Mayor
Kathy Huner

City Council
Shane Chamberlin
Patrick Griggs
Steve Schneider
Harold Stickley
Jeff Stiriz
Scott Stiriz

City of Wauseon
230 Clinton Street • Wauseon, Ohio 43567

Director of Law
Thomas A. McWatters III

Director of Finance
Jamie L. Giguere

Director of Public Service
Keith C. Torbet

Police Chief
Kevin Chittenden

Fire Chief
Rick Sluder

June 17, 2021

Wauseon City Council
230 Clinton Street
Wauseon, Ohio 43567

Re: Council Meeting of June 7, 2021

Dear Council Members:

At the outset of the meeting, Brooke Shea will be present to discuss a fence approval and the service of alcohol outdoors at Red Rambler.

The Finance Committee will present a report and recommend refinancing the 2011 Glenwood Street Project Bond and the Napoleon Waterline Notes. The Finance Committee will also recommend that the 2021 Appropriation Ordinance be amended to increase the capital Income Tax Fund $29,500 for street lights near the Haas Door parking lot improvement project, and to increase the General Fund $6,000 for the Zoning/Maintenance Inspector.

There will be a first reading on Ordinance 2021-5 and 2021-6, which are necessary to refinance the Bond for the Glenwood Street Improvement and the Napoleon Waterline Project Notes.

There will be a first reading on Resolution 2021-9, which accepts the recommendation of the Revolving Loan Fund Committee to make a loan to assist in the purchase of a local business. There will also be a first reading on Resolution 2021-10 which would amend the 2021 Appropriation Ordinance to increase the Capital Tax Fund by $29,500 for street lights at the Haas Door project and the General Fund by $6,000 for the Zoning/Maintenance Code Inspector.

There is no legislation for second or third reading.

In new business, a motion will be necessary to authorize the Mayor to send a letter to the Ohio Department of Commerce Division of Liquor Control indicating that the City does not object to the sale of liquor on an outdoor expanded patio area at the Red Rambler located at 1493 N. Shoop Avenue. A motion will also be needed to enter into executive session to discuss the purchase or sale of real property.

Phone 419-335-9022 • Office Fax 419-335-3866
www.cityofwauseon.com

These are the only issues I am aware of to come before Council. Should any member of Council have any questions or comments, you are strongly encouraged to contact the appropriate Department Head prior to the meeting.

Respectfully submitted,

Thomas A. McWatters III
City Law Director

TAM:knp

cc: Kathy Huner, Mayor
Clerk of Council
Jamie Giguere, Finance Director
The Blade

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WAUSEON CITY COUNCIL AGENDA
June 21, 2021
5:00 pm

Order of Business

1. Call meeting to order
2. Pledge of Allegiance
3. Moment of Silence
4. Roll Call
   a) Council President Chamberlin
   b) Councilor Griggs
   c) Councilor Schneider
   d) Councilor Stickley
   e) Councilor Scott Stiriz
5. Approval of prior meetings' minutes:
   a) Council Meeting: June 7, 2021
   b) Committee of the Whole: June 17, 2021
      - Motion to approve the prior meeting minutes moved by _________ and seconded by __________.
        All in favor:
6. Names of Individuals Wishing to Address Council and Topic
   a) Brooke Shea will be present to discuss a fence approval and the service of alcohol outdoors at Red Rambler
7. Committee Reports
   a) Finance Committee: June 9, 2021, Steve Schneider, Chair
      - Motion to accept the Finance Committee recommendations moved by _________ and seconded by _________.
        Vote: ______ Yeas _____ Nays
   b) Tree Commission: June 9, 2021, Patrick Griggs, Council Rep
8. Department Head Reports
   a) Jamie Giguere, Director of Finance
9. First Reading of Legislation or Emergency
   a) Resolution 2021-9: A resolution accepting the recommendation of the revolving loan fund committee; authorizing the Mayor to enter into an agreement with Pam Seiler
      - Motion to put Resolution 2021-9 on first reading and the first reading be passed moved by __________ and seconded by __________.
        Vote: _____ Yeas _____ Nays

b) Resolution 2021-10: A resolution to amend ordinance 2020-11 annual appropriation ordinance by authorizing the director of finance to increase or decrease certain line account appropriations within the various funds listed within the yar of 2021.
   - Motion to place Resolution 2021-10 on final reading moved by ________ and seconded by _________.
     Vote: _____ Yeas _____ Nays

c) Ordinance 2021-5: An ordinance for the issuance and sale of bonds in the maximum principal amount of $1,780,000 for the purpose of paying costs of refunding at a lower interest cost certain of the City's outstanding street improvement bonds, series 2011, dated May 26, 2011, and declaring an emergency.
   - Motion to place Ordinance 2021-5 on emergency reading moved by _______ and seconded by _________.
     Vote: ____ Yeas ____ Nays
   - Motion to place Ordinance 2021-5 on final reading moved by ________ and seconded by _________.
     Vote: ____ Yeas ____ Nays

d) Ordinance 2021-6: An ordinance providing for the issuance and sale of bonds in the maximum principal amount of $225,000 for the purpose of improving the Municipal Water Treatment Plant by constructing an additional treatment building and lagoon, acquiring additional treatment tanks, a high service pump and additional piping and making other necessary improvements, together with all equipment and appurtenances thereto, and declaring an emergency.
   - Motion to place Ordinance 2021-6 on emergency reading moved by _______ and seconded by _________.
     Vote: ____ Yeas ____ Nays
   - Motion to place Ordinance 2021-6 on final reading moved by ________ and seconded by _________.
     Vote: ____ Yeas ____ Nays

10. Second Reading of Legislation or Emergency
11. Third Reading of Legislation or Emergency
12. New Business
    a) A motion to authorize the mayor to send a letter to the Ohio Department of Commerce Division of Liquor Control indicating that the City does not object to the sale of liquor on an outdoor expanded patio area at the Red Rambler located on 1493 N. Shoop Avenue moved by _________ and seconded by __________.
       Vote: _____ Yeas _____ Nays
13. Old Business
14. Approval of the Bills
    a) Motion to approve and pay the bills as presented moved by ____________ and seconded by ____________________.
       Vote: ____ Yeas ____ Nays
15. Executive Session for purchase or sale of property
    Motion to enter into executive session moved by __________ and seconded by __________.
16. Adjournment
    a) Motion to adjourn moved by __________ and seconded by ___________.

All in favor:

Brooke Baumgartner
Clerk of Council

Council reserves the right to adjourn into Executive Session at any time it deems appropriate. The distribution of this Agenda does not obligate Council to take action on the items set forth herein, nor does it limit Council from taking action on other items not on the Agenda. The items listed on the Agenda are subject to change. If additional items are added, Council will use its best effort to notify all interested parties of changes prior to the meeting.

WAUSEON CITY COUNCIL
COUNCIL MEETING
MONDAY, June 7, 2021

Mayor Huner called this meeting of the Wauseon City Council to order at 5:00 p.m. She asked everyone to stand for the pledge of allegiance which was followed by a moment of silence. Roll was taken by the Clerk of Council. Present were Council President Chamberlin, Councilors Jeff Stiriz, Scott Stiriz, Stickley, Griggs, and Schneider to constitute a quorum for the transaction of city business.

MINUTES

Mayor Huner asked for a motion to approve the prior meeting minutes. Councilor Stickley moved and seconded by Councilor Griggs to approve the minutes as printed.
All in favor: *Motion Passed Unanimously*

COMMITTEE REPORTS

Councilor Jeff Stiriz gave a brief summary on the Friday, June 4, 2021, Utility Committee Meeting. He shared the two recommendations made during the meeting. The first recommendation made was to allow Toledo Edison to replace the streetlights in the City of Wauseon with LED lights as they break or burnout. The cost of replacing each light will be covered by Toledo Edison through their grant program.

The second recommendation was to accept the Krieger/Dickman Lighting Project. Haas Door approached the city approximately a month ago about the possibility of street lighting on Krieger Street and Dickman Road due to their latest expansion project which will result in an employee parking area located on the Northeast corner of Krieger and Dickman. The quote for this project came in at $41,248.32 for thirteen poles and fourteen lights. Haas Door's portion of the project would be $12,231.14, and the City of Wauseon's portion would be $29,017.18.

Motion to accept the recommendations made by the Utility Committee moved by Council President Chamberlin and seconded by Councilor Stickley.
Vote: 6 Yeas 0 Nays *Motion Carries*

FIRST READING OF LEGISLATION OR EMERGENCY

There was no legislation for first reading.

SECOND READING OF LEGISLATION OR EMERGENCY

There was no legislation for second reading.

THIRD READING OF LEGISLATION OR EMERGENCY

There was no legislation for third reading.

NEW BUSINESS

Motion to reappoint Lisa Smith to the Charter Revision Commission for a 3 year term – July 1, 2021 – June 30, 2024 moved by Councilor Jeff Stiriz and seconded by Councilor Schneider.
Vote: 6 Yeas 0 Nays *Motion Carries*

Mayor Huner informed everyone that the Wauseon Rollercade, located at 340 West Leggett Street, applied for a D3 liquor license. There were no objections.

Mayor Huner decided to remove the state of emergency for the City of Wauseon.

Mayor Huner spoke on the success of the Firecracker 5K and gave a special thanks to all who contributed.

APPROVAL OF THE BILLS

Councilor Schneider moved and seconded by Councilor Stickley to approve and pay the bills as presented.
Vote: 6 Yeas 0 Nays *Motion Carries*

EXECUTIVE SESSION

Mayor Huner asked for a motion to enter into executive session to discuss certain personnel matters involving public employees or official's compensation.

Councilor Jeff Stiriz moved and seconded by Councilor Scott Stiriz to enter into executive session at 5:17 p.m.
Vote: 6 Yeas 0 Nays *Motion Carries*

Council exited out of executive session at 6:27 p.m.

No action was taken by Council after exiting from executive session.

Mayor Huner made a recommendation that the Fire Chief and Finance Director be given a 1.5% salary increase effective June 20th, and that the Police Chief and the Public Service Director be given a 1.0% increase effective June 20th.

ADJOURNMENT

There being no further business, Mayor Huner asked for a motion to adjourn. Councilor Stickley made a motion with Council President Chamberlin seconding to adjourn the meeting.
All in favor: *Motion Passed Unanimously*

Brooke Baumgartner, Clerk of Council

Shane Chamberlin, President of Council

WAUSEON CITY COUNCIL
COMMITTEE OF THE WHOLE
THURSDAY, June 17, 2021

Council President Chamberlin called this meeting to order at 7:30 a.m. in Council Chambers. Present were Councilors Stiriz, Griggs, Schneider and Stickley. Also present were Chief Chittenden, Jamie Giguere, and Keith Torbet. Ivan Hite was present to address Council about the Fire Contracts.

Ivan Hite was present to discuss the Fire contracts. There was general discussion about Clinton Township's fire contract with the City, as well as other Fire Contracts with various Townships. Ivan Hite exited the meeting at 7:43 a.m.

President Chamberlin gave a summary of topics discussed at the Staff meeting. President Chamberlin shared that tomorrow, June 18, 2021, is the court hearing for Mr. Thompson. He asked if the department heads had anything to add. Jamie Giguere shared that there will be two ordinances that need voted on at the upcoming Council Meeting regarding the refinancing of the Bond for the Glenwood Street Improvement and Napoleon Waterline Project Note.

There being no further business, this meeting adjourned at 8:07 a.m.

Brooke Baumgartner, Clerk of Council

Shane Chamberlin, President of Council

Finance Committee
Council Chambers
Wednesday, June 9, 2021
12:00 pm

Present: Steve Schneider, Shane Chamberlin and Jeff Stiriz

Staff: Jamie Giguere and Trudi Mahnke

Matter: Refinance the Bond for Glenwood Project and Napoleon Waterline Project

Jamie Giguere would like to refinance the Bond for the Glenwood Street Project and the Napoleon Water Line. The debt advisor prepared a cost savings and this would be a savings of $140,000.00 over the next ten (10) years. We are currently on a variable interest rate of 4%-4.5% and we will be locked into a 1.530% interest rate.

Councilor Schneider made a motion with Councilor Stiriz seconding to recommend City Council refinance the Bond for the Glenwood Street Project and the Napoleon Waterline.
VOTE: Three Yeas No Nays **Motion Carries**

Matter: Amend the Budget

Jamie will need to increase the Capital Street Light Account and additional $29,500.00 for the Street Lights by Haas Door. We will also need to increase the Professional Service Account by $6,000.00 out of the Zoning Department to pay for the Zoning/Maintenance Code Inspector.

Council President Chamberlin made a motion with Councilor Schneider seconding to recommend City Council amend the budget to increase $29,500.00 out of the Capital Account and $6,000.00 out of the general fund account.
VOTE: Three Yeas – No Nays **Motion Carries**

There being no further business, this Finance Committee meeting adjourned at 12:15 pm.

Respectfully Submitted,
Trudi L. Mahnke
Administrative Assistant

Wauseon TREE Commission

TREE COMMISSION
COUNCIL CHAMBERS
WED., JUNE 9, 2021
8:00 AM

Present: Larry Frey, Dan Nelson, Pete Carr, Laura Kamp and Patrick Griggs

Absent: Rick Frey and Tom Collins

Staff: Trudi Mahnke

Pete Carr said Arbor Day was held on Friday, April 30, 2021 and Larry, Laura, Dan, Rick, Tom and John Alexander and Patrick all planted a Red Oak tree at the Primary school and an Elm Tree at the Middle School. They also planted 20 trees at Homecoming Park; 10 Pin Oak Trees and 10 Chestnut Trees. Larry provided the mulch around each tree that was planted. They gave out a Spruce Tree to each 1st grader during the ceremony.

Larry Frey will be removing an Oak Tree at Imagination Kingdom that has split and is hollow.

They planted wild flower seeds and installed two (2) new sings at Indian Hills. One sign was provided through a Soil and Water Conservation Grant and a lady from their office made the other sign.

Trudi checked with Rick Frey and Tree Commission will be canceled in July and we will meet in August if something comes up. Rick Frey will provide an agenda and will have the new Clerk of Council; Brooke Baumgartner send a reminder prior to each Tree Commission meeting.

There being no further business, this Tree Commission meeting adjourned at 8:20 a.m.

Respectfully submitted,
Trudi L. Mahnke
Administrative Assistant

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF WAUSEON, OHIO:

As fiscal officer of the City of Wauseon, Ohio, I certify in connection with your proposed issue of bonds in the maximum principal amount of $225,000 (the Bonds) for the purpose of improving the municipal water treatment plant by constructing an additional treatment building and lagoon, acquiring additional treatment tanks, a high service pump and additional piping and making other necessary improvements, together with all equipment and 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 at least 30 years; 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 30 years but in excess of five years, then the maximum maturity of the Bonds would still be at least 30 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 30 years. 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. Thus, the maximum maturity of the Bonds is 18 years.

Dated: June 21, 2021

Jamie L. Giguere

Director of Finance
City of Wauseon, Ohio

SUPPLEMENTAL FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF WAUSEON, OHIO:

As fiscal officer of the City of Wauseon, Ohio, and supplementing prior certificates, I certify in connection with your proposed issue of bonds in the maximum principal amount of $1,780,000 (the Bonds) for the purpose of refunding at a lower interest cost certain of the City's outstanding Street Improvement Bonds, Series 2011, dated May 26, 2011 (the Refunded Bonds), which were issued to pay the costs of improving Glenwood Avenue from Linfoot Street to State Route 20A, also known as Airport Highway; Wagner Street from a point approximately 1,942.56 feet northerly of Linfoot Street from Glenwood Avenue to Shoop Avenue; and Banister Street, 1,584.59 feet southerly at State Route 20A from Glenwood Avenue to Shoop Avenue, by excavating, grading, draining, paving and constructing curbs, storm sewers and sanitary sewers, installing and replacing water mains, and seeding and mulching, together with all necessary and related appurtenances thereto (collectively, the improvement), that:

1. The estimated life or period of usefulness of the improvement described above was, at the time of issuance of the Refunded Bonds, at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Sections 133.20 and 133.34(A)(3) of the Revised Code, is not later than December 1, 2029, which is the final maturity date for the Refunded Bonds and was calculated consistently with the provisions of Section 133.20 of the Revised Code.

Dated: June 21, 2021

Jamie L. Mignery
Director of Finance
City of Wauseon, Ohio

	Yes	No
Emergency	______	______
First Reading	______	______
Second Reading	______	______
Third Reading	______	______
Suspension	______	______

RESOLUTION 2021-9

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE REVOLVING LOAN FUND COMMITTEE; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PAM SEILER

WHEREAS, the City of Wauseon Revolving Loan Fund Committee has recommended that the City extend certain funds to Pam Seiler for the purchase of J & B Feed Company and to make certain improvements thereto; and

WHEREAS, Pam Seiler projects that purchase of the business and improvements thereto will lead to the retention of 4 jobs and the creation of 5 new jobs over a three-year period; and

WHEREAS, the Mayor should be authorized to execute documents necessary to effectuate the intentions of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Wauseon as follows:

Section 1.
That the recommendations of the Revolving Loan Fund Committee regarding the loan to Pam Seiler is hereby ratified and confirmed.

Section 2.
The Mayor is hereby authorized to enter into an agreement with Pam Seiler pursuant to the agreement on file in the office of the Clerk of Council.

Section 3.
That the Mayor is further authorized to execute any and all documents necessary to effectuate the terms and conditions of the agreement and the recommendations of the Revolving Loan Fund Committee.

Passed:

____

Kathy Huner, Mayor

____

Shane Chamberlin, President of Council

Attest:__________________________

Brooke Baumgartner
Clerk of Council

Approved as to Form:

____

Thomas A. McWatters III
City Law Director

RESOLUTION 2021-10

A RESOLUTION TO AMEND ORDINANCE 2020-11 ANNUAL APPROPRIATION ORDINANCE BY AUTHORIZING THE DIRECTOR OF FINANCE TO INCREASE OR DECREASE CERTAIN LINE ACCOUNT APPROPRIATIONS WITHIN THE VARIOUS FUNDS LISTED WITHIN THE YEAR OF 2021.

SECTION 1. BE IT RESOLVED by the Council of the City of Wauseon, Ohio that to provide for the current expenses and other expenditures of said City of Wauseon during the fiscal year ending December 31, 2021, the following line item accounts are authorized to be increased and/or decreased as indicated and set aside and appropriated as follows:

SECTION 2. That Section 2 be amended to read as increased and/or decreased as follows:

GENERAL FUND		INCREASED	DECREASED
Professional Services - BZH	101.401.52340	6,000.00	
Unappropriated Capital Income Tax			6,000.00
Total Capital Income Tax		6,000.00	6,000.00

SECTION 3. That Section 6 be amended to read as increased and/or decreased as follows:

CAPITAL INCOME TAX FUND		INCREASED	DECREASED
Street Lights	403.103.52500	29,500.00	
Unappropriated Capital Income Tax			29,500.00
Total Capital Income Tax		29,500.00	29,500.00

SECTION 3. AND the City Finance Director is hereby authorized to draw his warrants on the City Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by officers authorized by law to approve the same or an Ordinance or Resolution of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except the persons employed by authority of and in accordance with law or ordinance.

SECTION 4. THIS Resolution shall be in full force immediately upon passage of Council and approved by the Mayor.

Passed: June 21, 2021

ATTEST:

Kathy Huner, Mayor

Brooke Baumgartner
Clerk of Council

Shane Chamberlain
President of Council

Approved as to Form:

City Law Director

I, Brooke Baumgartner, Clerk of Council for the City of Wauseon, do hereby certify that this is a true and accurate copy of Resolution 2021-10 passed on June 21, 2021

Brooke Baumgartner
Clerk of Council

ORDINANCE NO. 2021-5

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $1,780,000 FOR THE PURPOSE OF PAYING COSTS OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING STREET IMPROVEMENT BONDS, SERIES 2011, DATED MAY 26, 2011, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2011-2 passed on May 2, 2011 (the Original Bond Legislation), there were issued $3,000,000 Street Improvement Bonds, Series 2011 (the Series 2011 Bonds), dated May 26, 2011, for the purposes stated in Section 1, which bonds are currently outstanding in the aggregate principal amount of $1,630,000 and will mature on December 1 in the years 2021, 2023, 2025, 2027 and 2029 (collectively, the Outstanding Bonds); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to refund at a lower interest cost all or a portion of the Outstanding Bonds (the Refunded Bonds); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue the Bonds described in Section 1 to provide funds sufficient for that purpose, including the payment of expenses properly allocable to that refunding and to the issuance of the Bonds; 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 improvement described in Section 1 was, at the time the Refunded Bonds were issued, at least five years, and the estimated maximum maturity of the Bonds described in Section 1 is not later than December 1, 2029, which is the final maturity date for the Refunded Bonds and was calculated consistently with the provisions of Section 133.20 of the Revised Code;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wauseon, County of Fulton, Ohio, that:

Section 1. Authorized Principal Amount and Purpose; Principal and Interest Payment; Denominations; Dating. It is necessary to issue bonds of the City in an aggregate principal amount not to exceed $1,780,000 for the purpose of refunding at a lower interest cost certain of the City's outstanding Street Improvement Bonds, Series 2011, dated May 26, 2011, which were issued to pay costs of improving Glenwood Avenue from Linfoot Street to State Route 20A, also known as Airport Highway; Wagner Street from a point approximately 1,942.56 feet northerly of Linfoot Street from Glenwood Avenue to Shoop Avenue; and Banister Street, 1,584.59 feet southerly at State Route 20A from Glenwood Avenue to Shoop Avenue, by excavating, grading, draining, paving and constructing curbs, storm sewers and sanitary sewers, installing and replacing water mains, and seeding and mulching, together with all necessary and related appurtenances thereto, including the payment of expenses related to the refunding of the Refunded Bonds and the issuance of the Bonds (the Bonds). The principal amount of the Bonds to be issued shall be the amount certified by the Director of Finance in the certificate awarding the Bonds and setting certain terms thereof pursuant to Section 7 (the Certificate of Award). The Bonds shall be designated "Street Improvement Refunding Bonds, Series 2021" or otherwise as determined by the Director of Finance in the Certificate of Award, shall be issued in one lot, and shall be issued only as fully registered bonds.

The Bonds shall bear interest (computed on the basis of a 360-day year consisting of 12 30-day months, unless otherwise determined by the Director of Finance in the Certificate of Award), payable on June 1 and December 1 (or such other semiannual dates or annual dates as determined by the Director of Finance in the Certificate of Award) of each year (the Interest Payment Dates), commencing on the initial Interest Payment Date determined by the Director of Finance in the Certificate of Award (which initial Interest Payment Date shall not be later than one year from the issuance date of the Bonds), until the principal amount has been paid or provided for. As referred to herein, Principal Payment Dates means December 1 (or such other semiannual dates or annual date as determined by the Director of Finance in the Certificate of Award) in each of the years in which principal on Bonds is payable, in each of the years 2021 through 2029 (or such other annual years as are determined by the Director of Finance in the Certificate of Award, the latest of which shall not be later than 2029).

The Bonds shall be dated as of their issuance date or, as of such other date not more than 60 days prior to the issuance date as is determined by the Director of Finance in the Certificate of Award. Any provision herein notwithstanding, the entire principal amount of the Bonds may be represented by a single certificate with multiple payments of principal listed on a principal payment schedule attached thereto.

The Bonds shall be issued in a denomination or denominations specified in the Certificate of Award, as may be reflected in the aforementioned principal payment schedule, but in no case as to a particular maturity date exceeding the principal amount of Bonds maturing on that date. The Bonds shall mature on such Principal Payment Dates and in such amounts as shall be determined by the Director of Finance, subject to the provisions hereinbelow set forth, in the Certificate of Award, consistent with the Director of Finance's determination of the best interest of and financial advantages to the City. The Bonds shall bear the rate or rates of interest per year as shall be determined by the Director of Finance in the Certificate of Award. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

The rate or rates of interest per year to be borne by any Bonds, and the principal amount of Bonds maturing on each Principal Payment Date, shall be such as to demonstrate net present value savings to the City due to the refunding of the Refunded Bonds, taking into account all expenses related to that refunding and issuance of the Bonds.

The Director of Finance may adjust the Interest Payment Dates and Principal Payment Dates within the parameters set forth in this Section and based on the Director of Finance's judgment as to the best interest of the City. Any adjustments made by the Director of Finance pursuant to the authorizations set forth in this Section and this Ordinance shall be set forth in the Certificate of Award.

Section 2. Optional Redemption Provisions. The Bonds may be subject to redemption prior to stated maturity as follows:

(a) Optional Redemption. If determined by the Director of Finance in the Certificate of Award to be advantageous to and in the best interest of the City, the Bonds specified in the Certificate of Award shall be subject to optional redemption, by and at the sole option of the City, in whole or in part (as selected by the City) on any date, and at the redemption prices (expressed as a percentage of the principal amount redeemed) plus, in each case, accrued interest to the redemption date, all as specified in the Certificate of Award, provided the redemption price for any optional redemption shall not be greater than 102%.

Bonds to be redeemed pursuant to this paragraph (a) shall be redeemed only upon written notice from the City to the Bond Registrar (as defined in Section 4), given upon the direction of this Council by enactment of a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as hereinafter provided, there shall be deposited with the Bond Registrar, on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(b) Partial Redemption. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof, shall be made by lot by the Bond Registrar in any manner that the Bond Registrar may determine.

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

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

Section 3. Execution and Authentication of Bonds. The Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be delivered in the denominations and numbers requested by the Original Purchaser (as defined in Section 7) and approved by the Director of Finance, shall be numbered as determined by the Director of Finance, and shall express upon their faces the purpose, which may be in summary terms, for which they are issued and that they are and shall be issued pursuant to Chapter 133 of the Revised Code, this Ordinance and the Certificate of Award. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings (for purposes of this Ordinance, meaning this Ordinance, the Certificate of Award, the Registrar Agreement (if any), and such other proceedings of the City, including the executed Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds) unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this Ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City, or by the Director of Finance if the Director of Finance is to be the Bond Registrar pursuant to Section 4. The same person need not sign the certificate of authentication on all of the Bonds.

Section 4. Appointment of Bond Registrar. As used herein, "Bond Registrar" means the person or entity appointed pursuant to this Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds and until a successor Bond Registrar shall have become such and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar. In the Certificate of Award, the Director of Finance shall appoint the initial Bond Registrar, who may be the Director of Finance; provided that, if the Bond Registrar is to be a bank or trust company: (a) the Director of Finance shall first determine that said bank or trust company will not endanger the funds or securities of the City; and (b) the Director of Finance shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Bond Registrar (the Registrar Agreement) after having obtained the approval of this Council of said Registrar Agreement; and (c) unless paid from other sources, the Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of a Bond shall be paid on each Principal Payment Date and interest shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 6) at the close of business on the 15th day preceding that Interest Payment Date; provided, however, that so long as the entire principal amount of the Bonds is represented by a single certificate, payment of principal and interest may be made by wire or check or draft mailed to the person in whose name the Bond was registered on the applicable date of payment, with presentation and surrender of said certificate to be made to the Bond Registrar after payment of principal and interest at final maturity.

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

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so, in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar, together with an assignment signed by the registered owner or by a person legally empowered to do so, in a form satisfactory to the Bond Registrar. Upon exchange or transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the registered owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the registered owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of this Council, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing or (ii) any Bond selected for redemption, in whole or in part.

Section 7. Award and Sale of the Bonds. In accordance with this Ordinance, the Bonds shall be awarded and sold at a price of not less than 97% of par plus any accrued interest to the original purchaser as determined by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with the Certificate of Award. The Director of Finance is authorized to and shall sign and deliver the Certificate of Award. The Director of Finance shall, in the Certificate of Award, determine the principal amount of the Bonds, designate the interest rate or rates the Bonds shall bear, establish the Original Purchaser and the purchase price of the Bonds, set the Interest Payment Dates and Principal Payment Dates and amounts, set any optional redemption provisions, and make all of the other designations herein authorized and directed to be made, all within the parameters set forth herein, and shall execute the Certificate of Award and shall cause the Bonds to be prepared, signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, Director of Finance, Director of Law, 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 Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The expenditure of the amounts necessary to pay the financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds 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 Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 8. Refunding; Call of Refunded Bonds. This Council determines that it is necessary and in the best interest of the City to refund the Refunded Bonds. The Director of Finance is authorized and directed to give to The Huntington National Bank, as the authenticating agent, bond registrar, transfer agent and paying agent for the Refunded Bonds, written notice of the call for redemption, and the Refunded Bonds shall be redeemed in accordance with the Original Bond Legislation. The City covenants for the benefit of the holders of the Refunded Bonds and of the Bonds, that it will at no time on or after the Closing Date take actions to modify or rescind that call for prior redemption, and that it will take, and will cause the bond registrar and paying agent for the Refunded Bonds to take, all steps required by the terms of the Refunded Bonds to make and perfect that call for prior redemption.

Section 9. Escrow Trustee. The Huntington National Bank is hereby appointed as the initial Escrow Trustee with respect to the refunding of the Refunded Bonds; provided, however, that the Director of Finance is authorized to appoint a different Escrow Trustee in the Certificate of Award after determining that such 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. The Escrow Trustee is authorized and directed to cause notice of the refunding of the Refunded Bonds to be given in accordance with the Escrow Agreement. The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is now on file with the Clerk of Council. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement (including the fees and expenses of a mathematical verification agent to be appointed by the Director of Finance in the Certificate of Award), except to the extent paid or reimbursed by the Original Purchaser, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 10. Escrow Fund. There is created under the Escrow Agreement a trust fund designated the "City of Wauseon Series 2011 Bonds Escrow Fund" which shall be held and maintained by the Escrow Trustee in trust for the registered owners of the Refunded Bonds and is pledged for the payment of principal of and interest on the Refunded Bonds, all in accordance with the provisions of the Escrow Agreement. The Director of Finance is hereby authorized and directed to pay to the Escrow Trustee for deposit in the Escrow Fund (i) any funds on deposit in the Bond Retirement Fund for the payment of debt charges on the Refunded Bonds and (ii) all of the proceeds from the sale of the Bonds, except any accrued interest and any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds as determined by the Director of Finance. Those funds are appropriated and shall be applied to pay principal of and interest on the Refunded Bonds, as provided in the Escrow Agreement.

The funds so deposited in the Escrow Fund shall be (a) held in cash to the extent that they are not needed to make the investments hereinafter described and (b) invested in direct obligations of, or obligations guaranteed as to payment by, the United States of America (within the meaning of Section 133.34(D) of the Revised Code) that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of principal of and interest on the Refunded Bonds as provided in the Escrow Agreement.

If U.S. Treasury Securities – State and Local Government Series are to be purchased for the Escrow Fund, the Original Purchaser and the Escrow Trustee are hereby specifically authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those U.S. Treasury Securities – State and Local Government Series. If, in the judgment of the Director of Finance, an open-market purchase of obligations described in (b) in the preceding paragraph for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Finance or any other officer of the City, on behalf of the City and in the Director of Finance's official capacity, may purchase and deliver such obligations, engage the services of a municipal advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 11. Application of Proceeds. The proceeds from the sale of the Bonds (except any accrued interest and any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds as determined by the Director of Finance) shall be paid into the Escrow Fund as provided in Section 10. Any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds, as determined by the Director of Finance, shall be paid into the proper fund or funds. Any proceeds representing accrued interest shall be paid into the Bond Retirement Fund. The proceeds from the sale of the Bonds (except any accrued interest) are appropriated and shall be used for the purpose for which the Bonds are being issued.

Section 12. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year to the extent other money is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the tax shall be reduced by the amount of money so available and appropriated.

Section 13. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of them for the interest on the Bonds to be and to 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 them, will, among other acts of compliance, (i) apply the proceeds of the Bonds 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, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Bonds as "qualified tax-exempt obligations" if such designation or treatment is applicable and desirable), choice, consent, approval or waiver on behalf of the City with respect to the Bonds 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 in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (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 Bonds 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 Bonds.

Section 14. <u>Certification and Delivery of Ordinance and Certificate of Award</u>. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this ordinance and a signed copy of the Certificate of Award to the Fulton County Auditor.

Section 15. <u>Satisfaction of Conditions for Bond Issuance</u>. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 12) of the

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

Section 16. 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 Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. 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 the extent they are not paid by the Original Purchaser, 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 17. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 18. 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 19. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, or to meet an emergency in the operation and government of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to sell the Bonds, which is necessary to enable the City to refund at a lower interest cost the Refunded Bonds upon terms in the best interest of and advantageous to the City and thereby to achieve interest rate savings available under current favorable market conditions; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: ____________, 2021

____
President of Council

Attest: ______________________________
Clerk of Council

____
Mayor

Approved as to Form:

____
Director of Law

I, Brooke Baumgartner, Clerk of Council for the City of Wauseon, do hereby certify that this is a true and accurate copy of Ordinance No. 2021-_____, passed on __________, 2021.

____
Clerk of Council

ORDINANCE NO. 2021-6

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $225,000 FOR THE PURPOSE OF IMPROVING THE MUNICIPAL WATER TREATMENT PLANT BY CONSTRUCTING AN ADDITIONAL TREATMENT BUILDING AND LAGOON, ACQUIRING ADDITIONAL TREATMENT TANKS, A HIGH SERVICE PUMP AND ADDITIONAL PIPING AND MAKING OTHER NECESSARY IMPROVEMENTS, TOGETHER WITH ALL EQUIPMENT AND APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2020-6, passed on June 15, 2020, there were issued $245,000 Various Purpose Improvement Notes, Series 2020 (the Outstanding Notes), in anticipation of bonds for the purpose stated in Section 1, which Outstanding Notes mature on August 12, 2021;

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 1 and other amounts available to the City; and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue the Bonds described in Section 1 to provide funds sufficient for that purpose, including the payment of expenses properly allocable to the issuance of the Bonds; 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 improvement described in Section 1 is at least five years and the estimated maximum maturity of the Bonds described in Section 1 is 18 years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wauseon, County of Fulton, Ohio, that:

Section 1. Authorized Principal Amount and Purpose; Principal and Interest Payment; Denominations; Dating. It is necessary to issue bonds of the City in an aggregate principal amount not to exceed $225,000 for the purpose of improving the municipal water treatment plant by constructing an additional treatment building and lagoon, acquiring additional treatment tanks, a high service pump and additional piping and making other necessary improvements, together with all equipment and appurtenances thereto, including the payment of expenses related to the issuance of the Bonds, and to retire the Outstanding Notes (the Bonds). The principal amount of the Bonds to be issued shall be the amount certified by the Director of Finance in the certificate awarding the Bonds and setting certain terms thereof pursuant to Section 7 (the Certificate of Award). The Bonds shall be designated "Water System Improvement Bonds, Series 2021" or otherwise as determined by the Director of Finance in the Certificate of Award, shall be issued in one lot, and shall be issued only as fully registered bonds.

The Bonds shall bear interest (computed on the basis of a 360-day year consisting of 12 30-day months, unless otherwise determined by the Director of Finance in the Certificate of Award), payable on June 1 and December 1 (or such other semiannual dates or annual dates as determined by the Director of Finance in the Certificate of Award) of each year (the Interest Payment Dates), commencing on the initial Interest Payment Date determined by the Director of Finance in the Certificate of Award (which initial Interest Payment Date shall not be later than one year from the issuance date of the Bonds), until the principal amount has been paid or provided for. As referred to herein, Principal Payment Dates means December 1 (or such other semiannual dates or annual date as determined by the Director of Finance in the Certificate of Award) in each of the years in which principal on Bonds is payable, in each of the years 2022 through 2025 (or such other annual years as are determined by the Director of Finance in the Certificate of Award, provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto).

The Bonds shall be dated as of their issuance date or, as of such other date not more than 60 days prior to the issuance date as is determined by the Director of Finance in the Certificate of Award. Any provision herein notwithstanding, the entire principal amount of the Bonds may be represented by a single certificate with multiple payments of principal listed on a principal payment schedule attached thereto.

The Bonds shall be issued in a denomination or denominations specified in the Certificate of Award, as may be reflected in the aforementioned principal payment schedule, but in no case as to a particular maturity date exceeding the principal amount of Bonds maturing on that date. The Bonds shall mature on such Principal Payment Dates and in such amounts as shall be determined by the Director of Finance, subject to the provisions hereinbelow set forth, in the Certificate of Award, consistent with the Director of Finance's determination of the best interest of and financial advantages to the City. The Bonds shall bear the rate or rates of interest per year as shall be determined by the Director of Finance in the Certificate of Award. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

The rate or rates of interest per year to be borne by any Bonds, and the principal amount of Bonds maturing on each Principal Payment Date, shall be such that (i) the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other such fiscal year and (ii) the true interest cost of the Bonds does not exceed 6%.

The Director of Finance may adjust the Interest Payment Dates and Principal Payment Dates within the parameters set forth in this Section and based on the Director of Finance's judgment as to the best interest of the City. Any adjustments made by the Director of Finance pursuant to the authorizations set forth in this Section and this Ordinance shall be set forth in the Certificate of Award.

Section 2. Optional Redemption Provisions. The Bonds may be subject to redemption prior to stated maturity as follows:

(a) Optional Redemption. If determined by the Director of Finance in the Certificate of Award to be advantageous to and in the best interest of the City, the Bonds specified in the Certificate of Award shall be subject to optional redemption, by and at the sole option of the City, in whole or in part (as selected by the City) on any date, and at the redemption prices (expressed as a percentage of the principal amount redeemed) plus, in each case, accrued interest to the redemption date, all as specified in the Certificate of Award, provided the redemption price for any optional redemption shall not be greater than 102%.

Bonds to be redeemed pursuant to this paragraph (a) shall be redeemed only upon written notice from the City to the Bond Registrar (as defined in Section 4), given upon the direction of this Council by enactment of a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as hereinafter provided, there shall be deposited with the Bond Registrar, on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable Bonds for which notice of redemption has been given.

(b) Partial Redemption. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof, shall be made by lot by the Bond Registrar in any manner that the Bond Registrar may determine.

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

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

Section 3. Execution and Authentication of Bonds. The Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be delivered in the denominations and numbers requested by the Original Purchaser (as defined in Section 7) and approved by the Director of Finance, shall be numbered as determined by the Director of Finance, and shall express upon their faces the purpose, which may be in summary terms, for which they are issued and that they are and shall be issued pursuant to Chapter 133 of the Revised Code, this Ordinance and the Certificate of Award. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings (for purposes of this Ordinance, meaning this Ordinance, the Certificate of Award, the Registrar Agreement (if any), and such other proceedings of the City, including the executed Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds) unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this Ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City, or by the Director of Finance if the Director of Finance is to be the Bond Registrar pursuant to Section 4. The same person need not sign the certificate of authentication on all of the Bonds.

Section 4. Appointment of Bond Registrar. As used herein, "Bond Registrar" means the person or entity appointed pursuant to this Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds and until a successor Bond Registrar shall have become such and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar. In the Certificate of Award, the Director of Finance shall appoint the initial Bond Registrar, who may be the Director of Finance; provided that, if the Bond Registrar is to be a bank or trust company: (a) the Director of Finance shall first determine that said bank or trust company will not endanger the funds or securities of the City; and (b) the Director of Finance shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Bond Registrar (the Registrar Agreement) after having obtained the approval of this Council of said Registrar Agreement; and (c) unless paid from other sources, the Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. <u>Payment of Debt Charges</u>. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of a Bond shall be paid on each Principal Payment Date and interest shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 6) at the close of business on the 15th day preceding that Interest Payment Date; provided, however, that so long as the entire principal amount of the Bonds is represented by a single certificate, payment of principal and interest may be made by wire or check or draft mailed to the person in whose name the Bond was registered on the applicable date of payment, with presentation and surrender of said certificate to be made to the Bond Registrar after payment of principal and interest at final maturity.

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

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so, in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar, together with an assignment signed by the registered owner or by a person legally empowered to do so, in a form satisfactory to the Bond Registrar. Upon exchange or transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the registered owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the registered owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of this

Council, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing or (ii) any Bond selected for redemption, in whole or in part.

Section 7. Award and Sale of the Bonds. In accordance with this Ordinance, the Bonds shall be awarded and sold at a price of not less than 97% of par plus any accrued interest to the original purchaser as determined by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with the Certificate of Award. The Director of Finance is authorized to and shall sign and deliver the Certificate of Award. The Director of Finance shall, in the Certificate of Award, determine the principal amount of the Bonds, designate the interest rate or rates the Bonds shall bear, establish the Original Purchaser and the purchase price of the Bonds, set the Interest Payment Dates and Principal Payment Dates and amounts, set any optional redemption provisions, and make all of the other designations herein authorized and directed to be made, all within the parameters set forth herein, and shall execute the Certificate of Award and shall cause the Bonds to be prepared, signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, Director of Finance, Director of Law, 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 Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The expenditure of the amounts necessary to pay the financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds 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 Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 8. Application of Proceeds. The proceeds from the sale of the Bonds (except any premium and accrued interest) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 9. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year, to the extent money from the City's waterworks system or other funds are lawfully available for the payment of debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of 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 Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of them for the interest on the Bonds to be and to 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 them, will, among other acts of compliance, (i) apply the proceeds of the Bonds 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, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Bonds as "qualified tax-exempt obligations" if such designation or treatment is applicable and desirable), choice, consent, approval or waiver on behalf of the City with respect to the Bonds 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 in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (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 Bonds 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 Bonds.

Section 11. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this ordinance and a signed copy of the Certificate of Award to the Fulton County Auditor.

Section 12. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 13. 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 Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. 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 the extent they are not paid by the Original Purchaser, 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 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 15. 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 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, or to meet an emergency in the operation and government of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds 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: ____________, 2021

____
President of Council

Attest: ______________________________
Clerk of Council

____
Mayor

Approved as to Form:

____
Director of Law

I, Brooke Baumgartner, Clerk of Council for the City of Wauseon, do hereby certify that this is a true and accurate copy of Ordinance No. 2021-_____, passed on ___________, 2021.

____
Clerk of Council

City of Wauseon
230 Clinton Street • Wauseon, Ohio 43567

June 17, 2021

To Whom It May Concern,

The City of Wauseon has looked over the proposed expansion of Red Rambler located on 1493 N. Shoop Ave. and found it to be in compliance with all local regulations. On June 21, 2021, the Wauseon City Council agreed to allow for the expansion of food and liquor sales on the enclosed patio.

Respectfully

Mayor Kathy Huner

Phone 419-335-9022 • Office Fax 419-335-3866
www.cityofwauseon.com