original notes issued for that purpose, (E) June 11, 2024, as to $25,000 of the Notes related to the improvement described in clause (v) above, which date is 10 years from June 11, 2014, the date of issuance of the original notes issued for that purpose, (F) June 10, 2035, as to $533,000 of the Notes related to the improvement described in clause (i) above, $84,000 of the Notes related to the improvement described in clause (viii) above and the improvement described in clause (ix) above, which date is 20 years from June 10, 2015, the date of issuance of the original notes issued for those purposes, (G) June 10, 2030, as to the portion of the Notes related to the improvement described in clause (vii) above and $68,000 of the Notes related to the improvement described in clause (x) above, which date is 15 years from June 10, 2015, the date of issuance of the original notes issued for those purposes, (H) June 10, 2027, as to the Notes related to the improvement described in clause (xi) above, which date is 12 years from June 10, 2015, the date of issuance of the original notes issued for that purpose, (I) June 10, 2025, as to $20,000 of the Notes related to the improvement described in clause (v) above, which date is 10 years from June 10, 2015, the date of issuance of the original notes issued for that purpose, (J) June 9, 2036, as to $691,000 of the Notes related to the improvement described in clause (i) above, $43,500 of the Notes related to the improvement described in clause (vi) above and $80,000 of the Notes related to the improvement described in clause (viii) above, which date is 20 years from June 9, 2016, the date of issuance of the original notes issue for those purposes, (K) June 9, 2031, as to $15,000 of the Notes related to the improvement described in clause (x) above and the improvement described in clause (xii) above, which date is 15 years from June 9, 2016, the date of issuance of the original notes issued for those purposes, (L) June 9, 2027, as to $129,000 of the Notes related to the improvement described in clause (iv) above, which date is 11 years from June 9, 2016, the date of issuance of the original notes issued for that purpose, and (M) June 9, 2026, as to $33,000 of the Notes related to the improvement described in clause (v) above, which date is 10 years from June 9, 2016, the date of issuance of the original Notes issued for that purpose.

Ordinance providing for the issuance and sale of $2,904,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of (i) Improving streets by resurfacing, paving
and making other improvements as designated in the plans approved or to be approved by Council, 
(ii) Improving the city’s parks and recreational facilities by improving basketball and tennis courts, 
aquatic and related facilities and their sites and constructing and improving lighting facilities at 
Hartman field, (iii) 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, (iv) Acquiring motor vehicles and equipment for use in performing the functions of the 
City’s Police Department, (v) Acquiring office equipment for use in performing the administrative 
functions of the City, (vi) Acquiring a bus and constructing improvements to facilities used in 
performing the functions of the City’s Department of Community Services, (vii) Acquiring motor 
vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing 
the functions of the City’s Department of Public Services and Properties, (viii) Improving the City’s 
sanitary sewerage system by constructing sewer lines, (ix) Resurfacing and making other 
improvements to City surface parking areas, (x) Acquiring a motor vehicle and equipment for use in 
performing the functions of the City’s Fire Department, (xi) Acquiring a motor vehicle and 
equipment for use in performing the functions of the City’s Police Department and (xii) Acquiring 
motor vehicles and equipment and constructing improvements to facilities used in performing the 
functions of the City’s Department of Public Services and Properties, and declaring an emergency. 
(First Reading).

**Fiscal Officer’s Certificate dated May 1, 2017 and signed by Renee Mahoney, Director of Finance** certifying that $550,000 of Notes in anticipation of the issuance of bonds for the purpose of 
paying cost of improving streets by resurfacing, paving and making other improvements as 
designated in the plans approved or to be approved by Council, that the estimated life or period of 
usefulness of the improvement is at least five years, and the estimated maximum maturity of the 
Bonds, calculated in accordance with Section 133.20 of the Revised Code is 15 years, and 
maximum maturity of Notes is 240 months from date of issuance.

**Ordinance** providing for the issuance and sale of $550,000 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 (First Reading)

**Fiscal Officer’s Certificate dated May 1, 2017 and signed by Renee Mahoney, Director of Finance certifying** that $104,500 of notes to be issued 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, together with the necessary appurtenances thereto, that 
the estimated life or period of usefulness of the improvement is at least five years, and the estimated 
maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code 
is 10 years, and maximum maturity of Notes is 10 years from date of issuance.

**Ordinance** providing for the issuance and sale of $104,500 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. (First Reading).

**Fiscal Officer’s Certificate dated May 1, 2017 and signed by Renee Mahoney, Director of Finance certifying** that $414,000 of notes to be issued 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 Department of Public Services and Properties, together with the necessary appurtenances thereto, that the estimated life or period of usefulness of the improvement is at least five years, and the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 10 years, and maximum maturity of Notes is 15 years from date of issuance.

**Ordinance** providing for the issuance and sale of $414,000 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 Department of Public Service and Properties, and declaring an emergency. (First Reading).

**Fiscal Officer’s Certificate dated May 1, 2017 and signed by Renee Mahoney, Director of Finance certifying** that $28,000 of notes to be issued in anticipation of the issuance of bonds for the purpose of paying costs of improving HVAC and lighting facilities at City Hall, together with the necessary appurtenances thereto, that the estimated life or period of usefulness of the improvement is at least five years, and the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 20 years, and maximum maturity of Notes is 240 months from date of issuance.

**Ordinance** providing for the issuance and sale of $28,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of improving HVAC and lighting facilities at City Hall, and declaring an emergency. (First Reading).

**Fiscal Officer’s Certificate dated May 1, 2017 and signed by Renee Mahoney, Director of Finance certifying** that $8,500 of notes to be issued in anticipation of the issuance of bonds for the purpose of paying costs of improving the City’s Community House by installing an ADA-compliant ramp, together with the necessary appurtenances thereto, that the estimated life or period of usefulness of the improvement is at least five years, and the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 20 years, and maximum maturity of Notes is 240 months from date of issuance.

**Ordinance** providing for the issuance and sale of $8,500 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of improving the City’s Community House by installing an ADA-Compliant Ramp, and declaring an emergency. (First Reading).

**Fiscal Officer’s Certificate dated May 1, 2017 and signed by Renee Mahoney, Director of Finance certifying** that $240,000 of notes to be issued 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, together with the necessary appurtenances thereto, that the estimated life or period of usefulness of the improvement is at least five years, and the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 10 years, and maximum maturity of Notes is 15 years from date of issuance.

Ordinance providing for the issuance and sale of $240,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of acquiring a Motor Vehicles and Equipment for use in performing the functions of the City’s Fire Department, and declaring an emergency. (First Reading).

Fiscal Officer’s Certificate dated May 1, 2017 and signed by Renee Mahoney, Director of Finance certifying that $22,500 of notes to be issued in anticipation of the issuance of bonds for the purpose of paying costs of acquiring office equipment for the use in performing the administrative functions of the City, together with all necessary appurtenances thereto, that the estimated life or period of usefulness of the improvement is at least five years, and the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is five years, and maximum maturity of Notes is 10 years from date of issuance.

Ordinance providing for the issuance and sale of $22,500 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. (First Reading).

Fiscal Officer’s Certificate dated May 1, 2017 and signed by Renee Mahoney, Director of Finance certifying that $104,000 of notes to be issued in anticipation of the issuance of bonds for the purpose of paying costs of constructing Improvements to electrical systems, windows and restroom facilities and improving their sites, all together with the necessary appurtenances thereto, that the estimated life or period of usefulness of the improvement is at least five years, and the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 15 years, and maximum maturity of Notes is 240 months from date of issuance.

Ordinance providing for the issuance and sale of $104,000 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 improving constructing improvements to electrical systems, windows and restroom facilities and improving their sites, and declaring an emergency. (First Reading).

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Mrs. Lieske

Ordinance amending Section 1351 of the Codified Ordinances of the City of Bay Village regarding the Determination of Grade Lines, and declaring an emergency. (First Reading)

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Henderson
May 1, 2017
Agenda
Regular Meeting of Council

Motion authorizing the advertisement for bids for the Osborn Road Sewer Replacement Project.

Resolution authorizing participation in the ODOT Winter Contract (018-18) for Road Salt, and declaring an emergency.

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

Motion to authorize the advertisement for bids for a Generator for the Dwyer Memorial Senior Center.

Ordinance authorizing the Mayor to enter into an agreement with ClearSpan Fabric Structures International for replacement of ClearSpan Cover on the Road Salt Storage Area, and declaring an emergency.

MISCELLANEOUS

Motion to convene to Executive Session regarding Cahoon Memorial Park: Attorney General/Litigation; Personnel- Director of Public Service and Properties.

CAHOON MEMORIAL PARK TRUSTEES
Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency.

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.
CITY OF BAY VILLAGE

Council Minutes, Regular Meeting  April 17, 2017
Council Chambers 8:00 p.m.

David L. Tadych, Vice President of Council, presiding

Present:              Henderson, Lieske, Stainbrook, Tadych, Vincent, Mayor Koomar

Excused:             President of Council Clark, Councilman-at-large Mace

Also Present:      Finance Director Mahoney, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Operations Manager Landers.

AUDIENCE

The following audience members signed in this evening: Dick Majewski Jerrie Barnett, Lydia DeGeorge, Suzanne Graham, Alex Dade, Tom Kelly, Claire Banasiak, Bill Selong.

Mr. Tadych called the Regular Meeting of Council to order at 8:00 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Councilman Paul W. Vincent, Ward 2.

Following the roll call, Mr. Tadych called for a reading of the minutes of the Special Meeting of Council held April 10, 2017. Mrs. Lieske MOVED to dispense with the reading and accept the minutes of the Special Meeting of Council held April 10, 2017 as prepared and distributed. Motion carried 5-0. Mr. Tadych called for a reading or the minutes of the Cahoon Memorial Park Trustees meeting held April 10, 2017. Mrs. Lieske MOVED to dispense with the reading and accept the minutes of the Cahoon Memorial Park Trustees meeting held April 10, 2017 as prepared and distributed. Motion carried 6-0.

ANNOUNCEMENTS

Mayor Koomar reiterated his announcement from the Committee meeting held this evening regarding the Columbia Road construction in Westlake by the Ohio Department of Transportation at the I-90 ramps. A Ready/Notify alert will be sent to residents when construction begins.

REPORTS

Finance Director Mahoney advised that Tuesday, April 18, 2017 is the tax deadline day. Mrs. Mahoney also commented that City of Bay Village employees who wear Cavs clothing during the play-off games contribute $1.00 each day they are so attired. The money is donated to the Village Food Project.
Minutes of Regular Meeting
Bay Village City Council
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**Director of Recreation Enovitch** advised that Early Bird Swimming Pool registration is now open. The special pricing ends May 11, 2017. Forms can be submitted on-line or directly to the Recreation Department.

**Police Chief Spaetzel** had no report this evening.

**Fire Chief Lyons** gave a quick shout out to the firefighters and officers of the Bay Village Fire Department for their dog rescue performed last weekend on the shores of Lake Erie.

Chief Lyons reported on the well-being of the Westlake firefighter hospitalized due to injuries sustained when falling from a ladder. The officer is making progress.

**Mr. Tadych** read the following report of a meeting with Mr. Jeff Grassi, Chief Building Official of SAFEbuilt, Inc.

“Mr. Grassi and I recently met and we discussed the grading issues that seem to be problematic in new construction of homes here in Bay and the effect on the neighboring houses and properties. After discussion, I presented the idea of removal, by ordinance, of 80 to 90 percent of the excavated soil from foundations and basements from the construction site entirely. This would allow for no grade change in the new construction effort of the house. Jeff said he believes the idea has been used in other cities and he would check, and this would preserve the pre-construction grade. This same idea has been used elsewhere. I will be pleased to present this idea to Council when we receive the information from Jeff. Maybe we could consider the change to protect the adjacent properties.”

**COMMUNICATIONS**

The following communications were received and are on file in the Clerk of Council office for public inspection:

Bay Village was ranked the 32nd safest city in America by SafeWise, a community-focused security organization committed to increasing safety education, awareness and preparedness.

Annual Report Year 2016 of the Northeast Ohio Public Energy Council (NOPEC)

Mr. Henderson has submitted a communication that he received in the mail. The communication is unsigned, and is in regard to the recent discussion in Council about the Director of a Public Service and Properties. Mrs. Lieske commented that she also received the same communication.

**CANCELLATION OF APRIL 24, 2017 COUNCIL MEETING**

**Mr. Tadych** announced that the Committee Meeting of Council scheduled for Monday, April 24, 2017 is cancelled.

**AUDIENCE COMMENTS**
Jerrie Barnett, Bayview Road asked what is to be done in a terrible storm if one of the large trees she has on her property goes down. If the tree in the front goes down, the roots will be in her home and the tree would stretch across the street. She asked who she would call, noting that she observed many trees down during the last storm, with many homes hit by the trees. She asked who to call in a situation like that.

Mr. Vincent stated that it is a safety issue and Mrs. Barnett should call the Police and Fire Departments. The next call would be to her homeowners insurance. Mrs. Barnett stated that if this happens in the middle of the night and she doesn’t know about it until the next day, if someone is up on her street would they call her and tell her there is a tree down. Chief Lyons stated that a tree that large would probably wake her.

Chief Spaetzel assured Mrs. Barnett that the Police Department will take care of the situation immediately upon notification including contacting Cleveland Electric Illuminating Company if the tree takes down power lines.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

Mr. Vincent had no report this evening.

FINANCE AND CLAIMS- Mr. Henderson

Mr. Henderson introduced and read Ordinance 17-26 to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2017 as previously appropriated in Annual Appropriation 16-84 and amended in Ordinances 17-10 and 17-19, and declaring an emergency, and moved for adoption.

Mrs. Mahoney noted that approval will be sought from Council when the contract is prepared for the purchase of the Clear Span, and when the award of contract is ready for the repair of the Osborn Road storm sewer.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 17-26.

Roll Call on Suspension of the Charter Rules:
  Yeas-Henderson, Lieske, Stainbrook, Tadych, Vincent
  Nays –None

Roll Call on Suspension of the Council Rules:
  Nays – None.

Roll Call on Inclusion of the Emergency Clause:
  Yeas – Henderson, Lieske, Stainbrook, Tadych, Vincent
  Nays – None.

Roll Call on Adoption:
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Yeas–Henderson, Lieske, Stainbrook, Tadych, Vincent
Nays–None.

Mr. Tadych announced adoption of Ordinance No. 17-26, as amended by reading, by a vote of 5-0.

PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE – Mrs. Lieske

Mrs. Lieske had no report this evening.

PUBLIC IMPROVEMENTS/STREETS/SEwers/DRAINAGE COMMITTEE – Mr. Henderson

Mr. Henderson introduced and read Ordinance No. 17-27 authorizing the Mayor to enter into an agreement with Barbicas Construction Company for the 2017 Asphalt Resurfacing Contract of the 2017 Pavement Maintenance and Resurfacing Program, “Base Bid,” and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 17-27.

Roll Call on Suspension of the Charter Rules:
  Yeas- Henderson, Lieske, Stainbrook, Tadych, Vincent
  Nays –None

Roll Call on Suspension of the Council Rules:
  Yeas–Henderson, Lieske, Stainbrook, Tadych, Vincent
  Nays – None.

Roll Call on Inclusion of the Emergency Clause:
  Yeas – Henderson, Lieske, Stainbrook, Tadych, Vincent
  Nays – None.

Roll Call on Adoption:
  Yeas– Henderson, Lieske, Stainbrook, Tadych, Vincent
  Nays–None.

Mr. Tadych announced adoption of Resolution No. 17-27, as amended by reading, by a vote of 5-0.

RECREATION AND PARKS IMPROVEMENT COMMITTEE- Mr. Mace

Mr. Henderson had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mrs. Lieske
Mrs. Lieske had no report this evening.

Mrs. Stainbrook had no report this evening.

MISCELLANEOUS

Mr. Henderson stated that in the past week or so he received two separate reports of people expressing concern about flooding in Ward 4, either by the Walker Road Park Reservoir or bioswales near the Hunt Club. Mr. Henderson looked back in his emails and other correspondence and found that there might be a third area related to this in the past two years. Mr. Henderson sent notes to the Mayor and members of Council. The Mayor responded that they are looking at the situation and when there is enough information ready to have a meaningful discussion, we will move forward with a discussion about these concerns. Mr. Henderson stated that he wants to mention that this is something we are aware of in regard to people being concerned about this flooding in Ward 4. It is an important issue, and clearly a pattern, and we need to get to the bottom of it.

Mayor Koomar stated that the first thing to do is to walk all of the areas together to obtain some history and to see it first hand and have a discussion. Within the next few weeks there should be a date on the books.

Mr. Tadych asked Mr. Henderson if he has been over to the Hunt Club and looked around. Mr. Henderson stated that he has been there and also people have sent pictures. He sent those and a summary of the emails he received to members of Council.

Mr. Tadych stated that the water seems to be about six to seven inches from the top in the retention pond. He stated that he wondered how much water it would take to add another inch of water to the pond.

Mr. Henderson stated that if you look closely at the map there are about three separate bodies of water that are the subjects of complaint. They might all be connected underground.

Mayor Koomar stated that he thinks at some point the City must have installed storm sewers back there, but while there are concerns, we already have some relief for certain properties. This is where walking the area will be helpful.

Mr. Henderson stated that the two most recent complaints have expressed concern that the cause may be related to the development currently on Walker Road. There have been some trees cut down and projects initiated.

Mayor Koomar stated that he already spoke with Joe Reitz (Avon Lake City Engineer) on that front area west of the Walker Road Park. All of that will be draining to the storm sewers on Walker Road. None of that will go to the retention basin. They have already done grading on that.
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Mr. Tadych stated that when they put the mounds in and planted on them the intention was that Bucky (Kopf) was going to build in front. He has pushed some more dirt over towards those mounds again. It doesn’t seem bad.

Mrs. Stainbrook expressed appreciation to Mr. Henderson for all the information. She stated it is very helpful to get up to speed and receive the summary, pictures and exact details.

Mayor Koomar stated that he has had concern expressed by residents of asbestos when a home goes down. The state code, according to Jeff Grassi of SAFEbuilt, Inc., applies to a four home minimum, but he has asked the Law Director to look into concerns about asbestos when even one home is removed. Mr. Ebert has sent a draft to Mrs. Lieske for her committee to review to see if there is interest in moving forward. There are options of hosing the property as the home goes down.

Mrs. Lieske will consider scheduling a meeting within the next few weeks of the Planning, Zoning, Public Buildings and Grounds Committee.

There being no further business to discuss, the meeting adjourned at 8:24 p.m.

____________________________________               __________________________
David L. Tadych, Vice President of Council   Joan Kemper, Clerk of Council
SOUTH BAY VILLAGE

CAHOON MEMORIAL PARK TRUSTEES

April 17, 2017

Present: Henderson, Lieske, Stainbrook, Tadych, Vincent, Mayor Koomar

Excused: President of Council Clark, Councilman-at-large Mace

Vice President of Council Tadych called the meeting called to order in the Conference Room of Bay Village City Hall at 7:43 p.m.

Also Present: Finance Director Mahoney, Police Chief Spaetzel, Fire Chief Lyons, Recreation Director Enovitch, Operations Manager Landers.

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Jerrie Barnett, Lydia DeGeorge, Suzanne Graham, Alex Dade, Tom Kelly, Claire Banasiak, Bill Selong.

Motion by Henderson, to approve a sign acknowledging donations to the Bay Village Foundation for the support of the refurbishment of Play in Bay to celebrate its twentieth anniversary. The sign will be placed at Play in Bay.

Roll Call Vote: Yeas – Henderson, Lieske, Stainbrook, Tadych, Vincent, Mayor Koomar

Nays – None.

Motion passed 6-0.

Mr. Alex Dade noted that there is not a date on the sign. The grand reopening of the Play in Bay will be held Saturday, May 13, 2017 from 3 p.m. to 5 p.m.

Meeting adjourned at 7:45 p.m.

_________________   _________________________
David L. Tadych, Vice President of Council   Joan Kemper, Clerk of Council
### BAN Payments

#### For Year 2016

<table>
<thead>
<tr>
<th>Year</th>
<th>Original Amount</th>
<th>Yearly Pay Down</th>
<th>Balance at Year End</th>
<th>Balance 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013 BAN</td>
<td>2013</td>
<td>1,250,000</td>
<td>250,000</td>
<td>500,000</td>
</tr>
<tr>
<td>2014 BAN</td>
<td>2014</td>
<td>1,320,000</td>
<td>264,000</td>
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<tr>
<td>2015 BAN</td>
<td>2015</td>
<td>1,505,000</td>
<td>258,600</td>
<td>1,246,400</td>
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<tr>
<td>2016 BAN</td>
<td>2016</td>
<td>1,374,600</td>
<td>236,000</td>
<td>1,374,600</td>
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<td></td>
<td>1,138,600</td>
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<td>1,008,600</td>
<td>3,913,000</td>
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<td>2,904,400</td>
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</table>

**Annual Pay Down**

<table>
<thead>
<tr>
<th>Year</th>
<th>Original Amount</th>
<th>Yearly Pay Down</th>
<th>Balance at Year End</th>
<th>Balance 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 BAN</td>
<td>5 years all other</td>
<td>683,620</td>
<td>136,724</td>
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</tr>
<tr>
<td></td>
<td>7 years roads</td>
<td>690,980</td>
<td>98,711</td>
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<td>235,435</td>
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#### For Year 2017

<table>
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<tr>
<th>Year</th>
<th>Original Amount</th>
<th>Yearly Pay Down</th>
<th>Balance at 12/31/17</th>
<th>Balance 12/31/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013 BAN</td>
<td>2013</td>
<td>1,250,000</td>
<td>250,000</td>
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<td>2014 BAN</td>
<td>2014</td>
<td>1,320,000</td>
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</tr>
<tr>
<td>2015 BAN</td>
<td>2015</td>
<td>1,505,000</td>
<td>259,000</td>
<td>987,400</td>
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<tr>
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<td>2016</td>
<td>1,374,600</td>
<td>236,000</td>
<td>1,138,600</td>
</tr>
<tr>
<td>2017 BAN</td>
<td>2017</td>
<td>1,471,500</td>
<td>262,871</td>
<td>1,471,500</td>
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<td>1,208,629</td>
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<td>1,271,872</td>
<td>4,375,500</td>
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<td>3,103,629</td>
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**Annual Pay Down**

<table>
<thead>
<tr>
<th>Year</th>
<th>Original Amount</th>
<th>Yearly Pay Down</th>
<th>Balance at Year End</th>
<th>Balance 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017 BAN</td>
<td>5 years all other</td>
<td>921,500</td>
<td>184,300</td>
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<tr>
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<tr>
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<td>262,871</td>
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</table>
City of Bay Village  
Debt Financed Capital Projects  
1/1/2017

<table>
<thead>
<tr>
<th>Source of Funds</th>
<th>Department</th>
<th>Account No.</th>
<th>Project Description</th>
<th>Debt Amount</th>
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<tbody>
<tr>
<td><strong>FUND 240 - EQUIPMENT REPLACEMENT</strong></td>
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<tr>
<td>2017 Debt</td>
<td>Finance</td>
<td>240.111.55230</td>
<td>Computers</td>
<td>22,500.00</td>
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<td>Fire</td>
<td>240.111.55210</td>
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<td>Police Car 1122 and 1124</td>
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</tr>
<tr>
<td>2017 Debt</td>
<td>Police</td>
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<td>14,500.00</td>
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<td>2017 Debt</td>
<td>Service</td>
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<td>Bucket Truck</td>
<td>175,000.00</td>
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<tr>
<td>2017 Debt</td>
<td>Service</td>
<td>240.111.55260</td>
<td>Truck 70 - Pickup with Plow</td>
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<td>Service</td>
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<td>Front End Loader</td>
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<td>2017 Debt</td>
<td>Service</td>
<td>240.111.55260</td>
<td>#514 Mower</td>
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<td>2017 Debt</td>
<td>Service</td>
<td>240.111.55260</td>
<td>Welder and Pressure Washer</td>
<td>18,000.00</td>
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| **FUND 270 - STREET REPAIR & MAINTENANCE** |                  |                |                                            |             |
| 2017 Debt/Fund Bal Service |                | 270.310.55430  | Various Streets                            | 550,000.00  |

| **FUND 495 - MUNICIPAL BUILDINGS** |                  |                |                                            |             |
| 2017 Debt       | Service          | 495.119.55200  | Light Replacements City Hall/Service Garage | 14,000.00   |
| 2017 Debt       | Service          | 495.119.55200  | HVAC City Hall                             | 14,000.00   |
| 2017 Debt       | Service          | 495.119.55200  | Clague Park Electrical                     | 4,000.00    |
| 2017 Debt       | Service          | 495.119.55200  | Clear Span for Topsoil                     | 15,000.00   |
| 2017 Debt       | Service          | 495.119.55200  | Community House Engineering/ADA Ramp Des   | 8,500.00    |
| 2017 Debt       | Recreation       | 495.119.55200  | Renovate Park Restrooms                    | 75,000.00   |
| 2017 Debt       | Community Services | 495.119.55200  | Dwyer Windows                              | 10,000.00   |

Total All Funds  
1,471,500.00
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<th>Description</th>
<th>Rate</th>
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<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
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<th>2023</th>
<th>2024</th>
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<tr>
<td>(Community Own-15 years) Interest</td>
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<td>Recreation Facilities 2022</td>
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<td>4.239%</td>
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<td>(Community Facilities-15 years Interest)</td>
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<td>(15 years) Interest</td>
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<td>(17 years) Interest</td>
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<td>Various Purpose 2014-16</td>
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<td>(Voluntary/Public)</td>
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<td>(paid from Sewer Fund)</td>
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<td>CBD Capital Improvement-15 Years</td>
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<tr>
<td>(CBD-30 Years Interest)</td>
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<td>Total Interest</td>
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<td>191,716</td>
<td>191,716</td>
<td>191,716</td>
<td>191,716</td>
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<td>191,716</td>
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<td>191,716</td>
</tr>
</tbody>
</table>

**City of Ray Village**

**General Obligation Bonds**

**Bond Principal & Interest**

1/1/17

**TAX RESERVES - 2 YEARS EXPENDITURE**

Cash Fund balance est 12/31/16
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 $2,904,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council ($1,246,000 of the Notes), (ii) improving the City’s parks and recreational facilities by improving basketball and tennis courts, aquatic and related facilities and their sites and constructing and improving lighting facilities at Hartman Field ($302,000 of the Notes), (iii) 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 ($136,000 of the Notes), (iv) acquiring motor vehicles and equipment for use in performing the functions of the City’s Police Department ($142,000 of the Notes), (v) acquiring office equipment for use in performing the administrative functions of the City ($78,000 of the Notes), (vi) acquiring a bus and constructing improvements to facilities used in performing the functions of the City’s Department of Community Services ($67,500 of the Notes), (vii) acquiring motor vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing the functions of the City’s Department of Public Services and Properties ($158,000 of the Notes), (viii) improving the City’s sanitary sewerage system by constructing sewer lines ($164,000 of the Notes), (ix) resurfacing and making other improvements to City surface parking areas ($86,000 of the Notes), (x) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Fire Department ($83,000 of the Notes), (xi) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Police Department ($60,000 of the Notes) and (xii) acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the City’s Department of Public Services and Properties ($381,500 of the Notes) (collectively, the improvements), that:

1. The estimated life or period of usefulness of the improvements 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 (A) 15 years as to the portion of the Bonds related to the portion of the Bonds described in clauses (i), (vi) and (ix) above, (B) 30 years as to the portion of the Bonds related to the improvement described in clause (ii) above, (C) 10 years as to the portion of the Bonds related to the improvements described in clauses (iii), (vii), (x) and (xii) above, (D) six years as to the portion of the Bonds related to the improvement described in clause (iv) above, (E) five years as to the portion of the Bonds related to the improvement described in clause (v) above, (F) 40 years as to the portion of the Bonds related to the improvement described in clause (viii) above and (G) seven years as to the portion of the Bonds related to the improvement described in clause (xi) above. If notes in anticipation of the related 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 related Bonds.
3. The maximum maturity of the Notes is (A) June 12, 2033, as to $225,000 of the Notes related to the improvement described in clause (ii) above, which date is 20 years from June 12, 2013, the date of issuance of the original notes issued for that purpose, (B) June 11, 2034, as to $22,000 of the Notes related to the improvement described in clause (i) above, $77,000 of the Notes related to the improvement described in clause (ii) above and $24,000 of the Notes related to the improvement described in clause (vi) above, which date is 20 years from June 11, 2014, the date of issuance of the original notes issued for those purposes, (C) June 11, 2029, as to the portion of the Notes related to the improvement described in clause (iii) above, which date is 15 years from June 11, 2014, the date of issuance of the original notes issued for that purpose, (D) June 11, 2025, as to $13,000 Notes related to the improvement described in clause (iv), which date is 11 years from June 11, 2014, the date of issuance of the original notes issued for that purpose, (E) June 11, 2024, as to $25,000 of the Notes related to the improvement described in clause (v) above, which date is 10 years from June 11, 2014, the date of issuance of the original notes issued for that purpose, (F) June 10, 2035, as to $533,000 of the Notes related to the improvement described in clause (i) above, $84,000 of the Notes related to the improvement described in clause (viii) above and the improvement described in clause (ix) above, which date is 20 years from June 10, 2015, the date of issuance of the original notes issued for those purposes, (G) June 10, 2030, as to the portion of the Notes related to the improvement described in clause (vii) above and $68,000 of the Notes related to the improvement described in clause (x) above, which date is 15 years from June 10, 2015, the date of issuance of the original notes issued for those purposes, (H) June 10, 2027, as to the Notes related to the improvement described in clause (xi) above, which date is 12 years from June 10, 2015, the date of issuance of the original notes issued for that purpose, (I) June 10, 2025, as to $20,000 of the Notes related to the improvement described in clause (v) above, which date is 10 years from June 10, 2015, the date of issuance of the original notes issued for that purpose, (J) June 9, 2036, as to $691,000 of the Notes related to the improvement described in clause (i) above, $43,500 of the Notes related to the improvement described in clause (vi) above and $80,000 of the Notes related to the improvement described in clause (viii) above, which date is 20 years from June 9, 2016, the date of issuance of the original notes issued for those purposes, (K) June 9, 2031, as to $15,000 of the Notes related to the improvement described in clause (x) above and the improvement described in clause (xii) above, which date is 15 years from June 9, 2016, the date of issuance of the original notes issued for those purposes, (L) June 9, 2027, as to $129,000 of the Notes related to the improvement described in clause (iv) above, which date is 11 years from June 9, 2016, the date of issuance of the original notes issued for that purpose, and (M) June 9, 2026, as to $33,000 of the Notes related to the improvement described in clause (v) above, which date is 10 years from June 9, 2016, the date of issuance of the original Notes issued for that purpose.

Dated: May 1, 2017

[Signature]

Director of Finance
City of Bay Village, Ohio
AN ORDINANCE


WHEREAS, pursuant to Ordinance Nos. 16-24, 16-25, 16-26, 16-27, 16-28, 16-29, 16-30 and 16-31, each passed on May 9, 2016, the City issued its $3,913,000 Various Purpose Notes,
Series 2016 (the Outstanding Notes), in anticipation of bonds for the purposes stated in Section 1 and other purposes, which Outstanding Notes mature on June 9, 2017; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

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 improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in clauses (i), (vi) and (ix) of Section 1 is 15 years, in clause (ii) of Section 1 is 30 years, in clauses (iii), (vii), (x) and (xii) of Section 1 is 10 years, in clause (iv) of Section 1 is six years, in clause (v) of Section 1 is five years, in clause (viii) of Section 1 is 40 years and in clause (xi) of Section 1 is seven years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds described in clause (i) ($225,000 of those Bonds) of Section 1 is June 12, 2033, in anticipation of the Bonds described in clauses (i) ($22,000 of those Bonds), (ii) ($77,000 of those Bonds) and (vi) ($24,000 of those Bonds) of Section 1 is June 11, 2034, in anticipation of the Bonds described in clause (iii) of Section 1 is June 11, 2029, in anticipation of the Bonds described in clause (iv) ($13,000 of those Bonds) of Section 1 is June 11, 2025, in anticipation of the Bonds described in clause (v) ($25,000 of those Bonds) of Section 1 is June 11, 2024, in anticipation of the Bonds described in clauses (i) ($533,000 of those Bonds), (viii) ($84,000 of those Bonds) and (ix) of Section 1 is June 10, 2035, in anticipation of the Bonds described in clauses (vii) and (x) ($68,000 of those Bonds) of Section 1 is June 10, 2030, in anticipation of the Bonds described in clause (xi) of Section 1 is June 10, 2027, in anticipation of the Bonds described in clause (v) ($20,000 of those Bonds) of Section 1 is June 10, 2025; in anticipation of the Bonds described in clauses (i) ($691,000 of those Bonds), (vi) ($43,500 of those Bonds) and (viii) ($80,000 of those Bonds) of Section 1 is June 9, 2036, in anticipation of the Bonds described in clauses (x) ($15,000 of those Bonds) and (xii) of Section 1 is June 9, 2031, in anticipation of the Bonds described in clause (iv) ($129,000 of those Bonds) of Section 1 is June 9, 2027, and in anticipation of the Bonds described in clause (v) ($33,000 of those Bonds) of Section 1 is June 9, 2026;

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 $2,904,000 (the Bonds) for the purpose of paying costs of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council ($1,246,000), (ii) improving the City’s parks and recreational facilities by improving basketball and tennis courts, aquatic and related facilities and their sites and constructing and improving lighting facilities at Hartman Field ($302,000), (iii) 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 ($136,000), (iv) acquiring motor vehicles and equipment for use in performing the functions of the City’s Police Department ($142,000), (v) acquiring office equipment for use in performing the administrative functions of the City ($78,000), (vi)
acquiring a bus and constructing improvements to facilities used in performing the functions of
the City’s Department of Community Services ($67,500), (vii) acquiring motor vehicles and
equipment and acquiring and installing a fuel dispensing system for use in performing the
functions of the City’s Department of Public Services and Properties ($158,000), (viii) improving
the City’s sanitary sewerage system by constructing sewer lines ($164,000), (ix) resurfacing and
making other improvements to City surface parking areas ($86,000), (x) acquiring a motor vehicle
and equipment for use in performing the functions of the City’s Fire Department ($83,000), (xi)
acquiring a motor vehicle and equipment for use in performing the functions of the City’s Police
Department ($60,000) and (xii) acquiring motor vehicles and equipment and constructing
improvements to facilities used in performing the functions of the City’s Department of Public
Services and Properties ($381,500).

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1,
2018, 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, 2018, and the first principal payment of the Bonds is estimated to be
December 1, 2019.

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 $2,904,000 (the
Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other
funds available to the City, the Outstanding Notes. 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, provided that no Note shall be issued in a denomination less than $100,000. 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 or treatment of the Notes as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), 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.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to 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 Patton Boggs (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 so that the Notes can be delivered at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: __________, 2017

/s/ Dwight Clark

PRESIDENT OF COUNCIL

/s/ Joan T. Kemper

CLERK OF COUNCIL

APPROVED: __________, 2017

/s/ Paul A. Koomar

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. 17-______, passed by the Council of the City of Bay Village on __________, 2017, 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 $550,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council (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 15 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 240 months from their date of issuance.

Dated: May 1, 2017

[Signature]
Director of Finance
City of Bay Village, Ohio
ORDINANCE NO. 17-____
INTRODUCED BY: ________________

AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $550,000 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 $550,000 (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, 2018, 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, 2018, and the first principal payment of the Bonds is estimated to be December 1, 2019.

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 $550,000 (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” if such designation is applicable and desirable, and to make any related necessary representations and covenants), 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 Patton Boggs (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: ___________, 2017

/s/ Dwight Clark
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: __________, 2017

/s/ Paul A. Koomar
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. 17-________, passed by the Council of the City of Bay Village on __________, 2017, 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 $104,500 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 five 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) $14,500 for equipment, 10 years, and $90,000 for motor vehicles, five years; the weighted average is therefore five 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 10 years from their date of issuance.

Dated: May 1, 2017

[Signature]
Director of Finance
City of Bay Village, Ohio
ORDINANCE NO: 17-____
INTRODUCED BY: ____________

AN ORDINANCE
PROVIDING FOR THE ISSUANCE AND SALE OF $104,500 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 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 $104,500 (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,
2018, shall bear interest at the now estimated rate of 4% 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, 2018, and the first principal payment of the Bonds is estimated to be
December 1, 2019.

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 $104,500 (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 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” if such designation is applicable and desirable, and to make any related necessary representations and covenants), 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 Patton Boggs (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: __________, 2017
/s/ Dwight Clark ________________________________
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper ____________________________
CLERK OF COUNCIL

APPROVED: __________, 2017

/s/ Paul A. Koomar _____________________________
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. 17-______, passed by the Council of the City of Bay Village on __________, 2017, 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 $414,000 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 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: May 1, 2017

[Signature]
Director of Finance
City of Bay Village, Ohio
AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $414,000 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 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 $414,000 (the Bonds) for the purpose of paying costs of acquiring motor vehicles and equipment for use in performing the functions of the City’s 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, 2018, 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, 2018, and the first principal payment of the Bonds is estimated to be December 1, 2019.

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 $414,000 (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” if such designation is applicable and desirable, and to make any related necessary representations and covenants), 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 Patton Boggs (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: ____________, 2017

/s/ Dwight Clark
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: ____________, 2017

/s/ Paul A. Koomar
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. 17-______, passed by the Council of the City of Bay Village on ____________, 2017, 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 $28,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving HVAC and lighting facilities at City Hall, 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 20 years, being my estimate of the life or period of usefulness of that improvement. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than 20 years but in excess of five years, then the maximum maturity of the Bonds would still be at least 20 years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of 20 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: May 1, 2017

[Signature]
Director of Finance
City of Bay Village, Ohio
AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $28,000 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF IMPROVING HVAC AND LIGHTING FACILITIES
AT CITY HALL, 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 20 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 $28,000 (the Bonds) for
the purpose of paying costs of improving HVAC and lighting facilities at City Hall, together with
the necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1,
2018, 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 20 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, 2018, and the first principal payment of the Bonds is estimated to be
December 1, 2019.

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 $28,000 (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
compagny 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" if such designation is applicable and desirable, and to make any related necessary representations and covenants), 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 Patton Boggs (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: ________, 2017

/s/ Dwight Clark
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: ________, 2017

/s/ Paul A. Koomar
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. 17-_______, passed by the Council of the City of Bay Village on _________ ___, 2017, 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 $8,500 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 Community House by installing an ADA-compliant ramp, 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 20 years, being my estimate of the life or period of usefulness of that improvement. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than 20 years but in excess of five years, then the maximum maturity of the Bonds would still be at least 20 years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of 20 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: May 1, 2017

[Signature]
Director of Finance
City of Bay Village, Ohio
ORDINANCE NO.: 17-____
INTRODUCED BY: ________________

AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $8,500 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF IMPROVING THE CITY’S COMMUNITY HOUSE
BY INSTALLING AN ADA-COMPLIANT RAMP, 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 20 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 $8,500 (the Bonds) for the
purpose of paying costs of improving the City’s Community House by installing an ADA-
compliant ramp, together with the necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1,
2018, 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 20 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, 2018, and the first principal payment of the Bonds is estimated to be
December 1, 2019.

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 $8,500 (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” if such designation is applicable and desirable, and to make any related necessary representations and covenants), 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 Patton Boggs (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 enhance access to the City’s Community House and thereby better protect the health and safety of the users of that facility; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: __________, 2017

/s/ Dwight Clark
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: __________, 2017

/s/ Paul A. Koomar
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. 17-_______, passed by the Council of the City of Bay Village on __________, 2017, 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 $240,000 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: May 1, 2017

[Signature]
Director of Finance
City of Bay Village, Ohio
AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $240,000 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 $240,000 (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, 2018, 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, 2018, and the first principal payment of the Bonds is estimated to be December 1, 2019.

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 $240,000 (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” if such designation is applicable and desirable, and to make any related necessary representations and covenants), 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 Patton Boggs (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 emergency medical services to City residents and thereby better provide for their health
and safety; wherefore, this Ordinance shall be in full force and effect immediately upon its passage
and approval by the Mayor.

PASSED: __________, 2017

/s/ Dwight Clark
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: __________, 2017

/s/ Paul A. Koomar
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. 17-______, passed by the Council of the City of Bay
Village on ________ ____, 2017, 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 $22,500 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: May 1, 2017

Director of Finance
City of Bay Village, Ohio
ORDINANCE NO. 17-______
INTRODUCED BY: ___________

AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $22,500 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 ORDEIGNED 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 $22,500 (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,
2018, shall bear interest at the now estimated rate of 4% 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, 2018, and the first principal payment of the Bonds is estimated to be
December 1, 2019.

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 $22,500 (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" if such designation is applicable and desirable, and to make any related necessary representations and covenants), 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 Patton Boggs (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: ________ ___, 2017

/s/ Dwight Clark
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: ________ ___, 2017

/s/ Paul A. Koomar
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. 17-______, passed by the Council of the City of Bay Village on ________ ___, 2017, 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 $104,000 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 improving constructing improvements to electrical systems, windows and restroom facilities and improving their sites, all 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: May 1, 2017

[Signature]
Director of Finance
City of Bay Village, Ohio
ORDINANCE NO.: 17-____
INTRODUCED BY: ____________

AN ORDINANCE
PROVIDING FOR THE ISSUANCE AND SALE OF $104,000 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 IMPROVING CONSTRUCTING
IMPROVEMENTS TO ELECTRICAL SYSTEMS, WINDOWS AND
RESTROOM FACILITIES AND IMPROVING THEIR SITES, 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 $104,000 (the Bonds) for
the purpose of paying costs of improving the City’s parks and recreational facilities by improving
constructing improvements to electrical systems, windows and restroom facilities and improving
their sites, all together with the necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1,
2018, 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, 2018, and the first principal payment of the Bonds is estimated to be
December 1, 2019.

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 $104,000 (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 Depositary or its nominee, with such Notes “immobilized” in the custody of the Depositary 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.

“Depositary” 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 Depositary 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 Depositary 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” if such designation is applicable and desirable, and to make any related necessary
representations and covenants), 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 Patton Boggs (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: ________, 2017

/s/ Dwight Clark
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: ________, 2017

/s/ Paul A. Koomar
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. 17-______, passed by the Council of the City of Bay Village on ________, 2017, and now on file in the office of the Clerk of Council.

Clerk of Council
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AMENDING SECTION 1351 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING DETERMINATION OF GRADE LINES, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Codified Ordinance Section 1351 which presently reads as follows:

CHAPTER 1351
Determination of Grade Lines

1351.01 Natural grade and finished grade defined.
1351.02 Fee for determining grades.
1351.03 Grade lines.
1351.04 Director of Public Service and Properties to establish grades.
1351.05 Grade line permits.
1351.06 Drainage of surface water.
1351.07 Positive drainage to be provided; nuisances abated.
1351.08 Drainage protection to adjoining lots.
1351.09 Penalty.

1351.01 NATURAL GRADE AND FINISHED GRADE DEFINED.
For the purposes of this chapter the following terms, phrases, words and their derivatives shall have the meaning given in this section:
(a) "Natural grade" is the elevation of the undisturbed natural surface of the ground.
(b) "Finished grade" is the elevation of the finished surface, in its slope in reference to a horizontal plane of the ground adjoining any structure.
(Ord. 16-49. Passed 6-27-16.)

1351.02 FEE FOR DETERMINING GRADES.
No person shall be issued a building permit for any structure whatsoever until a fifty-five dollar ($55.00) fee is paid to the Building Director to cover costs in determining, reviewing or fixing grades.
(Ord. 16-49. Passed 6-27-16.)

1351.03 GRADE LINES.
No building permit shall be issued until grade lines have been determined or reviewed by the Director of Public Service and Properties and established and indicated on the plans submitted; provided, however, no grade line permit shall be necessary nor shall a fee be charged therefor when the work called for in the application for a building permit either (i) consists entirely of interior work to an existing structure; or (ii) consists of exterior work to an existing structure or
1351.06 DRAINAGE OF SURFACE WATER.
   (a) Whenever the surface of a lot or plot, or portion thereof, is excavated, filled, graded or
       hard-surfaced with impervious material, positive drainage shall be provided so that a nuisance
       will not be created.
   (b) Catch basins properly connected to storm sewer or other approved provisions, such as
       underdrains, shall be made where water may pocket, to preclude the accumulation of surface
       water.
   (c) Existing natural ground drainage of the ground area surrounding the lot or plot excavated,
       filled or graded shall not be impeded.
   (d) Surface water shall not be drained onto adjacent properties.
   (e) When a lot or section of ground is graded, it shall be incumbent upon the owner of such
       lot to provide that the lot is graded to the natural grade of the lots adjoining such lot, on both
       sides, and to the lot in the rear of such lot and, in such a manner, that surface water does not
       drain onto the aforesaid adjoining lots or lands.
(Ord. 16-49. Passed 6-27-16.)

1351.07 POSITIVE DRAINAGE TO BE PROVIDED; NUISANCES ABATED.
   No condition shall be created nor any existing condition maintained whereby there will be
   upon any lot or plot excavations, depressions, pits, holes, gullies or similar depressions which
   may accumulate and retain surface water and which may become a public hazard or
   nuisance. Any such condition shall be properly abated and protected by filling or by providing
   positive drainage.
(Ord. 16-49. Passed 6-27-16.)

1351.08 DRAINAGE PROTECTION TO ADJOINING LOTS.
   When it is found necessary to grade a lot higher or lower finished grade than the natural grade
   of adjoining property on the sides and to the rear of such lot, it shall be incumbent upon the
   owner of the lot to get permission from the Director of Public Service and Properties to change
   to a higher or lower finished grade. It shall be further incumbent upon the owner of the lot to
   provide suitable retaining walls or other approved protection on his property to protect the
   adjacent property from the drainage of surface and sub-surface waters and further to protect the
   adjacent property from caving of earth and to assist in the maintaining of the existing natural
   grade of such adjacent property.
(Ord. 16-49. Passed 6-27-16.)

1351.99 PENALTY.
   (a) Whoever violates any provisions of this chapter or fails to conform to the grade line set or
       reviewed by the Director of Public Service and Properties shall be deemed guilty of a fourth
       degree misdemeanor.
   (b) Each day such violation is committed or permitted to continue shall constitute a separate
       offense. (Ord. 16-49. Passed 6-27-16.)
(b) Prior to requesting a footer inspection and Certificate of Occupancy, the builder or owner shall request verification of the bottom of footer elevation and finished ground grade, to be certified by the City’s engineer that the grade complies with the submitted plot plan.

(c) All grade sheet/plot plans shall be based on the natural grade found on the existing lot and shall remain consistent with the grade on adjoining lots. Finished grade at the foundation of new structures shall not be set in excess of 6" higher than the highest elevation existing at the lot lines on adjoining lots. If existing grades of adjoining lots are at different elevations, grade for subject lot will be set at the average height of the adjoining lots. Any changes to approved grade plan must be submitted for review prior to commencing construction. Exceptions will be made in extreme situations if surface run-off can be maintained on this lot and conveyed to the storm sewer or natural watercourse, without creating a nuisance per Section 1351.08.

(d) The required plot plans shall show natural grade elevations along property lines at 25' intervals, location of all structures and corresponding elevations of its foundation components, yard drain locations, swales and drainage direction lines. In the case of minor subdivisions, drainage plans, for all lots, must be submitted and reviewed prior to issuance of a building permit for any of the lots.

(e) Final finished grade shall comply with Sections 1351.06, 1351.07 and 1351.08.

(Ord. 16-49. Passed 6-27-16.)

1351.05 GRADE LINE PERMITS.

(a) Permit Required. A grade line permit must be obtained from the Building Director by any person before said person or another, (i) begins construction of a new sidewalk, curb, curb- cut, driveway or driveway apron, or (ii) before any existing sidewalk, curb-cut, driveway or driveway apron is altered or repaired, where, as a result of such alteration or repair, the grade line as set by the City, or the existing grade line where no grade line has been set, will be changed.

(b) Application. An applicant for a permit hereunder shall file with the Building Director an application showing:

(1) Name and address of the owner;
(2) Name and address of the party doing the work;
(3) Location of the work area;
(4) Attached plans showing details of the proposed alteration;
(5) Such other information as the Building Director shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(c) Issuance. Such permit shall be issued upon the filing of the application required in subsection (b) above and the payment of a fee of fifty-five dollars ($55.00), and the determination of the Director of Public Service and Properties City’s Consulting Engineer as to the proper grade line.

(Ord. 16-49. Passed 6-27-16.)

1351.06 DRAINAGE OF SURFACE WATER.

(a) Whenever the surface of a lot or plot, or portion thereof, is excavated, filled, graded or hard-surfaced with impervious material, positive drainage shall be provided so that a nuisance will not be created.

(b) Catch basins properly connected to storm sewer or other approved provisions, such as underdrains, shall be made where water may pocket, to preclude the accumulation of surface water.
PASSED:

CLERK OF COUNCIL

APPROVED:

MAYOR

4-12-17 LL

PRESIDENT OF COUNCIL
RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT WINTER CONTRACT (018-18) FOR ROAD SALT

WHEREAS, the City of Bay Village Cuyahoga County (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-18) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

1. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

2. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

3. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and

4. The Political Subdivision hereby requests through this participation agreement a total of 1,300 tons (One thousand three hundred tons) of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

5. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract’s effective period of October 1, 2017 through April 30, 2018; and

The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and

6. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Thursday, June 1, 2017. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract:

(Authorized Signature) Approval Date

(Authorized Signature) Approval Date

(Authorized Signature) Approval Date

(Authorized Signature) Approval Date

(Authorized Signature) Approval Date

(Authorized Signature) Approval Date

THIS RESOLUTION MUST BE UPLOADED TO THE WINTER SALT PARTICIPATION WEBSITE BY NO LATER THAN WEDNESDAY, MAY 10, 2017.

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.
AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
CLEARSPAN FABRIC STRUCTURES INTERNATIONAL FOR REPLACEMENT OF
CLEARSPAN COVER ON THE ROAD SALT STORAGE AREA,
AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with
06074, for the replacement of the ClearSpan cover on the road salt storage area, the proposal price
for said replacement is Twenty-Five Thousand Dollars ($25,000.00) and payment shall be made
from the Municipal Building Improvement Fund (495).

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 is hereby declared to be an emergency measure
immediately necessary for the preservation of the public peace, health, safety and welfare, and to
ensure that said ClearSpan cover replacement moves forward expeditiously, 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

4-25-17 LL