

ORDINANCE NO. 181

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF NOTES OF THE VILLAGE OF OTTOVILLE, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTING A COMBINED MUNICIPAL BUILDING AND FIREHOUSE, FURNISHING AND EQUIPPING THE SAME AND ACQUIRING AND IMPROVING THE SITE THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to resolutions heretofore adopted by this Council, an election was held on the 8th day of June, 1976, upon the question of issuing bonds in the sum of \$140,000 for the purpose hereinafter set forth and of the levy of taxes outside of tax limitations to pay the principal of, and interest on, such bonds; and

WHEREAS, at said election the requisite majority of those voting upon the proposition voted in favor thereof, and this Council having determined it to be necessary to proceed with the issuance of notes in anticipation of the bonds so authorized, notes were issued pursuant to Ordinance Nos. 153, 159, 164 and 170 passed November 1, 1977, November 6, 1978, November 19, 1979, and November 17, 1980, respectively, the outstanding notes being in the principal amount of \$50,000, being dated December 4, 1980, and maturing December 3, 1981; and

WHEREAS, this Council has determined that such outstanding notes should, after allowing for other available funds, be funded at their maturity to the extent of \$25,000 by the issuance of new notes in anticipation of the issuance of bonds; and

WHEREAS, the Clerk-Treasurer, as fiscal officer, has certified as to the maximum maturity of the bonds anticipated and of the notes herein authorized, which note maturity may not exceed eight years from December 5, 1977;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Ottoville, Putnam County, Ohio:

Section 1. That it is deemed necessary to issue \$25,000 of bonds of the Village of Ottoville voted as hereinabove recited for the purpose of constructing a combined municipal building and firehouse, furnishing and equipping the same and acquiring and improving the site thereof.

Section 2. That said bonds shall be dated approximately December 1, 1982; shall bear interest at the estimated rate of twelve per centum

Post till 12-5-81

City Bldg.

Jerrys Barber Shop

Post Office

Ottoville Bank

Village Market

(12%) per annum, payable semi-annually until the principal sum is paid and shall mature in twenty substantially equal annual installments after the issuance thereof.

Section 3. That for the purpose of raising money in anticipation of the issuance of the aforesaid bonds for the above-described improvements, and to provide the balance of the funds necessary to pay and retire the outstanding notes dated December 4, 1980, it is hereby declared necessary to issue and there shall be issued notes of the Village in the principal amount of \$25,000. Such notes shall bear interest at the rate of _____

per centum (9½ %) per annum, payable at maturity, with provision that, in the event of default, the same shall bear interest at the rate of _____ per centum (12 %) per annum until the principal sum is paid; shall be dated December 3, 1981; shall mature December 3, 1982; shall be designated "Municipal Building Notes"; shall be executed and delivered in such numbers and denominations as may be requested by the purchaser thereof, and shall be payable as to both principal and interest (and in Federal Reserve funds of the United States of America if requested by the purchaser) at The Ottoville Bank Company, Ottoville, Ohio.

Section 4. That such notes shall be executed by the Mayor and the Clerk-Treasurer, shall bear the corporate seal of the Village and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 5. Subject to the rejection of said notes by the Clerk-Treasurer as officer in charge of the Bond Retirement Fund, said notes are hereby awarded and sold to McDonald & Company at the par value thereof together with any premium and accrued interest thereon; and the Clerk-Treasurer is hereby authorized and directed to deliver such notes, when executed, to such purchaser upon payment of such purchase price. The proceeds from such sale, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is hereby appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied in the payment of principal and interest of said notes in the manner provided by law.

Section 6. The Village hereby covenants that it will restrict the use of the proceeds of the notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time of the delivery of and payment for such notes, so that the notes will not constitute arbitrage bonds under Section 103(c) of the Internal Revenue Code and the applicable income tax regulations under that Section. The fiscal officer or any other officer, including

the Clerk-Treasurer, having responsibility for issuing the notes is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, or consultant of the Village, to give an appropriate certificate of the Village, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Village regarding the amount and use of all such proceeds and the facts and estimates on which they are based, all as of the date of delivery and payment for such notes.

Section 7. Said notes shall be the full general obligations of the Village and the full faith, credit and revenue of such Village are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes and any excess funds resulting from the issuance of said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are hereby pledged for such purpose.

Section 8. During the period while such notes run there shall be levied on all the taxable property in the Village of Ottoville, in addition to all other taxes, and outside of the limitation of Section 2 of Article XII, Ohio Constitution, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII, Ohio Constitution. Said tax shall be and is hereby 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 said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from tax levies hereby required and shall be placed in a separate and distinct fund, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of said notes or the bonds in anticipation of which they are issued, when and as the same fall due.

Section 9. It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the Village of Ottoville have happened, been done and performed in regular and due form as required by law; that the tax for the payment of principal of and interest on the notes as the same falls due and payable is unlimited as to amount or rate; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 10. The Clerk-Treasurer is hereby authorized and directed to forward a certified copy of this ordinance to the County Auditor of Putnam County.

Section 11. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 12. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in said Village and for the further reason that the immediate issuance of such notes is necessary to enable this Village to retire its existing indebtedness and thereby preserve its credit; wherefore, this ordinance shall take effect and be in force immediately after its passage.

Passed: November 16, 1981

Jerry A. Hohlbein
Mayor

Attest: *Richard L. Wanda*
Clerk-Treasurer