

AGENDA  
CITY COUNCIL MEETING via ZOOM  
June 23, 2020 7:00 P.M.

Pledge of Allegiance

Invocation: Moment of Silence

Roll Call – Council, Elected Officials/SSD

1. Approve minutes:
  - a. June 9, 2020 – Regular Meeting
2. Approve agenda
3. Legislation
  - a. Ordinance No. 2020-39 (1<sup>st</sup> Reading)  
Amending 2020 Appropriations
  - b. Ordinance No. 2020-40 (1<sup>st</sup> Reading)  
Authorize Bidding – Tree Clearing
  - c. Ordinance No. 2020-41 (1<sup>st</sup> Reading)  
CARES Act Legislation
  - d. Ordinance No. 2020-42 (1<sup>st</sup> Reading)  
Request for Freese Projects
  - e. Ordinance No. 2020-43 (1<sup>st</sup> Reading)  
Legislation for Borrowing
  - f. Ordinance No. 2020-44 (1<sup>st</sup> Reading)  
Amending 2020 Appropriations
4. Other Business
5. Elected Official Reports (if desired)
  - a. Auditor – Brian Treisch
  - b. Treasurer – Rodney Sparks
  - c. Director of Law – Thomas Palmer
6. Mayor’s Report
7. President of Council Comments
8. Adjournment

3a

**ORDINANCE NO. 2020-39**

**ENTITLED AN ORDINANCE AMENDING ORDINANCE NO. 2019-85  
(PERMANENT 2020 APPROPRIATIONS) BY APPROPRIATING FUNDS  
IN VARIOUS FUNDS AND DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALION, STATE OF OHIO:

Section 1: That Ordinance No. 2019-85 (Permanent 2020 Appropriations) passed December 23, 2019, be, and the same is hereby amended as delineated in the following sections:

Section 2: That One Thousand and 00/100 Dollars (\$1,000.00) be appropriated from unappropriated funds to 101-7020-52410 General Fund –General Government- Mayor / Materials and Supplies - Operating Supplies.

Section 3: That Four Thousand Five Hundred and 00/100 Dollars (\$4,500.00) be appropriated from unappropriated funds to 101-1040-52209 General Fund –Security of Persons and Property- Dispatchers / Benefits - Unemployment Compensation.

Section 4: That Two Thousand Seven Hundred and 00/100 Dollars (\$2,700.00) be appropriated from unappropriated funds to 607-6010-52209 Airport Fund –Transportation- Airport / Benefits - Unemployment Compensation.

Section 5: That Seven Thousand Eight Hundred and 00/100 Dollars (\$7,800.00) be appropriated from unappropriated funds to 230-2010-52326 Health Department- Public Health – General Health / Contractual Services – Advertising.

Section 6: That Eleven Thousand Seven Hundred Ten and 00/100 Dollars (\$11,710.00) be appropriated from unappropriated funds to 230-2010-52410 Health Department- Public Health – General Health / Materials and Supplies – Operating Supplies.

Section 7: That Fifty-Nine Thousand Three Hundred and 00/100 Dollars (\$59,300.00) be appropriated from unappropriated funds to 201-8010-52610 Street C M & R Fund- Debt Service – Bonds and Notes Principal / Debt Service – Principal.

Section 8: That Nine Thousand Eight Hundred Ten and 00/100 Dollars (\$9,810.00) be appropriated from unappropriated funds to 202-8010-52610 State Highway Improvement Fund- Debt Service – Bonds and Notes Principal / Debt Service – Principal.

Section 9: That Five Hundred Twenty-Five and 00/100 Dollars (\$525.00) be appropriated from unappropriated funds to 202-8020-52620 State Highway Improvement Fund- Debt Service – Bonds and Notes Principal / Debt Service – Interest Expense.

Section 10: That Sixty-Four Thousand Eight Hundred and 00/100 Dollars (\$64,800.00) be appropriated from unappropriated funds to 603-8010-52610 Sewer Fund- Debt Service – Bonds and Notes Principal / Debt Service – Principal.

Section 11: That Three Thousand One Hundred and 00/100 Dollars (\$3,100.00) be appropriated from unappropriated funds to 603-8020-52620 Sewer Fund- Debt Service – Bonds and Notes Principal / Debt Service –Interest Expense.

Section 12: That One Thousand Twenty-Five and 00/100 Dollars (\$1,025.00) be appropriated from unappropriated funds to 605-8020-52620 Electric Operating Fund- Debt Service – Bonds and Notes Principal / Debt Service –Interest Expense.

Section 13: That Fourteen Thousand Eight Hundred and 00/100 Dollars (\$14,800.00) be appropriated from unappropriated funds to 608-8010-52610 Storm Water Fund- Debt Service – Bonds and Notes Principal / Debt Service – Principal.

Section 14: That this Ordinance shall be published in accordance with applicable Ohio Law.

Section 15: That in order to preserve the public peace, health, safety and welfare of the City of Galion and its inhabitants, and in order to make the appropriation adjustments in the Permanent 2020 appropriations without delay to meet pending obligations, this measure is determined to be an emergency Ordinance and shall take effect at the earliest time allowed by law after its passage.

\_\_\_\_\_  
CARL W. WATT  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
JULIE L. BELL  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS N. PALMER  
DIRECTOR OF LAW

PRESENTED TO MAYOR ON: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
THOMAS M. O'LEARY, MAYOR (Date)

ADOPTED ON FIRST READING: \_\_\_\_\_  
DATE

ADOPTED ON SECOND READING: \_\_\_\_\_  
DATE

ADOPTED ON THIRD READING: \_\_\_\_\_  
DATE

VOTE ON FINAL READING

	<u>YEA</u>	<u>NAY</u>
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MR. BALDINGER \_\_\_\_\_

MR. BODKINS \_\_\_\_\_

MS. ERLSTEN \_\_\_\_\_

DR. FELLNER \_\_\_\_\_

MR. IVY \_\_\_\_\_

MR. RICHART \_\_\_\_\_

MR. TRIPLETT \_\_\_\_\_

3b

**ORDINANCE NO. 2019-40**

**ENTITLED AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER THEREFOR, AS PROVIDED BY LAW, FOR THE LIVE LINE TREE CLEARING, TO PROCEED, AUTHORIZING PAYMENT THEREFOR, AND DECLARING AN EMERGENCY.**

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

Section 1: That the Safety-Service Director of the City of Galion, Ohio be, and hereby is authorized and directed to advertise for bids and to enter into a contract with the lowest and best bidder therefore, as provided by law, for the 2020 Live Line Tree Clearing Project.

Section 2: That the Auditor of the City of Galion, Ohio be and is hereby is, authorized and directed to expend such sums as necessary to pay for said Project, not to exceed the total sum of One Hundred Thousand Dollars (\$100,000).

Section 3: That this Ordinance shall be published in accordance with Ohio Revised Code Sections 731.21 and 731.22.

Section 4: That in order to preserve the public peace, health, safety, and welfare of the City of Galion and its inhabitants, and in order to begin the bidding process and to address the project in a timely manner, this measure is determined to be an emergency Ordinance, and shall take effect and be in force immediately upon the earliest time allowed by law after its passage.

\_\_\_\_\_  
CARL W. WATT  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
JULIE L. BELL  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS N. PALMER  
DIRECTOR OF LAW

PRESENTED TO MAYOR ON: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
THOMAS M. O'LEARY, MAYOR (Date)

ADOPTED ON FIRST READING: \_\_\_\_\_  
DATE

ADOPTED ON SECOND READING: \_\_\_\_\_  
DATE

ADOPTED ON THIRD READING: \_\_\_\_\_  
DATE

VOTE ON FINAL READING	<u>YEA</u>	<u>NAY</u>
MR. BALDINGER	_____	_____
MR. BODKINS	_____	_____
MS. ERLSTEN	_____	_____
DR. FELLNER	_____	_____
MR. IVY	_____	_____
MR. RICHART	_____	_____
MR. TRIPLETT	_____	_____



3c

**ORDINANCE NO. 2019-41**

**ENTITLED AN ORDINANCE AFFIRMING THAT FUNDS FOR THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND WILL EXPENDED ONLY TO COVER COST OF THE CITY OF GALION, OHIO CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS DESCRIBED IN 42 U.S.C. 601(D) AND ANY APPLICABLE REGULATIONS AS IS NECESSARY PURSUANT TO H.B. 481 BEFORE RECEIVING SAID FUNDS, AND DECLARING AN EMERGENCY.**

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the “Coronavirus Aid, Relief, and Economic Security Act” in Senate Bill 310, now H.B. 481 of the 133<sup>rd</sup> General Assembly (S.B. 310); and

WHEREAS, S.B. 310, now H.B. 481 requires subdivisions receiving funds under Section 1 of the act, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations before receiving said funds; and

WHEREAS, the City of Galion, Ohio is requesting its share of funds from the County Coronavirus Relief Distribution Fund.

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

1. The City Council of the City of Galion, Crawford County, Ohio affirms that all funds received from the County Coronavirus Relief Distribution Fund pursuant to S.B. 310, now H.B. 481 be expended only to cover costs of the City of Galion, Ohio consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations and guidance only to cover expenses that:

- (1) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) Were not accounted for in the City of Galion's most recently approved budget as of March 27, 2020; and
- (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

2. FURTHERMORE, in compliance with S.B. 310, now H.B. 481 the City Council of the City of Galion, Crawford County, Ohio ordained it take all necessary action to:

1. On or before October 15, 2020, pay any unencumbered balance of money in the City of Galion, Ohio's local coronavirus relief fund to the County Treasurer;
2. On or before December 28, 2020, pay the balance of any money in the City of Galion, Ohio's local coronavirus relief fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and
3. Provide any information related to any payments received under S.B. 310, now H.B. 481 to the Director of the Ohio Office of Budget and Management as requested.

3 The Clerk of Council is directed to file a certified copy of this ordinance with the Ohio Office of Budget and Management's (OBM) and the Crawford County Auditor.

4 This Ordinance is being passed as an emergency measure pursuant to O.R.C. 731.30 because the immediate passage of the Ordinance is necessary so that the City of Galion can begin receiving COVID-19 reimbursements as soon as possible, and this Resolution shall be in full force and effect upon its adoption.

\_\_\_\_\_  
CARL W. WATT  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
JULIE L. BELL  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS N. PALMER  
DIRECTOR OF LAW

PRESENTED TO MAYOR ON: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
THOMAS M. O'LEARY, MAYOR (Date)

ADOPTED ON FIRST READING: \_\_\_\_\_  
DATE

ADOPTED ON SECOND READING: \_\_\_\_\_  
DATE

ADOPTED ON THIRD READING: \_\_\_\_\_  
DATE

VOTE ON FINAL READING	<u>YEA</u>	<u>NAY</u>
MR. BALDINGER	_____	_____
MR. BODKINS	_____	_____
MS. ERLSTEN	_____	_____
DR. FELLNER	_____	_____
MR. IVY	_____	_____
MR. RICHART	_____	_____
MR. TRIPLETT	_____	_____

3d

**ORDINANCE NO. 2020-42**

**ENTITLED AN ORDINANCE REQUESTING THE TRUSTEES OF THE EGBERT M. FREESE FOUNDATION TO DISTRIBUTE INCOME THEREFROM TO THE CITY OF GALION FOR THE PURPOSES OUTLINED HEREIN, AND DECLARING AN EMERGENCY.**

WHEREAS, as a result of the benevolent generosity of Horace E. Freese, a long-time resident of the City of Galion, and in accordance with his will, the Egbert M. Freese Foundation was established with the approval of the Probate Division of the Crawford County Court of Common Pleas, and

WHEREAS, pursuant to Section 1.03 of the Code of Regulations of the Egbert M. Freese Foundation, seven-eighths (7/8) of the annual net income of the Foundation are earmarked for use for City projects that further objectives outlined in that Section, and

WHEREAS, through Ordinance No. 2014-101, Council established the Freese Grant Advisory Board as well as establishing additional procedures for review of applications and selection of projects through a matching grant program, and

WHEREAS, additional projects have been identified for FY 2020 funding under said grant program that are being sent to City Council for approval, and

NOW, THEREFORE, BY IT ORDAINED BY THE COUNCIL OF THE CITY OF GALION, STATE OF OHIO:

Section 1: That this Council does hereby approve the recommendation made by the Freese Grant Advisory Board and therefore specifically requests that the Board of Trustees of the Egbert M. Freese Foundation distribute income from said Foundation to the City of Galion as follows:

a. The sum of One Hundred Fifty-Six Thousand Five Hundred Dollars (\$156,500) for the following City of Galion projects:

i. Pool Improvements	\$ 17,500	
1. Pump replacement / controllers -		\$ 17,500
ii. Bike Path	\$ 54,000	
1. Fencing, Seeding & Striping -		\$ 54,000
iii. PECO Park	\$ 85,000	
1. Safety Netting	\$ 85,000	

b. The sum of Seventy-Five Thousand Dollars (\$75,000) to be used by the Galion City Schools towards their projects

Section 2: That the Council asks for favorable consideration by the Board of Trustees of the Egbert M. Freese Foundation for the foregoing improvements which will benefit the City of Galion and its inhabitants, with the memory of Egbert M. Freese to be suitably designated thereon.

Section 3: That if said request is granted by the Board of Trustees of the Egbert M. Freese Foundation, this Council requests that the funds requested therefore in the total amount of Two Hundred Thirty-One Thousand Five Hundred Dollars (\$231,500) be issued to the Auditor of the City of Galion for deposit in segregated accounts to be expended solely for said projects.

Section 4: That this Ordinance shall be published in accordance with the laws of the State of Ohio and City of Galion.

Section 5: That this project is time sensitive and would provide enjoyment this year, the request is made for consideration of this request at the earliest possible opportunity.

Section 6: That in order to preserve the public peace, health, and safety of the City of Galion and its inhabitants, and in order to permit the City of Galion to timely bid and acquire materials necessary to see to the completion of this project, an emergency is found to exist and

this Ordinance is declared to be an emergency measure and shall take effect immediately upon passage.

\_\_\_\_\_  
CARL W. WATT  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
JULIE L. BELL  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS N. PALMER  
DIRECTOR OF LAW

PRESENTED TO MAYOR ON: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
THOMAS M. O'LEARY, MAYOR (Date)

ADOPTED ON FIRST READING: \_\_\_\_\_  
DATE

ADOPTED ON SECOND READING: \_\_\_\_\_  
DATE

ADOPTED ON THIRD READING: \_\_\_\_\_  
DATE

VOTE ON FINAL READING	<u>YEA</u>	<u>NAY</u>
MR. BALDINGER	_____	_____
MR. BODKINS	_____	_____
MS. ERLSTEN	_____	_____
DR. FELLNER	_____	_____
MR. IVY	_____	_____
MR. RICHART	_____	_____
MR. TRIPLETT	_____	_____



3e

**ORDINANCE NO. 2020-43**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$405,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ROAD CONSTRUCTION IMPROVEMENTS TO STATE ROUTE 19/HARDING WAY BETWEEN CERTAIN TERMINI, INCLUDING BUT NOT LIMITED TO THE DESIGN, CONSTRUCTION AND RESURFACING OF APPROXIMATELY 4.19 MILES OF ROADWAY FROM THE MORROW-CRAWFORD COUNTY LINE HEADING WEST TO THE CORPORATION LIMIT, REPAIRING AND CONSTRUCTION OF CURBS AND CURB RAMPS, AND REPLACEMENT OF SIGNAGE AND GUARDRAILS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.**

WHEREAS, this City Council has requested that the Auditor, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 1 and the estimated maximum maturity of the Bonds described in Section 1; and

WHEREAS, the Auditor has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is fifteen (15) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty (240) months;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Galion, Crawford County and Richland County, Ohio, that:

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$405,000 (the "Bonds") for the purpose of paying the costs of road construction improvements to State Route 19/Harding Way between certain termini, including but not limited to the design, construction and resurfacing of approximately 4.19 miles of roadway from the Morrow-Crawford County Line heading west to the corporation limit, repairing and construction of curbs and curb ramps, and replacement of signage and guardrails, together with all necessary appurtenances thereto (the "Improvement").

Section 2. The Bonds shall be dated approximately July 1, 2021, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in fifteen (15) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2021.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$405,000 (the "Notes") shall be issued in anticipation of the issuance of the

Bonds for the purpose described in Section 1, to pay costs of the Improvement and any financing costs. The principal amount of the Notes to be issued shall be determined by the Auditor in a certificate of award in accordance with Section 6 of this Ordinance (the "Certificate of Award") as the amount which is necessary to pay the costs of the Improvement and any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, provided that the Auditor shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months or such other method as determined by the Auditor in the Certificate of Award), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of the Auditor of the City or the office of any bank or trust company designated by the Auditor in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Auditor if agreed to by the Auditor and the original purchaser (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor (or any person serving in an interim or acting capacity with respect to that office) and the Auditor, in the name of the City and in their official capacities; provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor; provided that no Note shall be issued in a minimum denomination less than \$100,000 if such Notes are consolidated with any other note issue of the City pursuant to Section 133.30(B) of the Ohio Revised Code and the aggregate principal amount of such consolidated issue equals or exceeds \$1,000,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

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

“Depository” means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

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

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Auditor in accordance with law and the provisions of this Ordinance and the Certificate of Award. The Auditor shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor (or any person serving in an interim or acting capacity with respect to that office), the Auditor, the Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other

documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to withhold certain proceeds from the sale of the Notes to provide for the payment of certain financing costs on behalf of the City. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other

than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes 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 it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Auditor, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, 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 with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Auditor or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Section 11. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and the Certificate of Award to the County Auditors of Crawford, Morrow and Richland Counties, Ohio.

Section 12. The Auditor is authorized to request a rating for the Notes from Moody’s Investors Service, Inc. or S&P Global Ratings, or both, as the Auditor determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay

those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Auditor is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 15. 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 any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 16. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the Notes authorized by this Ordinance be issued immediately in order to permit the Notes to be combined with other notes of the City in a consolidated note issue and achieve savings in the costs of issuing the Notes and by reason thereof this Ordinance shall take effect forthwith upon its passage.

\_\_\_\_\_  
Carl W. Watt, President of Council

ATTEST:

\_\_\_\_\_  
Julie L. Bell, Clerk of Council

APPROVED AS TO FORM: \_\_\_\_\_  
Thomas N. Palmer, Law Director

PRESENTED TO MAYOR ON: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
THOMAS M. O'LEARY, MAYOR (Date)

ADOPTED ON FIRST READING \_\_\_\_\_  
DATE

ADOPTED ON SECOND READING \_\_\_\_\_  
DATE

ADOPTED ON THIRD READING \_\_\_\_\_  
DATE

VOTE ON FINAL READING

	<u>YEA</u>	<u>NAY</u>
MS. BALDINGER	___	___
MR. BODKINS	___	___
DR. FELLNER	___	___
MR. IVY	___	___
MR. RICHART	___	___
MS. SICLAIR-ERLSTEN	___	___
MR. TRIPLETT	___	___

I, Julie L. Bell, Clerk of Galion City Council hereby certify that this is a true and correct copy of Ordinance No. 2020-\_\_\_\_\_ passed by Galion City Council at a Regular Meeting held on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Julie L. Bell, Clerk of Council



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**ORDINANCE NO. 2020-44**

**ENTITLED AN ORDINANCE AMENDING ORDINANCE NO. 2019-85 (PERMANENT 2020 APPROPRIATIONS) BY APPROPRIATING FUNDS FROM UNAPPROPRIATED TO THE PORT AUTHORITY FUND AND DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALION, STATE OF OHIO:

Section 1: That Ordinance No. 2019-85 (Permanent 2020 Appropriations) passed December 23, 2019, be, and the same is hereby amended as delineated in the following sections:

Section 2: That Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) be appropriated from unappropriated funds in 409-6040-52501- Port Authority Fund – Community Projects – Transportation-Street Improvement / Capital Outlay – Land Improvement.

Section 3: That this Ordinance shall be published in accordance with applicable Ohio Law.

Section 4: That in order to preserve the public peace, health, safety and welfare of the City of Galion and its inhabitants, and in order to make the appropriation adjustments in the Permanent 2020 appropriations without delay to meet pending obligations, this measure is determined to be an emergency Ordinance and shall take effect at the earliest time allowed by law after its passage.

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CARL W. WATT  
PRESIDENT OF COUNCIL

ATTEST:

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JULIE L. BELL  
CLERK OF COUNCIL

Ordinance No. 2020-44

PRESENTED TO MAYOR ON: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
THOMAS M. O'LEARY, MAYOR (Date)

ADOPTED ON FIRST READING: \_\_\_\_\_  
DATE

ADOPTED ON SECOND READING: \_\_\_\_\_  
DATE

ADOPTED ON THIRD READING: \_\_\_\_\_  
DATE

VOTE ON FINAL READING	<u>YEA</u>	<u>NAY</u>
MR. BALDINGER	_____	_____
MR. BODKINS	_____	_____
MS. ERLSTEN	_____	_____
DR. FELLNER	_____	_____
MR. IVY	_____	_____
MR. RICHART	_____	_____
MR. TRIPLETT	_____	_____