

# **Columbus City Bulletin**



**Bulletin #27**  
**July 3, 2010**

# Proceedings of City Council

Saturday July 3, 2010



## SIGNING OF LEGISLATION

(Legislation was signed by Council President Michael C. Mentel on the night of the Council meeting, Monday, *June 28, 2010*; by Mayor, Michael B. Coleman on *Wednesday, June 30, 2010*; and attested by the City Clerk, prior to Bulletin publishing.)

### **The City Bulletin Official Publication of the City of Columbus**

Published weekly under authority of the City Charter and direction of the City Clerk. The Office of Publication is the City Clerk's Office, 90 W. Broad Street, Columbus, Ohio 43215, 614-645-7380. The City Bulletin contains the official report of the proceedings of Council. The Bulletin also contains all ordinances and resolutions acted upon by council, civil service notices and announcements of examinations, advertisements for bids and requests for professional services, public notices; and details pertaining to official actions of all city departments. If noted within ordinance text, supplemental and support documents are available upon request to the City Clerk's Office.

Council Journal  
(minutes)



# City of Columbus

## Journal - Final

### Columbus City Council

Office of City Clerk  
90 West Broad Street  
Columbus OH  
43215-9015  
columbuscitycouncil.org

***ELECTRONIC READING OF MEETING DOCUMENTS AVAILABLE DURING COUNCIL OFFICE HOURS. CLOSED CAPTIONING IS AVAILABLE IN COUNCIL CHAMBERS. ANY OTHER SPECIAL NEEDS REQUESTS SHOULD BE DIRECTED TO THE CITY CLERK'S OFFICE AT 645-7380 BY FRIDAY PRIOR TO THE COUNCIL MEETING.***

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Monday, June 28, 2010

5:00 PM

Columbus City Council

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Columbus City Council

Journal

June 28, 2010

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**REGULAR MEETING NO. 35 OF COLUMBUS CITY COUNCIL, JUNE 28, 2010 at 5:00 P.M. IN COUNCIL CHAMBERS.**

**ROLL CALL**

Absent: 1 - Paley

Present: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**READING AND DISPOSAL OF THE JOURNAL**

**Dispense with the reading of the Journal and Approve**

**C0019-2010**

THE FOLLOWING COMMUNICATIONS WERE RECEIVED IN THE CITY CLERK'S OFFICE AS OF WEDNESDAY JUNE 23, 2010:

New Type: D3A

To: El Triunfo LLC

DBA Patrons

1200 Noe Bixby Rd

Columbus OH 43213

Permit # 2485801

Transfer Type: D1, D2, D3, D3A, D6

To: Vicelle LLC

1475 N High St & Patio

Columbus OH 43201

From: Luckys Stouthouse Inc

1475 N High St & Patio

Columbus OH 43201

Permit # 9265548

Transfer Type: D2, D2X, D3, D3A, D6

To: Motion Productions Inc

1st FI Front

2590-96 N High St

Columbus OH 43202

From: DSX2 Inc

DBA Oldfields On High

1st FI Front

2590-96 N High St  
Columbus OH 43202  
Permit # 6195150

Transfer Type: C1, C2  
To: Donald E Brown  
DBA Frebis Mini Mart  
1547 Frebis Ave  
Columbus OH 43206  
From: Ricky Brown  
DBA Frebis Mini Mart  
1549 Frebis Ave  
Columbus OH 43206  
Permit # 1000626

Transfer Type: D5, D6  
To: King Lincoln Gateway LLC  
730 E Long St  
Columbus OH 43203  
From: T & L Cuisine LLC  
Susan L RhieL Bktrcy  
520 S Front St Bsmt Sub Bsmt  
Columbus OH 43215  
Permit # 4652359

Transfer Type: D1, D2, D3  
To: El Triunfo LLC  
DBA Patrons  
1200 Noe Bixby Rd  
Columbus OH 43213  
From: Scqip Inc  
1200 Noe Bixby Rd  
Columbus OH 43213  
Permit # 2485801

Transfer Type: D5, D6  
To: One Hundred Lounge LLC  
DBA One Hundred Lounge  
Eastland Square & Patio  
4244 Eastland Square  
Columbus OH 43232  
From: Joy Jan Corp  
DBA Just Arthurs Lounge  
Eastland Square & Patio  
4244 Eastland Square  
Columbus OH 43232  
Permit # 6553028

Stock Type: D5, D6  
To: Ajeet Inc  
7676 Sawmill Rd  
Columbus OH 43016

Permit # 0083980

Transfer Type: D5  
To: Greene Appell LLC  
1333 Worthington Center Dr  
Columbus OH 43085  
From: Angelo K Bendoff II  
DBA Western Café  
2836 W Broad St  
Columbus OH 43204  
Permit # 3357234

Transfer Type: D5, D6  
To: Restaurant Consultants 2619 LLC  
1st Fl Bsmt Mezzanine & Patio  
2619 N High St  
Columbus OH 43202  
From: MJ Club 23 LLC  
DBA Sloopys  
1st Fl Bsmt Mezzanine & Patio  
2619 N High St  
Columbus OH 43202  
Permit # 7311154

New Type: D4  
To: Columbus Whist Players Society  
2235 James Rd  
Columbus OH 43232  
Permit # 1654150

New Type: D1  
To: El Mercado LLC  
DBA El Mercado  
5443-45 Bethel Sawmill Center  
Columbus OH 43235  
Permit # 24939220001

Advertise: 07/03/2010

Return: 07/13/2010

**Read and Filed**

## **RESOLUTIONS OF EXPRESSION**

### **GINTHER**

**0096X-2010**

To recognize and congratulate St. Stephen's Community House on achieving Accreditation from the Council on Accreditation

Sponsors: Andrew Ginther

**A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Taken from the Table. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Adopted. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

## TAVARES

### 0100X-2010

To honor and congratulate Dennis S. Guest on his retirement from the Columbus Metropolitan Housing Authority after 24 years of dedicated service.

**Sponsors:** Charleta B. Tavares, Andrew Ginther, Hearcel Craig, Priscilla Tyson and A. Troy Miller

**A motion was made by Ms. Tavares, seconded by Craig, that this matter be Adopted. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

### 0101X-2010

To recognize the Somali Cultural Fair held July 1-3, 2010 in Columbus, Ohio.

**Sponsors:** Charleta B. Tavares, Andrew Ginther, Hearcel Craig and A. Troy Miller

**A motion was made by Ms. Tavares, seconded by Tyson, that this matter be Adopted. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

## TYSON

### 0099X-2010

To Recognize July 2010 as National Recreation and Parks Month in the City of Columbus , and to celebrate the 100-Year Anniversary of the Columbus Recreation and Parks Department.

**Sponsors:** Priscilla Tyson, Hearcel Craig, Andrew Ginther, A. Troy Miller, Charleta B. Tavares and Michael C. Mentel

**A motion was made by Tyson, seconded by Ms. Tavares, that this matter be Adopted. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

## ADDITIONS OR CORRECTIONS TO THE AGENDA

### FIRST READING OF 30-DAY LEGISLATION

A MOTION WAS MADE BY COUNCILMEMBER TAVARES, SECONDED BY COUNCILMEMBER TYSON TO WAIVE THE READING OF THE TITLES OF FIRST READING LEGISLATION. THE MOTION CARRIED THE FOLLOWING VOTE:  
AFFIRMATIVE: 6 NEGATIVE: 0

**PUBLIC SERVICE & TRANSPORTATION: CRAIG, CHR. PALEY TAVARES  
MENTEL**

- 0844-2010** FR To authorize the Director of Public Service to enter into an agreement with the Director of the Ohio Department of Transportation and to grant consent and propose cooperation with the State of Ohio for the installation of a queue cutter signal for the CSX grade crossing at SR-161 in Linworth. (\$0)  
**Read for the First Time**

**UTILITIES: PALEY, CHR. CRAIG GINTHER MENTEL**

- 0816-2010** FR To authorize the Director of Public Utilities to enter into a planned modification of a contract with FeeCorp Corporation for Catch Basin and Manhole Cleaning Services for the Division of Sewerage and Drainage and to authorize the expenditure of \$100,000.00 from the Sewerage System Operating Fund. (\$100,000.00)  
**Read for the First Time**
- 0868-2010** FR To authorize the Director of Public Utilities to enter into a planned modification of the PayPoint Gateway with First Data Government Solutions, LP to provide an IVR, Interactive Voice Response and web portal for the Division of Power and Water, and to authorize the expenditure of \$120,000.00 from Water Systems Operating Fund. (\$120,000.00)  
**Read for the First Time**

**CONSENT ACTIONS****RESOLUTIONS OF EXPRESSION****TAVARES**

- 0097X-2010** CA To honor, recognize and celebrate the life of Gilbert Price and extend our sincere condolences to his family and friends on the occasion of his passing, June 16, 2010.  
**Sponsors:** Charleta B. Tavares, Hearcel Craig, Andrew Ginther, Michael C. Mentel, A. Troy Miller, Eileen Y. Paley and Priscilla Tyson  
**This Matter was Adopted on the Consent Agenda.**

**FINANCE & ECONOMIC DEVELOPMENT: GINTHER, CHR. MILLER, TYSON  
MENTEL**

- 0838-2010** CA To amend the 2010 Capital Improvements Budget; to authorize the City Auditor to transfer \$280,000.00 between projects in the Construction Management Capital Improvement Fund; to authorize the Finance and Management Director to modify a professional services contract on behalf of the Office of Construction Management with Advanced Engineering Consultants for architectural and engineering services for HVAC systems located at City Hall, 90 West Broad Street; and to authorize the expenditure of \$280,000.00 from the Construction Management Capital Improvement Fund. (\$280,000.00)  
**This Matter was Approved on the Consent Agenda.**
- 0894-2010** CA To authorize the Director of Finance and Management to execute those documents necessary to amend the Operating Agreement between the City of Columbus and the Center for Child Advocacy at Nationwide Children's Hospital by authorizing a change in the due date of the Shared Cost



payment.

**A motion was made by Craig, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Abstained: 1 - Miller

Affirmative: 5 - Ginther, Ms. Tavares, Craig, Tyson and President Mentel

- 0912-2010** CA To authorize the Director of Finance and Management to expend funds for the contract Arthur J. Gallagher Risk Management Services, Inc. for the first of four (4) automatic one (1) year renewals, to bind the City's insurance for the term commencing August 1, 2010 and terminating July 31, 2011, and to authorize the expenditure of up to \$431,880 for the City's 2010-2011 insurance program from the Employee Benefits Fund and the Law Enforcement Seizure Fund (\$431,880).

**This Matter was Approved on the Consent Agenda.**

#### **SAFETY: GINTHER, CHR. PALEY CRAIG MENTEL**

- 0775-2010** CA To authorize the Director of the Department of Finance and Management to execute those documents necessary to enter into a lease agreement with The Ohio State University for a property located at 1475 Granville Street, and to declare an emergency.

**This Matter was Approved on the Consent Agenda.**

- 0787-2010** CA To authorize and direct the Director of Public Safety to modify and extend a contract for the Support Services Division with Aviat Networks for a Maintenance Level Agreement (MLA) for the Microwave Network Equipment which supports the Police and Fire 800 MHz Radio Systems infrastructure in accordance with the sole source procurement provisions of the Columbus City Codes; and to authorize the expenditure of \$11,855.00 from the General Fund. (\$11,855.00)

**This Matter was Approved on the Consent Agenda.**

#### **ADMINISTRATION: MILLER, CHR. PALEY TAVARES MENTEL**

- 0632-2010** CA To authorize the Director of the Department of Finance and Management, on behalf of the Department of Technology, to establish a purchase order with Software House International Inc. (SHI) for Business Objects (Crystal Reports) annual licenses and maintenance support utilizing a State Term Contract; to authorize the expenditure of \$28,252.00 from the Department of Technology's Information Services Fund; and to declare an emergency. (\$28,252.00)

**This Matter was Approved on the Consent Agenda.**

#### **UTILITIES: PALEY, CHR. CRAIG GINTHER MENTEL**

- 0509-2010** CA To authorize the Director of Public Utilities to enter into a sole-source contract with the Operator Training Committee of Ohio (OTCO), for utility operations and maintenance training, in accordance with the sole source provisions of the Columbus City Code, for the Department of Public Utilities, and to authorize the expenditure of \$2,440.00 from the Electricity Operating Fund, \$17,400.00 from the Sewerage System Operating Fund, \$4,640.00 from the Storm Sewer Operating Fund and \$15,520.00 from the Water Systems Operating Fund. (\$40,000.00)

**This Matter was Approved on the Consent Agenda.**

- 0772-2010 CA To authorize the Director of Public Utilities to enter into a service agreement with Simplex Grinnell for Security System Maintenance, Monitoring and Inspection for the Division of Sewerage and Drainage in accordance with the provisions of Sole Source procurement of the Columbus City Code, and to authorize the expenditure of \$22,031.40 from the Sewerage System Operating Fund; and to declare an emergency. (\$22,031.40)

**This Matter was Approved on the Consent Agenda.**

- 0809-2010 CA To authorize the Director of Public Utilities to enter into an agreement for professional engineering services with Pomeroy & Associates, Ltd.; for the Division of Sewerage and Drainage; to authorize the transfer of \$27,951.30 within the Storm B.A.B.s (Build America Bonds) Fund; to amend the 2010 Capital Improvements Budget and to authorize the expenditure of \$287,951.30 within the Storm B.A.B.s (Build America Bonds) Fund. (\$287,951.30).

**This Matter was Approved on the Consent Agenda.**

- 0833-2010 CA To authorize the Finance and Management Director to establish Blanket Purchase Orders, based on existing Universal Term Contracts with Kaman Industrial Technologies and Siemens Water Technologies, for parts needed to refurbish settling basins and flocculation channels at the Hap Cremean Water Treatment Plant, for the Division of Power and Water, and to authorize the expenditure of \$190,000.00 from the Water Build America Bonds Fund. (\$190,000.00)

**This Matter was Approved on the Consent Agenda.**

- 0864-2010 CA To authorize the Director of Public Utilities to enter into an agreement with Resource International, Inc. for professional engineering services for the Sylvan Avenue Area Water Line Improvements Project; and to authorize the expenditure of \$177,000.00 from the Water Build America Bonds Fund; for the Division of Power and Water. (\$177,000.00)

**This Matter was Approved on the Consent Agenda.**

- 0873-2010 CA To authorize the Director of the Department of Public Utilities to execute those instruments necessary to release certain portions of an existing sanitary sewer line easement, located in the vicinity of Eakin Road and Harrisburg Pike, at the request of the grantor/developer Southwest Square II, an Ohio limited liability company, who proposes to relocate the sewer line and grant the City a replacement easement to provide for the relocated service line.

**This Matter was Approved on the Consent Agenda.**

- 0893-2010 CA To authorize the Director of Public Utilities to execute a construction contract with Conie Construction Co. for the Hap Cremean Water Plant Sludge Disposal Line Replacement - Part II Project; for the Division of Power and Water; to authorize a transfer and expenditure of \$430,876.02 within the Water Build America Bonds Fund; to amend the 2010 Capital Improvements Budget; and to declare an emergency. (\$430,876.02)

**This Matter was Approved on the Consent Agenda.**

- 0939-2010 CA To authorize the Director of Public Utilities to enter into an agreement with

Black & Veatch Corporation for a Peer Review of the contract documents on the Upground Reservoir Project; to authorize an expenditure of \$49,392.31 within the Water Build America Bonds Fund; for the Division of Power and Water; and to declare an emergency. (\$49,392.31)

**This Matter was Approved on the Consent Agenda.**

**DEVELOPMENT: TYSON, CHR. GINTHER MILLER MENTEL**

**0927-2010** CA To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN10-001) of .570+ acres in Truro Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.

**This Matter was Approved on the Consent Agenda.**

**Passed The Consent Agenda**

**A motion was made by Craig, seconded by Ms. Tavares, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**EMERGENCY, TABLED AND 2ND READING OF 30-DAY LEGISLATION**

**FINANCE & ECONOMIC DEVELOPMENT: GINTHER, CHR. MILLER TYSON MENTEL**

**0082X-2010** To adopt the 2011 Tax Budget and to authorize and direct the City Auditor to submit said budget to the County and to declare an emergency.

*A PUBLIC HEARING WAS HELD ON THIS MATTER DURING REGULAR MEETING AS REQUIRED BY LAW*

**A motion was made by Ginther, seconded by Craig, that this matter be Taken from the Table. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Adopted. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0834-2010** To amend the 2010 Capital Improvement Budget; to authorize the transfer of cash between projects; to authorize the Director of Public Service to enter into a Guaranteed Maximum Reimbursement Agreement with Gay Street Condominiums, LLC pursuant to Section 186 of the Columbus City Charter for up to \$223,881.94 to construct right-of-way improvements around the Gay Street Condo Neighborhood Section 2 and to provide for construction inspection up to \$55,970.49; to authorize the expenditure of up to \$106,220.00 from the Streets and Highways G.O. Bond Fund; to authorize the expenditure of up to \$173,632.43 from the Northland and Other Acquisitions Fund; to waive the provisions of Chapter 329 of Columbus City

Code; and to declare an emergency. (\$279,852.43)

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0847-2010**

To authorize the Director of the Department of Finance and Management to execute, on behalf of the Columbus Health Department, those documents necessary to terminate the lease with JCLK Enterprises, Inc., dba Black Creek Bistro, and to enter into a lease agreement by and between the City of Columbus and Marketing Inc., dba Skyward Grille & Catering for approximately 2,504 square feet of space at Columbus Public Health, 240 Parsons Avenue for the retail sale of food and beverage, as well as utilizing an exterior food cart on the parking lot deck; and to declare an emergency.

**A motion was made by Ginther, seconded by Craig, that this matter be Taken from the Table. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved as Amended. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0906-2010**

To authorize the Director of Development to enter into a Jobs Growth Incentive Agreement with Huntington National Bank equal to thirty-five percent (35%) of the amount of new income tax withheld on employees for a term of seven (7) years in consideration of the company's proposed investment of \$7 million and the creation of 500 new permanent full-time jobs.

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0918-2010**

To authorize and direct the Director of the Department of Development to enter into an agreement with the Ohio Department of Development to receive and administer a Clean Ohio Revitalization Fund grant of up to \$3 million for the environmental clean up and redevelopment of the Kimball-Midwest site; to authorize the appropriation of \$3 million from the General Government Grant Fund; to authorize the Director of the Columbus Department of Development to enter into an agreement with The

Wagenbrenner Development Company to apply said grant funding for environmental clean up and redevelopment of the Kimball Midwest site; to authorize the expenditure of \$3 million from the General Government Grant Fund; and to declare an emergency. (\$3,000,000)

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0926-2010

To approve the First Amendment to Petition for Organization of a New Community Authority for One Neighborhood New Community Authority and make related findings; and to declare an emergency.

*A PUBLIC HEARING WAS HELD ON THIS MATTER DURING REGULAR MEETING AS REQUIRED BY LAW*

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0944-2010

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$23,945,000 for safety and health projects (\$23,945,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0945-2010

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$24,295,000 for recreation and park improvements (\$24,295,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Tyson, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0946-2010

To authorize the issuance of unlimited tax bonds in the amount of not to

exceed \$4,515,000 for transportation improvements (\$4,515,000). Section 55(B) of the City Charter

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**Approved**

**0947-2010**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$50,035,000 for transportation improvements (\$50,035,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0948-2010**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$6,695,000 for storm sewer improvements (\$6,695,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0949-2010**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$55,080,000 for sanitary sewer improvements (\$55,080,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- 0950-2010**
- To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$6,035,000 for refuse collection projects (\$6,035,000). Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- 0951-2010**
- To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$179,930,000 for water system projects (\$179,930,000). Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Tyson, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- A motion was made by Ginther, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- 0952-2010**
- To authorize the issuance of limited tax bonds in the amount of not to exceed \$605,000 for Municipal Court Clerk projects (\$605,000) Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- 0953-2010**
- To authorize the issuance of limited tax bonds in the amount of not to exceed \$13,805,000 for construction management projects (\$13,805,000) Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0954-2010**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,620,000 for fleet management projects (\$1,620,000) Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0955-2010**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$2,015,000 for information services projects (\$2,015,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0956-2010**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,010,000 for certain Green Columbus Fund projects (\$1,010,000). Section 55(B) of the City Charter

**A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**



- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- 0957-2010**
- To authorize the issuance of limited tax bonds in the amount of not to exceed \$2,020,000 to acquire the approximately 52-acre site known as Woodlands Meadows (\$2,020,000). Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- 0958-2010**
- To authorize the issuance of limited tax bonds in the amount of not to exceed \$255,000 to make various public infrastructure improvements that may be appropriate in connection with efforts to attract and retain certain businesses in Columbus (\$255,000). Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- 0959-2010**
- To authorize the issuance of limited tax bonds in the amount of not to exceed \$710,000 for housing projects (\$710,000). Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**
- Absent: 1 - Paley  
Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller
- 0960-2010**
- To authorize the issuance of limited tax bonds in the amount of not to

exceed \$305,000 for emergency roof repair grants (\$305,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0961-2010

To authorize the issuance of limited tax bonds in the amount of not to exceed \$255,000 for emergency shelter repair grants (\$255,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0962-2010

To authorize the issuance of limited tax bonds in the amount of not to exceed \$910,000 to construct a fleet fuel site for dispensing compressed natural gas (\$910,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0963-2010

To authorize the issuance of limited tax bonds in the amount of not to exceed \$4,855,000 to acquire a fiber optic conduit system (\$4,855,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0964-2010

To authorize the issuance of limited tax bonds in the amount of not to exceed \$455,000 to demolish and address environmental hazards with respect to a hotel (\$455,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0965-2010

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$271,595,000 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City (\$271,595,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

0966-2010

To authorize the issuance of limited tax bonds in an amount not to exceed \$120,285,000 for the purpose of providing funds to refund, either currently or in advance, certain outstanding general obligation bonds of the City (\$120,285,000). Section 55(B) of the City Charter.

**A motion was made by Ginther, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**SAFETY: GINTHER, CHR. PALEY CRAIG MENTEL**

**0845-2010**

To authorize and direct the Finance and Management Director to enter into contract with Sutphen Corporation for the purchase of three (3) 100' aerial platform ladders; to authorize and direct the City Auditor to appropriate and transfer \$988,475.20 from the Special Income Tax Fund to the Safety Voted Bond Fund; to appropriate \$988,475.20 within the Safety Voted Bond Fund; to amend the 2010 CIB and transfer funds between projects; to authorize the expenditure of \$2,988,475.20 from the Build America Bonds Fund and the Voted Safety Bond Funds; to waive the competitive bidding provisions of the Columbus City Codes; and to declare an emergency. (\$2,988,475.20)

**A motion was made by Ginther, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0860-2010**

To authorize and direct the Director of Finance and Management to issue a purchase order for EMS vehicles for the Division of Fire from an existing Universal Term Contract with Horton Emergency Vehicles, to authorize and direct the City Auditor to appropriate and transfer \$2,009,732.40 from the Special Income Tax Fund to the Public Safety Voted Bond Fund; to authorize the City Auditor to appropriate \$2,009,732.40 within the Safety Voted Bond Fund; to authorize the expenditure of \$2,009,732.40 from the Safety Bond Fund; and to declare an emergency. (\$2,009,732.40)

**A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

*RECESSED: 6:45 P.M.*

**A motion was made by Craig, seconded by Ms. Tavares, to Motion to Recess the Regular Meeting. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

*RECONVENED: 7:08 P.M.*

**A motion was made by Craig, seconded by Tyson, to Motion to Reconvene the Regular Meeting. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**PUBLIC SERVICE & TRANSPORTATION: CRAIG, CHR. PALEY TAVARES  
MENTEL****0848-2010**

To authorize the Director of Public Service to establish a purchase order with the Solid Waste Authority of Central Ohio for landfill use by the Division of Planning and Operations; to authorize the expenditure of \$150,000.00 or so much thereof as may be needed from the Street Construction, Maintenance and Repair Fund; to waive the formal competitive bidding requirements of the Columbus City Code; and to declare an emergency. (\$150,000.00)

*TABLED UNTIL 07/12/10*

**A motion was made by Craig, seconded by Ginther, that this matter be Tabled to Certain Date. The motion carried by the following vote:**

Absent: 1 - Paley

Abstained: 1 - President Mentel

Affirmative: 5 - Ginther, Ms. Tavares, Craig, Tyson and Miller

**0898-2010**

To authorize the Director of Public Service to enter into an agreement with the Director of the Ohio Department of Transportation and to grant consent and propose cooperation with the State of Ohio for a crack sealing project on the four lane section of SR-161 from Ulry Road to the Licking County line. (\$0)

**A motion was made by Craig, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0902-2010**

To authorize the Director of Public Service to enter into an agreement with the Director of the Ohio Department of Transportation and to grant consent and propose cooperation with the State of Ohio for a major rehabilitation project on I-270 from 0.36 miles west of Hamilton Road to 0.92 miles south of Broad Street. (\$0)

**A motion was made by Craig, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0928-2010**

To Authorize the Director of Public Service to enter into a contract with the Jack Conie and Sons Corporation (dba Conie Construction Company) for the construction of the City Bridge Rehabilitation - Sylvan Culvert project, in connection with the Mayor's Emergency declared June 14, 2010; to authorize the City Auditor to transfer \$406,519.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the appropriation and expenditure of \$406,519.00 from the Streets and Highways GO Bonds Fund; and to declare an emergency. (\$406,519.00)

**A motion was made by Craig, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0932-2010** To authorize the Director of Public Service to enter into a contract with Columbus Asphalt Paving, Inc, for construction of the Roadway Improvements - Universal Road /Fairwood Avenue to Progress Avenue Improvement project for the Division of Design and Construction; to appropriate and authorize the City Auditor to transfer \$965,901.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the appropriation and expenditure of \$965,901.00 from the Streets and Highways GO Bonds Fund; and to declare an emergency. (\$965,901.00)

**A motion was made by Craig, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**ADMINISTRATION: MILLER, CHR. PALEY TAVARES MENTEL**

**0712-2010** To authorize the Director of the Department of Technology, on behalf of the Department of Public Utilities, to enter into agreement with Oracle America, Inc. to provide computer programming software maintenance and technical support services for the Primavera P6 Level 4 Concurrent User Perpetual Data Migration; in accordance with sole source procurement provisions of the Columbus City Codes; to authorize the expenditure of \$818.21 from the Department of Technology Internal Service Fund. (\$818.21)

**A motion was made by Miller, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0789-2010** To authorize the Director of the Department of Finance and Management, on behalf of the Department of Technology, to establish a purchase order with Bowe Bell & Howell for the purchase of JETVision Platinum package equipment and related services to upgrade the Enduro Mail Inserter, located at the Jerry Hammond Center; in accordance with sole source procurement provisions of the Columbus City Codes; to authorize the expenditure of \$67,426.00 from the Department of Technology, Information Services Operating and Capital Improvement Fund (Build America Bonds/B.A.B.s);and to declare an emergency. (\$67,426.00)

**A motion was made by Miller, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0881-2010** To authorize the Director of the Department of Technology and the Director of the Department of Building and Zoning Services to enter into an annual contract for license upgrade, access, maintenance and support with the National Fire Protection Association (NFPA) electronic fire codes; and this agreement is being established in accordance with the sole source provisions of the Columbus City Code; and to authorize the expenditure of \$27,500.00 from the Department of Technology Information Services Fund; and to declare an emergency. (\$27,500.00)

**A motion was made by Miller, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**HOUSING: TAVARES, CHR. TYSON MILLER MENTEL**

**0913-2010** To authorize the City Auditor to cancel \$930,528.00 from an Auditor's Certificate; to authorize and direct the transfer of \$2,980,528.00 within the General Government Grant Fund, NSP1 Grant, to provide funding for obligations and expenditures related to the NSP1 Grant; and to declare an emergency. (\$2,980,528.00)

**A motion was made by Ms. Tavares, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**0935-2010** To create the Livingston and James Community Reinvestment Area and to authorize real property tax exemptions as established in Section 3735.65 to 3735.70 of the Ohio Revised Code; and to declare an emergency.

**A motion was made by Ms. Tavares, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**DEVELOPMENT: TYSON, CHR. GINTHER MILLER MENTEL**

**0942-2010** To authorize the Director of Development to execute the First Amendment to the Memorandum of Understanding with MI Homes of Central Ohio, LLC, Dominion Homes, Inc., and Homewood Corporation to affirm and update financing commitments for infrastructure improvements based upon the Pay As We Grow Plan in the Northeast Corridor, and to add Village Communities Corporation and Murphy Development Company as parties; and to declare an emergency.

**A motion was made by Tyson, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**RECREATION & PARKS: TYSON, CHR. TAVARES PALEY MENTEL**

**0792-2010** To authorize the Director of Recreation and Parks to accept a grant from the Ohio Cultural Facilities Commission in the amount of \$1,000,000.00 for historic and cultural improvements to Livingston Park; to authorize an appropriation of \$1,000,000.00 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department; and to declare an emergency.

**A motion was made by Tyson, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

## **ADJOURNMENT**

*ADJOURNED: 7:38 P.M.*

**A motion was made by Craig, seconded by Tyson, to adjourn this Regular Meeting. The motion carried by the following vote:**

Absent: 1 - Paley

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel and Miller

**(THERE WILL BE NO CITY COUNCIL MEETING ON MONDAY, JULY 5, 2010.**

**THE NEXT SCHEDULED MEETING IS MONDAY, JULY 12, 2010)**





# City of Columbus

## Journal - Final

### Zoning Committee

Office of City Clerk  
90 West Broad Street  
Columbus OH  
43215-9015  
columbuscitycouncil.org

*A. Troy Miller, Chair*  
*All Members*

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Monday, June 28, 2010

6:30 PM

Zoning Committee

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Zoning Committee

Journal

June 28, 2010

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**REGULAR MEETING NO. 36 OF CITY COUNCIL (ZONING), JUNE 28, 2010 AT 6:30 P.M. IN COUNCIL CHAMBERS.**

**ROLL CALL**

Absent: Paley

Present: Mentel: Tavares: Ginther: Tyson: Craig and Chair Miller

**READING AND DISPOSAL OF THE JOURNAL**

**A motion was made by Craig, seconded by Tavares, to Dispense with the reading of the Journal and Approve. The motion carried by the following vote:**

Absent: Paley

Affirmative: Miller, Craig, Tyson, Ginther, Tavares and Mentel

**EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION**

**ZONING: MILLER, CHR. CRAIG GINTHER PALEY TAVARES TYSON MENTEL**

**0836-2010**

To rezone 4747 SAWMILL ROAD (43232), being 9.85± acres located at the west side of Sawmill Road, 206± feet south of Hayden Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z10-003)

*TABLED UNTIL 07/12/10*

**A motion was made by Miller, seconded by Craig, that this matter be Tabled to Certain Date. The motion carried by the following vote:**

Absent: Paley

Affirmative: Miller, Craig, Tyson, Ginther, Tavares and Mentel

**0799-2010**

To rezone 2353 INNIS ROAD (43224), being 3.4± acres located on the south side of Innis Road, 237± feet east of Westerville Road. From: R, Rural and R-1, Residential Districts, To: C-2, Commercial District. (Rezoning # Z10-006) ...and to declare an emergency.

**A motion was made by Miller, seconded by Craig, that this matter be Amended to Emergency. The motion carried by the following vote:**

Absent: Paley

Affirmative: Miller, Craig, Tyson, Ginther, Tavares and Mentel

**A motion was made by Miller, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**

Absent: Paley

Affirmative: Miller, Craig, Tyson, Ginther, Tavares and Mentel

0886-2010

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3312.49, Minimum number of parking spaces required; 3332.14, R-2F Area District Requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; 3332.29, Height district; and 3332.30, Vision clearance, of the Columbus City Codes, for the property located at 1072 EAST LONG STREET (43203), to permit a five-unit apartment building and a two-unit dwelling with reduced development standards on one lot in the R-2F, Residential District (Council Variance # CV10-009).

**A motion was made by Miller, seconded by Tyson, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:**

Absent: Paley

Affirmative: Miller, Craig, Tyson, Ginther, Tavares and Mentel

*TABLED UNTIL 07/12/10*

**A motion was made by Miller, seconded by Tyson, that this matter be Tabled to Certain Date. The motion carried by the following vote:**

Absent: Paley

Affirmative: Miller, Craig, Tyson, Ginther, Tavares and Mentel

0786-2010

To grant a Variance from the provisions of Sections 3385.07, Activities, developments and uses in the floodway and 3312.43, Required surface for parking of the Columbus City Codes for the property located at 2233 HARDY PARKWAY STREET (43123), to permit storage of mobile equipment in the floodway on an existing gravel parking lot. (Council Variance #CV09-009).

**A motion was made by Miller, seconded by Tyson, that this matter be Tabled Indefinitely. The motion carried by the following vote:**

Absent: Paley

Affirmative: Miller, Craig, Tyson, Ginther, Tavares and Mentel

0825-2010

To grant a Variance from the provisions of Sections 3332.02, R, Rural District; 3332.029, SR, Suburban Residential District; 3332.06, R-rural area district requirements; and 3332.27, Rear yard, of the Columbus City Codes, for the property located at 34 FENWAY ROAD (43214), to allow a parking lot and accessory storage building with reductions to the minimum lot size and rear yard requirements in the R, Rural, and SR, Suburban Residential Districts (Council Variance #CV09-035).

**A motion was made by Miller, seconded by Tyson, that this matter be Tabled Indefinitely. The motion carried by the following vote:**

Absent: Paley

Affirmative: Miller, Craig, Tyson, Ginther, Tavares and Mentel

*ADJOURNED: 7:08 P.M.*

**A motion was made by Craig, seconded by Tyson, to adjourn this Regular Meeting. The motion carried by the following vote:**

Absent: Paley

Affirmative: Miller, Craig, Tyson, Ginther, Tavares and Mentel

# Ordinances and Resolutions

**City of Columbus  
City Bulletin Report**

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

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**Legislation Number:** 0082X-2010

**Drafting Date:** 05/21/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Resolution

**Explanation** Passage of this resolution and the filing of this tax budget with the Franklin, Fairfield, and Delaware County Budget Commissions will entitle the City of Columbus to participate in "local government funds" which are monies collected by the State of Ohio and shared with its various political subdivisions via the counties.

This tax budget will also establish the property tax rates for the City of Columbus for calendar year 2011.

EMERGENCY ACTION is requested as the Tax Budget must be approved by Council and submitted to the County Budget Commissions prior to July 20, 2010.

**Title** To adopt the 2011 Tax Budget and to authorize and direct the City Auditor to submit said budget to the County **and to declare an emergency.**

**Body** Whereas, under Section 5705.28 R.C. of Ohio, the City of Columbus is required to adopt a tax budget on or before July 15, 2010 and

Whereas, under Section 5705.30 R.C. of Ohio, the tax budget so adopted must be submitted to the Auditors of Franklin County, Fairfield County and Delaware County, Ohio on or before July 20, 2010 and

Whereas, an emergency exists in the usual daily operation for the City of Columbus in that it is necessary to provide for the filing of this tax budget in order to preserve the public peace, property, health, safety and welfare of the City and its inhabitants; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS, FRANKLIN, FAIRFIELD, AND DELAWARE COUNTIES, STATE OF OHIO:**

Section 1. That the annual tax budget on file in the City Clerk's Office with this resolution and marked "Exhibit A", is the annual tax budget for the City of Columbus setting forth in itemized form, the estimated amount of money for the year 2011 and the same is hereby adopted.

Section 2. That the City Auditor be and he is hereby authorized to certify a copy of this tax budget to the Auditors of Franklin County, Fairfield County and Delaware County, Ohio.

Section 3. That for the reasons stated in the preamble hereto which is made a part hereof this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor, or ten days after adoption if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0096X-2010

**Drafting Date:** 06/18/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Resolution

Title

To recognize and congratulate St. Stephen's Community House on achieving Accreditation from the Council on Accreditation

Body

**WHEREAS**, for over 90 years, St. Stephen's Community House has provided quality community services to families in the Columbus community; and

**WHEREAS**, St. Stephen's Community House offers vital assistance to individuals and families such as Emergency Services, Child Care, Senior Services and Youth & Family Services; and

**WHEREAS**, the Emergency Services program provides individuals and families with basic material needs such as emergency food, material assistance and situational counseling. In 2008, over 4,000 individuals/families received emergency assistance; and

**WHEREAS**, the St. Stephen's Christ Child-Child Center provides a safe and nurturing environment for children ages 6 weeks to 5 years while engaging children in a quality early care and education programs that fosters their creativity, self-esteem and development. Over 125 children received quality care in 2008; and

**WHEREAS**, through the Elderly Care Program, seniors can maintain self-sufficiency through support services, advocacy and transportation assistance. In 2008, 273 seniors were served through the program; and

**WHEREAS**, Youth & Family Services programs provide help to at-risk youth to better deal with the challenges of growing up and through after school and summer programs, developmental groups and tutoring. In 2008, 363 youth attended the after school and summer programs; and

**WHEREAS**, the Council on Accreditation (COA) identifies providers that have high performance standards and a commitment to delivering the highest quality services possible; and

**WHEREAS**, the COA accreditation process involves a detailed review and analysis of an organization's administrative operations and service delivery practices and measures them against national standards; and

**WHEREAS**, through achieving accreditation, St. Stephen's Community House is now recognized as an outstanding provider and part of the Council on Accreditation's Community of Excellence; now therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBUS:**

That this Council does hereby recognize and congratulate St. Stephen's Community House on achieving accreditation and thank the organization for its continued service and commitment to the Columbus community.

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**Legislation Number:** 0097X-2010

**Drafting Date:** 06/21/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Resolution

Title

To honor, recognize and celebrate the life of Gilbert Price and extend our sincere condolences to his family and friends on the occasion of his passing, June 16, 2010.

Body

**WHEREAS**, Gilbert Price, age 57, passed away suddenly on Wednesday, June 16, 2010; and

**WHEREAS**, Gilbert Price was a public policy analyst, program administrator, journalist, pastor and community activist, and friend; and

**WHEREAS**, Gilbert Price was a pillar in Columbus and the surrounding areas for many years through his work as a managing editor, writer and columnist for *The Call and Post* newspaper; and

**WHEREAS**, most recently, Gilbert Price served with integrity as the Chief of Staff for the Ohio Senate Democratic Caucus; and

**WHEREAS**, Gilbert Price was the esteemed pastor of the Mount Zion Apostolic Holiness Church; and

**WHEREAS**, a consummate professional, Gilbert Price served his community. He left an indelible impression on the many people whose lives he touched, and he will be remembered for his many talents, devotion, institutional knowledge, leadership, kindness and integrity. He will be sorely missed; now, therefore

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

That this Council does hereby honor, recognize and celebrate the life of Gilbert Price and extend our sincerest condolences to his family and friends on the occasion of his passing.

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**Legislation Number:** 0099X-2010

**Drafting Date:** 06/23/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Resolution

**Title**

To Recognize July 2010 as National Recreation and Parks Month in the City of Columbus , and to celebrate the 100-Year Anniversary of the Columbus Recreation and Parks Department.

**Body**

**WHEREAS**, the Columbus Recreation and Parks Department and other recreation and parks systems across the nation enhance the quality of life for millions of residents through recreation programming, leisure activities, and conservations efforts; and

**WHEREAS**, parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow, and develop into successful adults; create lifelines and quality life experiences for seniors; and attract business and jobs to communities; and

**WHEREAS**, the City of Columbus joins recreation and parks programs nationwide in recognizing the vital contributions of employees and volunteers in parks and recreation facilities; and

**WHEREAS**, these dedicated supporters keep our public parks clean and safe for visitors; provide educational programming on health, nutrition, first aid, and gardening; and raise funds for local improvements; and

**WHEREAS**, Columbus Recreation and Parks has enriched the lives of our residents for 100 years by providing diverse, accessible, and fun recreational opportunities, programs, and facilities; and

**WHEREAS**, the National Recreation and Park Association has declared July National Recreation and Parks month; now, therefore

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

That we do hereby recognize July as National Recreation and Parks Month and encourage members of our community to celebrate the 100-year anniversary of the Columbus Recreation and Parks Department by enjoying its many recreational and cultural offerings.

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**Legislation Number:** 0100X-2010

**Drafting Date:** 06/24/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Resolution

**Title**

To honor and congratulate Dennis S. Guest on his retirement from the Columbus Metropolitan Housing Authority after 24 years of dedicated service.

**Body**

**WHEREAS**, Dennis S. Guest began his career as the Executive Director of the Columbus Metropolitan Housing Authority (CMHA) on June 9, 1986, managing a staff of 250 employees; and

**WHEREAS**, CMHA provides Housing Choice Vouchers (Section 8) for approximately 12,500 families in Franklin County which result in the distribution of over \$77,000,000 to local rental property owners; and

**WHEREAS**, CMHA has an annual operating budget of \$20,000,000 and owns and/or manages 3,147 public and private apartments. Additionally, CMHA serves as Contract Administrator for 58,000 Section 8 project based housing units throughout the State of Ohio and 6,100 Section 8 project based units in Washington, DC.; and

**WHEREAS**, through partnerships with the City of Columbus, Franklin County, Community Shelter Board, United Way, ADAMH Board and other experienced non-profit housing organizations, CMHA endeavors to provide the best housing and supportive services to its 34,000 residents.

**WHEREAS**, Mr. Guest previously served as the Director of Housing Management at the San Francisco Housing Authority and the Executive Assistant at the Oakland Housing Authority. He was the Assistant Public Housing Manager in Detroit, Michigan and a VISTA Volunteer at the Seattle Housing Authority; and

**WHEREAS**, Mr. Guest serves as a board member on the Funders Collaborative of the Community Shelter Board, the Joint Columbus and Franklin County Housing Advisory Board, the Housing Vision Council of the United Way, the Huntington Bank Advisory Council and is President of the Assisted Housing Services Corporation. He and his wife, Bernadette, reside in the city; now, therefore

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBUS:**

That this Council does hereby recognize and congratulate Dennis S. Guest upon his retirement as the Executive Director of Columbus Metropolitan Housing Authority and thanks him for his service and dedication to the Columbus community.

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**Legislation Number:** 0101X-2010

**Drafting Date:** 06/24/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Resolution

### **Title**

To recognize the Somali Cultural Fair held July 1-3, 2010 in Columbus, Ohio.

### **Body**

**WHEREAS**, there are over 45,000 Somalis living in Ohio with an average family consisting of 7-8 members; and  
**WHEREAS**, the number of Somali's living in central Ohio is expected to continue to increase in the next five years; and  
**WHEREAS**, the Somali Cultural Fair will be held in Columbus, Ohio on July 1- 3, 2010; and  
**WHEREAS**, the Somali Cultural Fair's main focus will be health and wellness education and screenings for Somalis; and  
**WHEREAS**, the Somali Cultural Fair will consist of cultural activities, a health and wellness fair, and children's activities and soccer tournaments; and  
**WHEREAS**, the health and wellness fair will feature organizations screening for high blood pressure and diabetes and organizations offering educational materials in emergency preparedness, tuberculosis, teen health, immigration issues, guardianships, as well as a wide variety of health-related topics; now, therefore

### **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

That this Council does hereby recognize the Somali Cultural Fair which will be held beginning July 1-3, 2010 in the city of Columbus.

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**Legislation Number:** 0509-2010

**Drafting Date:** 03/18/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

**BACKGROUND:** The Department of Public Utilities requires the operators of our treatment plants and distribution system to be licensed by the State of Ohio. They receive specialized utility operations and maintenance training through the Operator Training Committee of Ohio (OTCO). OTCO is the State of Ohio's Environmental Training Center under the Clean Water Act. For this reason, the Department of Public Utilities would like to enter into a sole-source contract with the Operator Training Committee of Ohio for specialized utility operations and maintenance training for department personnel, in the amount of \$40,000.00. This contract will run through March 31, 2011. The Federal Identification Number for the Operator Training Committee of Ohio is 31-6065198. They are classified as a non-profit organization and do not require a contract compliance number.

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

**FISCAL IMPACT:** There is sufficient budget authority for this purchase.

\$20,000.00 was encumbered in 2009 and \$75,000.00 was encumbered in 2008 for specialized utility operations and maintenance training.

### **Title**

To authorize the Director of Public Utilities to enter into a sole-source contract with the Operator Training Committee of Ohio (OTCO), for utility operations and maintenance training, in accordance with the sole source provisions of the Columbus City Code, for the Department of Public Utilities, and to authorize the expenditure of \$2,440.00 from the

Electricity Operating Fund, \$17,400.00 from the Sewerage System Operating Fund , \$4,640.00 from the Storm Sewer Operating Fund and \$15,520.00 from the Water Systems Operating Fund. (\$40,000.00)

**Body**

WHEREAS, the Department of Public Utilities requires the operators of our treatment plants and distribution system to be licensed by the State of Ohio, and

WHEREAS, they receive specialized utility operations and maintenance training through the Operator Training Committee of Ohio (OTCO), which is the State of Ohio's Environmental Training Center under the Clean Water Act, and

WHEREAS, it has become necessary in the usual daily operation of the Division of Power and Water, Department of Public Utilities, to authorize the Director of Public Utilities to establish a sole-source contract for utility operations and maintenance training, from the Operator Training Committee of Ohio (OTCO), for the preservation of public health, peace, property and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Public Utilities be and is hereby authorized to enter into a sole-source contract with the Operator Training Committee of Ohio (OTCO) for utility operations and maintenance training, in accordance with the sole source provisions of Section 329.07(e) of the Columbus City Code, for the Department of Public Utilities.

Section 2. That the expenditure of \$40,000.00, or so much thereof as may be needed, is hereby authorized to be expended from:

Division 60-07 | Electricity Operating Fund 550 | OCA Code 600023 | Object Level Three 3331 | \$2,440.00

Division 60-05 | Sewerage System Operating Fund 650 | OCA Code 600056 | Object Level Three 3331 | \$17,400.00

Division 60-15 | Storm Sewer Operating Fund 675 | OCA Code 600065 | Object Level Three 3331 | \$4,640.00

Division 60-09 | Water Systems Operating Fund 600 | OCA Code 600049 | Object Level Three 3331 | \$15,520.00

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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**Legislation Number:** 0609-2010

**Drafting Date:** 04/13/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation**

**BACKGROUND:** Near the end of 2005, the Department of Technology engaged in the purchase of new equipment, from Unisys Corporation, associated with mainframe servers (Libra system), which allow the Department to analyze; examine; integrate and process the city's payroll/personnel, Police and LEADS (Law Enforcement Agencies Data System) applications, along with other applications necessary for daily operations. As part of the original purchase, authorized by ordinance 1934-2005, passed by Columbus City Council on November 21, 2005, the Department was provided options for support services. Along with those options, the original contract provided language that allow for contract modification and renewal contingent upon funding approval each year.

The result of this legislation is to authorize the Director of the Department of Technology to renew a contract for annual maintenance and support services with Unisys Corporation, from July 1, 2010 through June 30, 2011, as these services are

associated with the Libra system. Also, this will be the fifth year for this type of service with Unisys.

**FISCAL IMPACT:** In 2006, the Department of Technology encumbered \$46,561.00 for the first year of support services. In 2008, the Department encumbered a total of \$81,426.46 for the coverage period of July 1, 2007 through June 30, 2008 and the coverage period of July 1, 2008 through June 30, 2009, for same services with Unisys Corporation. Funding for 2009 was in the amount of \$49,018.44 for same services. The funding associated with this ordinance, in the amount of \$50,988.84, is available within the 2010 Information Services Fund, for coverage period of July 1, 2010 to June 30, 2011. This will be the fifth year for this type of service, bringing the aggregate contract total, associated with maintenance and support for the Libra System purchased under Ordinance Number 1934-2005, to \$227,994.74.

**EMERGENCY DESIGNATION:**

Emergency designation is being requested to allow for continual support without interruption critical to daily operations.

**CONTRACT COMPLIANCE NUMBER:** 38-0387840 Expires: 03/18/2011

**Title**To authorize the Director of the Department of Technology to renew a contract with Unisys Corporation for annual maintenance and support services; to authorize the expenditure of \$50,988.84 from the Information Services Fund; and to declare an emergency. (\$50,988.84)

**Body****WHEREAS**, the Department of Technology engaged in the purchase of new equipment, from Unisys Corporation, associated with mainframe servers (Libra system), which allow the Department to analyze; examine; integrate and process the city's payroll/personnel, Police and LEADS (Law Enforcement Agencies Data System) applications, and

**WHEREAS**, as part of the original purchase, authorized by ordinance 1934-2005, passed by Columbus City Council on November 21, 2005, the Department was provided options for support services. Along with those options, the original contract provided language that allow for contract modification and or renewal contingent upon funding approval each year; and

**WHEREAS**, the result of this legislation is to authorize the Director of the Department of Technology to renew a contract with Unisys Corporation, for annual maintenance and support services associated with the Libra system; and

**WHEREAS**, this is the fifth year for a support services contract for the Libra system, with a coverage period from July 1, 2010 to June 30, 2011; and

**WHEREAS**, an emergency exists in the usual and daily operation of the Department of Technology in that it is necessary to immediately renew a maintenance and support contract to avoid service interruption, for the preservation of the public health, peace, property, safety and welfare; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1:** That the Director of the Department of Technology be and is hereby authorized to renew a contract for annual maintenance and support services, with Unisys Corporation, related to operation of the Libra system, with a coverage period of July 1, 2010 through June 30, 2011, fifth year, in the amount of \$50,988.84.

**SECTION 2:** That the expenditure of \$50,988.84 or so much thereof as may be necessary is hereby authorized to be expended from:

Division: 47-02|Fund: 514|Subfund: 001|OCA: 470202 | Object level one: 03| Object level three code: 3372| Amount: \$15,130.32

Division: 47-02|Fund: 514|Subfund: 001|OCA: 470202| Object level one: 03| Object level three code: 3369| Amount: \$35,858.52

**SECTION 3:** That the City Auditor is authorized to make any accounting changes to revise the funding source for all

contracts or contract modifications associated with this ordinance.

**SECTION 4:** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approved nor vetoes the same.

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**Legislation Number:** 0632-2010

**Drafting Date:** 04/19/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

**Explanation**

**Background:**

This legislation authorizes the Director of the Department of Finance and Management, on behalf of the Department of Technology, to establish a purchase order with Software House International Inc. (SHI) for Business Objects (Crystal Reports) annual licenses and maintenance support utilizing a State Term Contract - #0A07004-2, which expires 6/30/2010, authorized for the City's use by Ordinance No. 582-87.

The Department of Technology (DoT) exercised due diligence by completing the competitive bid process (Requisition # RD013798, Solicitation # SO033903) in compliance with Columbus City Code Section 329. On April 2, 2010 the Department of Technology opened one (1) bid received from Software House International Inc. (SHI) in the amount of \$28,252.00; identified as a majority owned vendor. After reviewing the only bid submitted, it was recommended that the award be made to Software House International Inc. (SHI), in the amount of \$28,252.00, as they were the overall lowest, responsive, responsible and best bidder per specification.

This company is not debarred according to the Federal excluded parties listing or prohibited from being awarded a contract according to the Auditor of State unresolved findings for recovery certified search.

**EMERGENCY DESIGNATION:**

Emergency designation is being requested to immediately establish a purchase order to acquire the annual licenses and maintenance support prior to the expiration date of the State Term Contract period ending on June 30, 2010; to continue with services that are necessary to support daily operations; and to ensure no service interruptions.

**Fiscal Impact:**

In 2008, the Department of Technology expended \$34,340.00 (Ord. #1120-2008) for the purchase of Crystal Reports software, licenses and related equipment. The cost associated with this legislation is \$28,252.00. Funds totaling \$28,252.00 for this purchase were budgeted and are available within the Department of Technology Information Services Fund.

**Contract Compliance:**

Vendor Name: Software House International Inc. (SHI)  
11/16/2011

CC#: 22-3009648

Expiration Date:

**Title**

To authorize the Director of the Department of Finance and Management, on behalf of the Department of Technology, to establish a purchase order with Software House International Inc. (SHI) for Business Objects (Crystal Reports) annual licenses and maintenance support utilizing a State Term Contract; to authorize the expenditure of \$28,252.00 from the Department of Technology's Information Services Fund; and to declare an emergency. (\$28,252.00)

**Body**

**WHEREAS**, this legislation authorizes the Director of the Department of Finance and Management, on behalf of the Department of Technology, to establish a purchase order with Software House International Inc. (SHI) for Business Objects (Crystal Reports) annual licenses and maintenance support utilizing a State Term Contract - #0A07004-2, which expires 6/30/2010; and

**WHEREAS**, the use of this Ohio Department of Administrative Services Cooperative Contract is authorized by Ordinance Number 582-87; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Technology, in that it is immediately necessary to authorize the Director of the Department of Finance and Management to establish a purchase order with Software House International Inc. (SHI) for Business Objects (Crystal Reports) annual licenses and maintenance support utilizing a State Term Contract - #0A07004-2, which will provide software and support for applications utilized citywide; to continue with services that support daily operation activities, thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of the Department of Finance and Management, on behalf of the Department of Technology, is authorized to establish a purchase order with Software House International Inc. (SHI) for Business Objects (Crystal Reports) annual licenses and maintenance support utilizing a State Term Contract - #0A07004-2, which expires 6/30/2010, in the amount of \$28,252.00.

**SECTION 2.** That the expenditure of \$28,252.00 or so much thereof as may be necessary is hereby authorized to be expended from:

**Div.:** 47-02|**Fund:** 514| **Subfund** 001|**OCA Code:** 470202|**Obj. Level 1:** 03|**Obj. Level 3:** 3358|**Amount:** \$28,252.00.

**SECTION 3.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 4.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approved nor vetoes the same.

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**Legislation Number:** 0712-2010

**Drafting Date:** 05/04/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

#### **BACKGROUND:**

This legislation authorizes the Director of the Department of Technology (DoT), on behalf of the Department of Public Utilities (DPU), to enter into an agreement for maintenance and technical support services for the Primavera P6 Level 4 Concurrent User Perpetual Data Migration with Oracle America, Inc. for the coverage period from September 29, 2009 through April 1, 2011. This agreement provides computer programming software maintenance, technical support services and obligates Oracle America, Inc. to provide upgrades, new releases, and maintain the work request and asset management system software licensed to the Department of Public Utilities. The amount of funds needed for this maintenance and support agreement is \$818.21. This ordinance also requests approval to continue services provided by Oracle America, Inc. in accordance with sole source procurement provisions, of Section 329 of the Columbus City Code; as it has been determined that Oracle software can be purchased from third party vendors, however, only Oracle can supply network license, maintenance and support.

#### **FISCAL IMPACT:**

Earlier this year, the Department of Technology legislated \$388,126.51 (Ord. # 0525-2010) and \$61,733.83 (Ord. # 0526-2010) with Oracle America, Inc. for computer programming software maintenance and technical support services. The cost for the agreement for computer programming software maintenance and technical support services for the Primavera P6 Level 4 Concurrent User Perpetual Data Migration is \$818.21, with a coverage period from September 29, 2009 through April 1, 2011. Funds are budgeted and available in the Department of Technology Internal Service Fund Budget to fund this purchase.

#### **CONTRACT COMPLIANCE:**

Vendor Name: Oracle America, Inc.  
05/19/2012

CC #/F.I.D #: 94-2805249

Expiration Date:

### **Title**

To authorize the Director of the Department of Technology, on behalf of the Department of Public Utilities, to enter into agreement with Oracle America, Inc. to provide computer programming software maintenance and technical support services for the Primavera P6 Level 4 Concurrent User Perpetual Data Migration; in accordance with sole source procurement provisions of the Columbus City Codes; to authorize the expenditure of \$818.21 from the Department of

Technology Internal Service Fund. (\$818.21)

**Body**

**WHEREAS**, the Director of the Department of Technology (DoT), on behalf of the Department of Public Utilities (DPU), has a need to enter into an agreement for maintenance and technical support services for the Primavera P6 Level 4 Concurrent User Perpetual Data Migration with the Oracle America, Inc.; and

**WHEREAS**, this agreement provides computer programming software maintenance and technical support services and obligates the vendor to provide upgrades, new releases, and to maintain the work request and asset management system software licensed to the Department of Public Utilities; and

**WHEREAS**, it is best to continue with these services in order to provide continuous support to the Department of Public Utilities to insure the required maintenance of their infrastructure's assets and to maximize the efficiency of their work efforts; and

**WHEREAS**, this agreement is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07.

**WHEREAS**, the Department of Technology and the Department of Public Utilities seek to enter into an agreement with Oracle America, Inc. to provide computer programming software maintenance and technical support services for the Primavera P6 Level 4 Concurrent User Perpetual Data Migration so as not to negatively impact the operation of the services provided by the Department of Public Utilities thereby preserving the public health, peace, property, safety and welfare; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of the Department of Technology, be and is hereby authorized to enter into an agreement with Oracle America, Inc. to provide computer programming software maintenance and technical support services for the Primavera P6 Level 4 Concurrent User Perpetual Data Migration, and of which the agreement also obligates Oracle America, Inc. to provide upgrades, new releases, and to maintain the work request and asset management system software licensed to the Department of Public Utilities, in the amount of \$818.21 for a coverage period from September 29, 2009 through April 1, 2011.

**SECTION 2.** That the expenditure of \$818.21 or so much thereof as may be necessary is hereby authorized to be expended from:

Division 47-01 -- Fund 514 -- Subfund 550 -- OCA Code 514550 -- OBJ Level 1 03 -- OBJ Level 03 3369 -- Amount \$49.91 - DOPW-Electricity/Power

Division 47-01 -- Fund 514 -- Subfund 600 -- OCA Code 514600 -- OBJ Level 1 03 -- OBJ Level 03 3369 -- Amount \$317.47 - DOPW-Water

Division 47-01 -- Fund 514 -- Subfund 650 -- OCA Code 514650 -- OBJ Level 1 03 -- OBJ Level 03 3369 -- Amount \$355.92 - DOSD - Sanitary Sewers

Division 47-01 -- Fund 514 -- Subfund 675 -- OCA Code 514675 -- OBJ Level 1 03 -- OBJ Level 03 3369 -- Amount \$94.91 - Storm Water

**SECTION 3.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 4.** That this agreement is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07.

**SECTION 5:** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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**Legislation Number:** 0772-2010

**Drafting Date:** 05/14/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

The purpose of this ordinance is to authorize the Director of Public Utilities to enter into a service agreement with Simplex Grinnell for Security System Maintenance, Monitoring and Inspection at the Sewer Maintenance Operation Center. The security system and access cards used at the Sewer Maintenance Operation Center is maintained and monitored by Simplex Grinnell. This ordinance is being submitted in accordance with the Sole Source provisions of Columbus City Code, Section 329.07 (E).

The 1250 Fairwood Avenue Complex houses the Sewer Maintenance Section, Sewer Design Section, Sewer Administration, Treatment Engineering and the 911 Call Center. Simplex Grinnell installed and monitors the alarm system at the complex 24 hours a day, 7 days a week. The maintenance, monitoring and service includes Fire Alarm, Access Control and CCTV System. Contract is for one year through June 30, 2010. Quote from the company dated May 7, 2010 is attached.

It is requested that this ordinance be handled in an emergency manner in order to expedite the completion of the new agreement, prior to the expiration of the current agreement so as not to have a lapse in coverage.

**Supplier:** Simplex Grinnell (58-2608861) Expires 3-24-12

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

**Fiscal Impact:** \$22,031.40.

\$19,764.74 was spent in 2008

\$22,031.40 was spent in 2009

### **Title**

To authorize the Director of Public Utilities to enter into a service agreement with Simplex Grinnell for Security System Maintenance, Monitoring and Inspection for the Division of Sewerage and Drainage in accordance with the provisions of Sole Source procurement of the Columbus City Code, and to authorize the expenditure of \$22,031.40 from the Sewerage System Operating Fund; and to declare an emergency. (\$22,031.40)

### **Body**

**WHEREAS**, the Sewer Maintenance Operation Center located at 1250 Fairwood Avenue houses a variety of the Division of Sewerage and Drainage sections along with the 911 Call Center, and

**WHEREAS**, the security system at the complex was installed and is monitored by Simplex Grinnell, and



**WHEREAS**, the Simplex Grinnell provides monitoring, maintenance and inspection of the security system which includes Fire Alarm, Access Control and CCTV System on a 24 hour, 7 days a week basis, and

**WHEREAS**, this ordinance is being submitted in accordance with the Sole Source provisions of Columbus City Code, and

**WHEREAS**, the Division of Sewerage and Drainage wishes to enter into a service agreement for a period of one (1) year to an including June 30, 2011, and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary to authorize the Public Utilities Director to enter into an agreement for monitoring, maintenance and inspection of the security system which includes Fire Alarm, Access Control and CCTV System on a 24 hour, 7 days a week basis prior to the expiration of the current agreement so as not to have a lapse in coverage; for the immediate preservation of the public health, peace, property and safety; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of Public Utilities be and is hereby authorized to enter into a service agreement with Simplex Grinnell for the Security System Maintenance, Monitoring, and Inspection for the Division of Sewerage and Drainage.

**Section 2.** That the expenditure of \$22,031.40 or so much thereof as may be needed, be and the same hereby is authorized from the Sewerage System Operating Fund, Fund No. 650,

OCA 606202  
Object Level 1: 03  
Object Level 03: 3398

**Section 3.** That this Council finds it in the best interest to enter into the agreement in accordance with the Sole Source provisions of Columbus City Code, Section 329.07 (E).

**Section 4.** That for the reasons stated in the preamble hereto, where is hereby made a part hereof, this ordinance, is hereby declared to be an emergency measure, which shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0775-2010

**Drafting Date:** 06/14/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation**

**Background:** The City, ("Lessee"), desires to enter into a lease agreement with The Ohio State University ("Lessor"), for the rental of certain real property located at 1475 Granville Street, on the grounds of University Hospital East (OSUE). The City's Division of Police has occupied this property since 1984 per the terms of a lease executed in 1984 between the City and St. Anthony Hospital. The property has been occupied as a month-to-month tenancy (30 day) since the lease expired in 1994 when the successor in interest to St. Anthony's, Park Medical Center, and the City did not come to an agreement to extend the lease. The new lease will be under the same terms as the original lease, except that there will be no annual rent payment required, and the City will continue to be fully responsible for all interior and exterior maintenance and repair of the building and entryways. OSUE will be responsible for maintenance of the parking lot areas and public sidewalks. The building is in need of repairs to the HVAC system and does not want to expend funds without a long term lease agreement in place to protect its investment. The Division of Police wish to maintain operations at this location for

the foreseeable future. This legislation authorizes the Director of the Department of Finance and Management to execute those documents necessary to enter into a one (1) year lease agreement with The Ohio State University, including automatic renewal of the lease for nine (9) additional one-year terms unless the City gives notice of its intent to terminate sixty (60) days prior to the end of the then current term.

**Fiscal Impact:** There are no lease payments required for this transaction.

**Emergency Justification:** Emergency action is requested to allow for the immediate execution of the subject lease agreement thereby allowing the City to immediately undertake its obligation for needed HVAC repairs including replacement to ensure air conditioning of for the building for the summer season.

#### **Title**

To authorize the Director of the Department of Finance and Management to execute those documents necessary to enter into a lease agreement with The Ohio State University for a property located at 1475 Granville Street, and to declare an emergency.

#### **Body**

**WHEREAS**, the City, ("Lessee"), desires to enter into a lease agreement with The Ohio State University, ("Lessor"), for the rental of certain real property which includes approximately 2,463 square feet of office space, located on the campus of Ohio State University Hospital East, and utilized as Police Substation 6; and

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Director of the Department of Finance and Management to execute those documents necessary to enter into a one (1) year lease agreement with The Ohio State University, with the City having the option to renew/extend the lease for nine additional (1) year terms, in order for necessary repairs to be made to the HVAC system servicing the building, and for the immediate preservation of the public health, peace, property and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

**Section 1.** That the Director of the Department of Finance and Management be, and hereby is, authorized to execute those documents approved by the Department of Law, Division of Real Estate necessary to enter into a one (1) year lease agreement, including nine (9) automatic one-year renewals, by and between the City of Columbus, ("Lessee") and The Ohio State University, ("Lessor"), for the rental of certain real property located at 1475 East Granville Street, on the grounds of Ohio State University Hospital East containing approximately 2,463 square feet of office space, for use by the Division of Police to house operations for Police Substation 6.

**Section 2.** That the terms and conditions of the lease shall be in form approved by the City Attorneys Office and shall include the following:

The lease shall be effective for a period of one (1) year, with the term commencing on June 1, 2010 and terminating on May 31, 2011, unless otherwise renewed as provided within the lease agreement.

- b) The lease shall contain automatic renewal options for an additional nine (9) one-year terms.
- c) The City shall have the right to terminate the lease by providing written notice sixty (60) days prior to the end of the then current term.
- d) Such other terms and conditions as agreed to and approved by the City Attorney.

**Section 3.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0787-2010

**Drafting Date:** 05/19/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

### **Explanation**

**BACKGROUND:** This ordinance authorizes the Director of Public Safety, on behalf of the Division of Support Services, to modify and extend a contract with Aviat Networks aka Harris Stratex Networks. On June 10, 2009 Council passed ordinance 0659-2009 to enter into a contract with Aviat Networks, AKA Harris Stratex Networks, for a Maintenance Level Agreement (MLA) for the Microwave Network Equipment which supports the Police and Fire 800 MHz Radio Systems Infrastructure. It is essential that Police and Fire have 24 hour backup maintenance service available in the event of a communications microwave failure. This ordinance extends the contract for another year and increases the amount by \$11,855.00. This agreement is being entered into under the Sole Source provision provided in Section 329.07 of the Columbus City Code. Aviat Networks is the only known company that can provide the essential backup service 24 hours a day, seven days a week.

The City of Columbus began the 800 MHz Radio System operations in April 1992. Support Services initiated a new 800 MHz radio system and microwave network infrastructure upgrade in 2007, utilizing Homeland Security funding. The warranty period (2 years) has expired on this equipment purchase. This contract will provide 24 hour backup field engineering support, repair, and exchange of equipment.

Contract Compliance: Contract Compliance Number 77-0016028 - Expires: 05/14/2012

**FISCAL IMPACT:** This ordinance authorizes an expenditure of \$11,855.00 from the Division of Support Services 2010 General Fund operating budget. This is the second year of this contract. The original equipment had a two year warranty that expired last year. Support Services expended \$13,083 in 2009 for these services.

### **Title**

To authorize and direct the Director of Public Safety to modify and extend a contract for the Support Services Division with Aviat Networks for a Maintenance Level Agreement (MLA) for the Microwave Network Equipment which supports the Police and Fire 800 MHz Radio Systems infrastructure in accordance with the sole source procurement provisions of the Columbus City Codes; and to authorize the expenditure of \$11,855.00 from the General Fund. (\$11,855.00)

### **Body**

**WHEREAS**, on June 10, 2009 Council approved and passed Ordinance 0659-2009, which established an extended warranty-Maintenance Level Agreement (MLA) with Aviat Networks AKA Harris Stratex Networks; and

**WHEREAS**, the Division of Support Services is responsible for Police and Fire communications systems; and

**WHEREAS**, this legislation authorizes the Director of Public Safety to modify and extend the warranty-Maintenance Level Agreement (MLA) for the 800 MHz Radio System and Microwave Network Infrastructure that supports Police and Fire, and provides 24 hour backup field engineering support, repair, and exchange of equipment in the event of a communications microwave failure, and expend \$11,855.00; and

**WHEREAS**, Aviat Networks is the only known company that can provide essential backup service 24 hours a day, seven days a week, to the systems; and

**WHEREAS**, this agreement is being established under the Sole Source Provision provided in Section 329.07 of the Columbus City Codes; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

**SECTION 1.** That the Director of Public Safety be and is hereby authorized and directed to modify and extend a contract with Aviat Networks for the Police and Fire 800 MHz Radio System and Microwave Network Infrastructure.

**SECTION 2.** That this agreement is made in accordance with the Sole Source provision of Section 329.07 of the Columbus City Code.

**SECTION 3.** That for the purpose stated in Section 1 hereof, the expenditure of \$11,855.00, or so much thereof as may be needed, is hereby authorized from:

**Div. 30-02 | Subfund: 010 | Obj. Level 2: 03 | Obj. Level 3: 3372 | OCA: 320104 | Amount: \$11,855.00**

**SECTION 4.** That this ordinance shall take effect and be in force from and after its passage and approved by the Mayor, or the earliest period allowed by law.

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**Legislation Number:** 0789-2010

**Drafting Date:** 05/19/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

#### **BACKGROUND:**

This legislation authorizes the Director of the Department of Finance and Management, on behalf of the City of Columbus, Department of Technology (DoT), to establish a purchase order with Bowe Bell & Howell for the purchase of JETVision Platinum Package (inclusive of the following: hardware, software, delivery, installation, professional services, and a one year hardware and software maintenance agreement) to install onto the Enduro Mail Inserter located at the Jerry Hammond Center, 1111 East Broad Street. This purchase will include on-site installation and training of JETVision hardware and software. This purchase will allow DoT to further expand the Enduro Mail Inserter's capabilities to provide additional quality controls that will ensure timely processing and delivery of City Water Bills, Tax Forms, Claims Notices, Licenses Notices, and Payroll Documents. By purchasing this package, DoT will ensure our deliverables in terms of supporting the City's ability to support both our internal staff and our citizens.

Bowe Bell & Howell is the only factory trained and authorized service upgrade provider for the JETVision proprietary software. The mail inserter as well as the JETVision equipment that will be attached are manufactured by Bowe Bell & Howell. There are no third party companies approved by Bowe Bell & Howell for equipment sales, installation, software or maintenance service or upgrades on the JETVision product as the software is proprietary. Accordingly, Bowe Bell & Howell is the sole source of supply for upgrades, maintenance, support, new releases and additional copies of these products. For this reason, this ordinance is being submitted in accordance with the provisions of Sole Source procurement of the City of Columbus Section 329.07.

This company is not debarred according to the Federal excluded parties listing or prohibited from being awarded a contract according to the Auditor of State unresolved findings for recovery certified search.

#### **EMERGENCY DESIGNATION:**

Emergency designation is being requested to immediately establish a purchase order to acquire the equipment (hardware, software and other related services); to continue to provide quality mail insert services that are necessary to support daily operations; to ensure no service interruptions.

#### **FISCAL IMPACT:**

During the year 2008, the Bowe Bell & Howell Enduro Mail Inserter was purchased (Ord. # 0079-2008) and installed in 2009. This year, the funds for this purchase, totaling \$67,426.00 have been identified and are available within the

Information Services Capital Improvement Fund (Build America Bonds/B.A.B.s) and the Information Services Fund Operating Budget.

**CONTRACT COMPLIANCE:**

Vendor Name: Bowe Bell and Howell

FID#/CC#: 36-3580100

Expiration Date: 08/28/2010

**Title**To authorize the Director of the Department of Finance and Management, on behalf of the Department of Technology, to establish a purchase order with Bowe Bell & Howell for the purchase of JETVision Platinum package equipment and related services to upgrade the Enduro Mail Inserter, located at the Jerry Hammond Center; in accordance with sole source procurement provisions of the Columbus City Codes; to authorize the expenditure of \$67,426.00 from the Department of Technology, Information Services Operating and Capital Improvement Fund (Build America Bonds/B.A.B.s);and to declare an emergency. (\$67,426.00)

**Body****WHEREAS**, the Department of Technology has a need to purchase JETVision Platinum package equipment and related services from Bowe Bell & Howell to upgrade the Enduro Mail Inserter, located at the Jerry Hammond Center; and

**WHEREAS**, this purchase will consist of JETVision hardware and software, on-site installation, professional services, and a one year maintenance agreement on the hardware and software; to further expand the Enduro Mail Inserter's capabilities to provide additional quality controls; and

**WHEREAS**, a portion of the total purchase is funded from the Information Services Operating Fund and funds the JETVision one year maintenance agreements on the hardware and software (\$5,761.00) and the balance is funded via the Capital Improvment Funds (Build America Bonds/ B.A.B.s) Operations Equipment Upgrade Project (\$61,665.00); and

**WHEREAS**, Bowe Bell & Howell is the manufacturer of the mail inserter and is the only factory trained and authorized service upgrade provider for the JETVision proprietary software; and

**WHEREAS**, this purchase is in accordance with the provisions of the sole source procurement of the Columbus City Code, Section 329.07; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Technology, in that it is immediately necessary to authorize the Finance and Management Director to establish a purchase order with Bowe Bell & Howell to acquire the JETVision Platinum package equipment and related services to upgrade the Enduro Mail Inserter, located at the Jerry Hammond Center, 1111 East Broad St., to continue with services that support daily operation activities, thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1:** That the Director of the Department of Finance and Management, on behalf of the Department of Technology, now and is hereby authorized to establish a purchase order with Bowe Bell & Howell to purchase the JETVision Platinum package equipment and related services inclusive of a one year maintenance agreement for hardware and software to upgrade the Enduro Mail Inserter, located at the Jerry Hammond Center, 1111 East Broad St., in the amount of \$67,426.00.

**SECTION 2:** That the expenditure of \$67,426.00 or so much thereof as may be necessary be expended from the Information Services Operating Fund (\$5,761.00) and Capital Improvement Fund (\$61,665.00), is hereby authorized as follows:

**Div.:** 47-02|**Fund:** 514|**Subfund:** 003|**Project Name:** Operations Equipment Upgrade| **Project No.:** 470030-100000|  
**Project OCA:** 514030| **Obj. Level 1:** 06|**Obj. Level 3:** 6649|**Amount:** \$61,665.00

Div.: 47-02|Fund: 514|Subfund: 001| OCA: 470202| Obj. Level 1: 03|Obj. Level 3: 3369|Amount: \$2,000.00

Div.: 47-02|Fund: 514|Subfund: 001| OCA: 470202| Obj. Level 1: 03|Obj. Level 3: 3372|Amount: \$3,761.00

**SECTION 3:** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 4:** That this agreement is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07.

**SECTION 5:** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approved nor vetoes the same.

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**Legislation Number:** 0792-2010

**Drafting Date:** 05/20/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation** This legislation will authorize the Director of Recreation and Parks to accept one million dollars (\$1,000,000.00) in grant funds from the Ohio Cultural Facilities Commission for park improvements with historic and cultural recognition to Livingston Park. Authorization to submit application for this grant was requested and approved via Ordinance # 0601-2009.

The grant funding will begin the first phase of the Livingston Park master plan, completed in 2009. The existing shelter will be removed and replaced with a lighted open trellis structure and plaza that becomes a neighborhood and visitor gathering space highlighting the unique park and neighborhood history and culture with graphic panels and benches. Additional park improvements will be improved walks, landscaping and site furnishings.

**Title** To authorize the Director of Recreation and Parks to accept a grant from the Ohio Cultural Facilities Commission in the amount of \$1,000,000.00 for historic and cultural improvements to Livingston Park; to authorize an appropriation of \$1,000,000.00 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department; and to declare an emergency.

**Body**

**WHEREAS**, The Ohio Cultural Facilities Commission has awarded the City of Columbus, Recreation and Parks Department, a grant for historic and cultural improvements to Livingston Park; and

**WHEREAS**, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to accept and appropriate said grant funds to comply with the terms of the grant for the preservation of public health, peace, property and safety; **NOW, THEREFORE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Recreation and Parks be and he is hereby authorized and directed to accept a grant in the amount of \$1,000,000.00.

**SECTION 2.** That from the unappropriated monies in the Recreation and Parks Grant Fund No. 286, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010, the sum of \$1,000,000.00 is appropriated to the Recreation and Parks Department, Department No. 51-01, as follows:

**Fund Type;** Grant, **Dept No.;** 51-01, **Fund No.;** 286, **Grant No.;** to be assigned by City Auditor, **Obj Lvl 3;** 6601, **OCA Code;** to be assigned by City Auditor, **Amount;** \$1,000,000.00

**SECTION 3.** That the monies in the foregoing Section 2 shall be paid upon order of the Director of Recreation and Parks, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**SECTION 4.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0809-2010

**Drafting Date:** 05/24/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

**Explanation**

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into an agreement with Pomeroy & Associates, Ltd., for professional engineering services for Clintonville Neighborhood Stormwater System Improvements Project Phase II. This project will mitigate street and yard flooding at 11 individual sites throughout the Clintonville Area.

This agreement includes preparation of construction documents (plans & specifications), necessary easements and fielding technical questions during construction. Preparation of construction documents and easements will be completed within 12 months from the Notice to Proceed date. It is anticipated that easement acquisition will take one year and construction will begin in 2012. Engineering services will end with the completion of construction.

2. **ENGINEERING CONTRACT AWARD:** Pomeroy & Associates, Ltd. was selected in accordance with the procedures set forth in Columbus City Code, Section 329.13, "Awarding professional service contracts through requests for Statements of Qualifications". Twenty-six statements of qualifications were received and opened on March 30, 2007. On March 20, 2009, Requests for Cost Proposals (RFP's) were sent to three (short-listed) firms having the experience necessary to complete the project: Pomeroy & Associates, Ltd., Ribway Engineering Group, and Gannett Fleming. Pomeroy & Associates, Ltd., Ribway Engineering Group, and Gannett Fleming submitted RFP's on April 21, 2009.

Upon review of the technical proposals, the bidders were ranked using criteria specified in City Code, and more specifically: proposal quality, competence to perform required work, project schedule, and local workforce. Based upon these criteria, Pomeroy & Associates, Ltd. was selected as the highest-ranked bidder.

3. **FISCAL IMPACT:** This legislation includes a transfer within the Storm B.A.B.s (Build America Bonds) Fund to provide sufficient funding for the project. An amendment to the 2010 Capital Improvements Budget is needed to provide sufficient budget authority.

4. **CONTRACT COMPLIANCE INFORMATION:** Contract Compliance Number, 31-1568332, expires: 11/24/2011,

Majority.

**Title**

To authorize the Director of Public Utilities to enter into an agreement for professional engineering services with Pomeroy & Associates, Ltd.; for the Division of Sewerage and Drainage; to authorize the transfer of \$27,951.30 within the Storm B.A.B.s (Build America Bonds) Fund; to amend the 2010 Capital Improvements Budget and to authorize the expenditure of \$287,951.30 within the Storm B.A.B.s (Build America Bonds) Fund. (\$287,951.30).

**Body**

**WHEREAS**, Pomeroy's Requests for Proposal was received and opened on April 21, 2009 for engineering services for the Clintonville Neighborhood Stormwater System Improvements Project Phase II; and

**WHEREAS**, Pomeroy & Associates, Ltd., was selected as the highest-ranked bidder based upon proposal quality, competence to perform required work, project schedule and local workforce; and

**WHEREAS**, it is necessary to transfer money within the Storm B.A.B.s (Build America Bonds) Fund for the Clintonville Neighborhood Stormwater System Improvements Project Phase II; and

**WHEREAS**, it is necessary to authorize an amendment to the 2010 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; and

**WHEREAS**, it is necessary to authorize the Director of Public Utilities to enter into an agreement for professional engineering services to mitigate poor drainage and other stormwater problems; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, to authorize the Director of Public Utilities to enter into an agreement for professional engineering services, for the Clintonville Neighborhood Stormwater System Improvements Project Phase II Project, for the preservation of the public health, peace, property, and safety; now therefore.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the City Auditor is hereby authorized to transfer \$27,951.30 within the Storm B.A.B.s (Build America Bonds) Fund, Fund 676, Division of Sewerage and Drainage, Division 60-15, Object Level One 06, Object Level Three 6682, as follows:

**TRANSFER FROM:**

<u>Project</u> / <u>OCA</u>	<u>Project Name (Amount)</u>
610767-100000 / 685767	Snouffer Road Storm Sewer (-\$27,951.30)

**TRANSFER TO:**

<u>Project</u> / <u>OCA</u>	<u>Project Name (Amount)</u>
610786-100000 / 685786	Clintonville Neighborhood Stormwater System Improvements Project Phase II Project (+\$27,951.30)

**SECTION 2.** That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

**SECTION 3.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 4.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all



contracts or contract modifications associated with this ordinance.

**SECTION 5.** That the Director of Public Utilities be and hereby is authorized to execute an agreement with Pomeroy & Associates, Ltd., 599 Scherers Court, Worthington, Ohio 43085, for the Division of Sewerage and Drainage, for professional engineering services in accordance with the terms and conditions on file in the office of the Division of Sewerage and Drainage.

**SECTION 6.** That the said engineering firm shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

**SECTION 7.** That for the purpose of paying the cost of the professional engineering services contract, the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized as follows: Division 60-15, Fund 676, Project 610786, Object Level One 06, Object Level Three 6682, OCA Code 685786, Amount \$287,951.30.

**SECTION 8.** That the 2010 Capital Improvements Budget Ordinance No. 0564-2010 is hereby amended as follows, to provide sufficient budget authority for the execution of the aforementioned engineering agreement:

<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>(Amount of Change)</u>
610767-100000	Snouffer Road Storm Sewer	\$30,042	\$2,090	(-\$27,952)
610786-100000	Clintonville Neighborhood Stormwater System Improvements Project Phase II Project			\$260,000
				\$287,952 (+\$27,952)

**SECTION 9.** That this ordinance shall take effect and be in force from and after the earliest date allowed by law.

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**Legislation Number:** 0833-2010

**Drafting Date:** 05/27/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

**1. BACKGROUND:** The Purchasing Office has established Universal Term Contracts for flocculation tank/sedimentation basin shaft bearings with the companies listed below. These parts are needed to refurbish the settling basins and flocculation channels at the Hap Cremean Water Plant. The Division of Power & Water would like to establish Blanket Purchase Orders, based on these contracts, in the amount of \$190,000.00.

### **Vendor UTC# & Expiration Date**

Kaman Industrial Technologies	FL004036 - 8/31/11
Siemens Water Technologies	FL004237 - 12/31/10

### **2. CONTRACT COMPLIANCE:**

Kaman Industrial Technologies, 06-0914701, expires 6/17/10, majority  
Siemens Water Technologies, 04-3063910, expires 12/23/10, majority

**3. FISCAL IMPACT:** Funds for these expenditures are included in the Water Build America Bonds Fund.

### **Title**

To authorize the Finance and Management Director to establish Blanket Purchase Orders, based on existing Universal Term Contracts with Kaman Industrial Technologies and Siemens Water Technologies, for parts needed to refurbish settling basins and flocculation channels at the Hap Cremean Water Treatment Plant, for the Division of Power and Water, and to authorize the expenditure of \$190,000.00 from the Water Build America Bonds Fund. (\$190,000.00)

**Body**

**WHEREAS**, the Purchasing Office has established Universal Term Contracts with Kaman Industrial Technologies and Siemens Water Technologies for flocculation tank/sedimentation basin shaft bearings; and

**WHEREAS**, the Division of Power and Water needs to purchase these parts to refurbish the settling basins and flocculation channels at the Hap Cremean Water Treatment Plant; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Power and Water, Department of Public Utilities to authorize the Finance and Management Director to establish Blanket Purchase Orders for parts needed to refurbish settling basins and flocculation channels, for the preservation of the public health, peace, property and safety; now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Finance and Management Director be and is hereby authorized to establish Blanket Purchase Orders for flocculation tank/sedimentation basin shaft bearings, which are parts needed to refurbish settling basins and flocculation channels, from established Universal Term Contracts with Kaman Industrial Technologies and Siemens Water Technologies, in a total amount of \$190,000.00, for the Division of Power and Water, Department of Public Utilities.

**SECTION 2.** That the expenditure of \$190,000.00 is hereby authorized for parts needed to refurbish settling basins and flocculation channels within the Water Build America Bonds Fund, Fund No. 609, Division 60-09, Project No. 690507-100000 (carryover), Object Level Three 6651, OCA Code 606507, as designated below:

<u>Vendor Name</u>	<u>Amount</u>
Kaman Industrial Technologies	\$ 46,000.00
Siemens Water Technologies	<u>\$144,000.00</u>
	\$190,000.00

**SECTION 3.** That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

**SECTION 4.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 5.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

**SECTION 6.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

**Legislation Number:** 0834-2010

**Drafting Date:** 05/27/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

**Explanation**

**Background:** Gay Street Condominiums, LLC is developing a mix of townhouse and garden flat condominiums on seven acres downtown encompassing nine quarter-blocks. Important features of this "condo" neighborhood are backyards, parks, benches, courtyards and garages. Plans are to build 300 units over the next 5 to 6 years at a cost of \$100 million. Forty-seven units have been completed, 39 sold with six in contract. Thirteen more are currently under construction and fourteen more will start construction this summer. New sidewalks, curbs and streetscape amenities will complement this private development. The City has agreed to reimburse the developer for the construction of right-of-way improvements.

This legislation authorizes the Director of Public Service to enter into a Guaranteed Maximum Reimbursement Agreement with the developer to complete the improvements.

**Fiscal Impact:** \$279,852.43 is available as cash in the 2010 Capital Improvement Budget.

**Emergency Justification:** Emergency action is requested so that construction can begin in June in order to complete the improvements this construction season.

**Title**

To amend the 2010 Capital Improvement Budget; to authorize the transfer of cash between projects; to authorize the Director of Public Service to enter into a Guaranteed Maximum Reimbursement Agreement with Gay Street Condominiums, LLC pursuant to Section 186 of the Columbus City Charter for up to \$223,881.94 to construct right-of-way improvements around the Gay Street Condo Neighborhood Section 2 and to provide for construction inspection up to \$55,970.49; to authorize the expenditure of up to \$106,220.00 from the Streets and Highways G.O. Bond Fund; to authorize the expenditure of up to \$173,632.43 from the Northland and Other Acquisitions Fund; to waive the provisions of Chapter 329 of Columbus City Code; and to declare an emergency. (\$279,852.43)

**Body**

**WHEREAS,** Gay Street Condominiums, LLC, is developing a 7-acre condominium neighborhood downtown that will produce 300 residential units over the next 5 to 6 years; and

**WHEREAS,** the total private investment is estimated to be \$100 million; and

**WHEREAS,** the Directors of Development and Public Service feel it is necessary to enter into a Guaranteed Maximum Reimbursement Agreement with Gay Street Condominiums, LLC to construct complementary improvements in the public rights-of-way around this condominium project; and

**WHEREAS,** an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to enter a Guaranteed Maximum Reimbursement Agreement with Gay Street Condominium, LLC for right-of-way improvements around the Gay Street Condo Neighborhood Section 2 project so that construction can begin in June in order to complete the improvements this construction season, all for the immediate preservation of the public health, peace, safety and welfare; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the 2010 Capital Improvements Budget is hereby amended as follows:

**CURRENT CIB:**

Fund 704|Dept/Div: 59-12|Project Number 440005-100000|Project Name - Urban Infra-Eng&Constr/Traffic|Amount \$8,456.08

Fund 704|Dept/Div: 59-12|Project Number 440104-100000|Project Name - Misc Economic Development|Amount \$28,802.50

Fund 704|Dept/Div: 59-11|Project Number 530801-100000|Project Name - Downtown Streetscape Imps|Amount \$805,416.78

Fund 704|Dept/Div: 59-11|Project Number 590131-100000|Project Name - Misc Developments|Amount \$63,544.64

**REVISED CIB:**

Fund 704|Dept/Div: 59-12|Project Number 440005-100000|Project Name - Urban Infra-Eng&Constr/Traffic|Amount \$0

Fund 704|Dept/Div: 59-12|Project Number 440104-100000|Project Name - Misc Economic Development|Amount \$0

Fund 794|Dept/Div: 59-11|Project Number 530801-100000|Project Name - Downtown Streetscape Imps|Amount \$800,000

Fund 704|Dept/Div: 59-11|Project Number 590131-100000|Project Name - Misc Developments|Amount \$106,220

**Section 2.** That the City Auditor is hereby authorized and directed to transfer funds within the Streets & Highways G.O. Bonds Fund 704 as follows:

**FROM:**

Dept/Div: 59-12|Project Number 440005-100000|Project Name - Urban Infra-Eng&Constr/Traffic|Amount \$8,456.08

Dept/Div: 59-12|Project Number 440104-100000|Project Name - Misc Economic Development|Amount \$28,802.50

Dept/Div: 59-11|Project Number 530801-100000|Project Name - Downtown Streetscape Imps|Amount \$5,416.78

**TO:**

Dept/Div: 59-11|Project Number 590131-100000|Project Name - Misc Developments|Amount \$42,675.36

**Section 3.** That the Director of Public Service be authorized to enter into a Guaranteed Maximum Price Reimbursement Agreement with Gay Street Condominiums, LLC pursuant to Section 186 of the Columbus City Charter in an amount not to exceed \$223,881.94 for purposes of designing and constructing right-of-way improvements to Gay Street, Fifth Street and Normandy Avenue and to provide for construction inspection up to \$55,970.49.

**Section 4.** That for the purpose of paying the cost of the contract and inspection, as stated in Section 3, the expenditure of up to \$106,220.00 or so much thereof that may be necessary, be and is hereby authorized and approved as follows: Public Service Department, Division No. 59-11, Fund No. 704, Project No. 590131-100000 Misc Developments, OCA Code 591132, Object Level Three 6631 and the expenditure of up to \$173,632.43 or so much thereof that may be necessary, be and is hereby authorized and approved as follows: Department of Development, Division No. 44-01, Fund No. 735, Project No. 441735-100000 Northland Mall Project, OCA Code 441735, Object Level Three 6631.

**Section 5.** That the formal consultant selection process provisions of Chapter 329 of the City Code be and hereby are waived.

**Section 6.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**Section 7.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0838-2010

**Drafting Date:** 05/28/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

Explanation

**BACKGROUND:** This ordinance amends the 2010 Capital Improvements Budget and authorizes the transfer of \$280,000.00 between projects in the Construction Management Capital Improvement Fund. This ordinance also authorizes the Finance and Management Director to modify a professional services contract on behalf of the Office of Construction Management with Advanced Engineering Consultants for architectural and engineering services for the HVAC systems located at City Hall, 90 West Broad Street. The original contract was authorized by Ordinance No. 1124-2007, passed July 16, 2007.

The initial design work provided HVAC, plumbing, and sprinkler system design and construction administration services; upgrading to a 15kV switch and electrical service to the HVAC equipment; and, providing architectural support services for this project. This original design work was suspended because of the deepening recession in 2009. Funding has since been identified in the 2010 CIB, allowing the project to continue. This modification will authorize electrical, structural, civil, site, asbestos, and architectural surveys that are necessary in order to maintain the historical value of City Hall and bring the buildings indoor air quality to meet the current American Society of Heating, Refrigerating, and Air-Conditioning standards.

Advanced Engineering Consultants has institutional knowledge of the project and produced the original design plans. It is practical and cost effective for the coordination and continuity of the project to use Advanced Engineering Consultants Architects, Inc. on the design modifications. Selecting another engineer at this point would lead to duplicated work and slow the project considerably. Therefore, it would not be in the best interests of the City to bid these professional services.

**Fiscal Impact:** This expenditure is available within the Construction Management Capital Improvement Fund. This ordinance authorizes an expenditure of \$280,000.00 or so much thereof, as may be necessary for this purpose. It also transfers \$280,000.00 between projects in the Construction Management Capital Improvement Fund to the City Hall Renovations-HVAC project.

Advanced Engineering Consultants Contract Compliance No. 31-1612308; expiration date June 16, 2010.

Title

To amend the 2010 Capital Improvements Budget; to authorize the City Auditor to transfer \$280,000.00 between projects in the Construction Management Capital Improvement Fund; to authorize the Finance and Management Director to modify a professional services contract on behalf of the Office of Construction Management with Advanced Engineering Consultants for architectural and engineering services for HVAC systems located at City Hall, 90 West Broad Street; and to authorize the expenditure of \$280,000.00 from the Construction Management Capital Improvement Fund. (\$280,000.00)

Body

WHEREAS, it is necessary to amend the 2010 Capital Improvements Budget and transfer cash between projects in the Construction Management Capital Improvement Fund; and

**WHEREAS**, Ordinance No. 1124-2007, passed July 16, 2007 authorized the Finance and Management Director to contract with Advanced Engineering Consultants for architectural and engineering consulting services for the City Hall HVAC, Fire Protection System, and Plumbing System Renovation Project; and

**WHEREAS**, it is necessary to authorize this expenditure in order to modify the contract with Advanced Engineering Consultants for additional engineering and architectural services; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the 2010 Capital Improvement Budget is hereby amended as follows:

<u>Project/Project #</u>	<u>Current Authority</u>	<u>Revised Authority</u>
City Hall Renovations 570031-100000 (Unvoted Carryover)	\$23,803	\$0
City Hall Renovations-HVAC 570031-100002 (Unvoted Carryover)	\$0	\$280,000

100002		
Facility Renovation 570030-100000 (Unvoted Carryover)	\$86,144	\$343
1393 East Broad Street Renovations(Unvoted Carryover)	\$1	\$0

**SECTION 2.** That the City Auditor is hereby authorized and directed to transfer funds within the Construction Management Capital Improvement Fund as follows:

**FROM:**

Dept/Div: 45-27 | Fund: 733 | Project Number 570045-100000 | Project Name - North Market Imps | OCA Code 733000 |OL3: 6620 | Amount \$170,000.00

Dept/Div: 45-27 | Fund: 733 | Project Number 570030-100000 | Project Name - Facility Renovation | OCA Code 733000|OL3: 6620 | Amount \$85,800.97

Dept/Div: 45-27 | Fund: 733 | Project Number 570031-100000 | Project Name - City Hall Renovation | OCA Code 733000|OL3: 6620 | Amount \$24,199.03

**TO:**

Dept/Div: 45-27 | Fund: 733 | Project Number 570031-100002 | Project Name - City Hall Renovations-HVAC | OCA Code 733102 | OL3: 6620 | Amount \$280,000.00

**SECTION 3.** That the expenditure of \$280,000.00 from or so much thereof that may be necessary in regards to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Division: 45-27  
Fund: 733  
Project: 570031-100002  
OCA Code: 733102  
Object Level 1: 06  
Object Level 3: 6620  
Amount: \$280,000.00

**SECTION 4.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 5.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

**Legislation Number:** 0845-2010

**Drafting Date:** 06/01/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

**Explanation** This legislation authorizes and directs the Finance and Management Director to enter into contract with Sutphen Corporation for the purchase of three (3) 100' aerial platform ladders to replace existing ladders and provide reserve apparatus for the Division of Fire. The Division of Fire utilizes fifteen (15) ladder companies throughout the City. These three new ladders will replace three of the existing ladders currently being used to service the City.

This ordinance also authorizes the appropriation and transfer of \$988,475.20 from the Special Income Tax Fund to the

Public Safety Voted Bond Fund as a temporary measure for this purchase until bonds are sold later in the year. In addition, this ordinance amends the 2010 Capital Improvement budget and authorizes the City Auditor to transfer funds between projects within the Build America Bond Fund.

**Bid Information:** Competitive bids were solicited via Purchasing Office Solicitation SA003446, with four (4) vendors submitting bids as follows:

Ohio Caterpillar (Majority)	\$1,124,786.00
Smeal (Majority)	\$1,082,632.00
Ferrara Fire Apparatus (Majority)	\$1,056,152.00
Sutphen Corporation (Majority)	\$ 996,158.40

After review of the bids, it is the determination of the Public Safety Department that the bid submitted by the Sutphen Corporation is the lowest and best overall bid. Sutphen Corporation submitted the lowest ladder bid price and also specified a ladder that will meet the needs of the Fire Division. However, due to the number of specification exceptions listed in several of the bids, including Sutphen Corporation, the Public Safety Department recommends a waiver of the competitive bid requirements.

**Contract Compliance:** 0671786 expires 2/22/2012

**Emergency Designation:** Emergency action is requested as funds are needed before bids expire for this purchase.

**FISCAL IMPACT:** This ordinance authorizes the expenditure of \$2 million from the Build America Bonds (B.A.B) Fund and \$988,475.20 from the Special Income Tax Fund for the purchase of three aerial platform ladders from Sutphen Corporation for the Division of Fire. These funds are authorized in Public Safety's 2010 Capital Improvement Budget. However, bonds have yet to be sold for the whole project necessitating a certification of \$988,475.20 against the Special Income Tax Fund. Upon sale of bonds, the SIT will be reimbursed. The total cost of the purchase of the three ladders is \$2,988,475.20.

**Title** To authorize and direct the Finance and Management Director to enter into contract with Sutphen Corporation for the purchase of three (3) 100' aerial platform ladders; to authorize and direct the City Auditor to appropriate and transfer \$988,475.20 from the Special Income Tax Fund to the Safety Voted Bond Fund; to appropriate \$988,475.20 within the Safety Voted Bond Fund; to amend the 2010 CIB and transfer funds between projects; to authorize the expenditure of \$2,988,475.20 from the Build America Bonds Fund and the Voted Safety Bond Funds; to waive the competitive bidding provisions of the Columbus City Codes; and to declare an emergency. (\$2,988,475.20)

**Body** **WHEREAS**, a need exists to purchase three (3) 100' aerial platform ladders from the Division of Fire from the Safety Voted Bond Fund and the Build America Bonds for the purpose of replacing current ladders and providing reserve apparatus; and

**WHEREAS**, formal bids were solicited via Purchasing Solicitation SA003446, with Sutphen Corporation submitting the best overall bid; and

**WHEREAS**, it is necessary to waive formal competitive bidding requirements due to the number of specification exceptions of the bidders; and

**WHEREAS**, it is necessary to amend the 2010 Capital Improvement Budget and transfer funds between projects within the Build America Bond Fund; and

**WHEREAS**, it is necessary to appropriate and transfer funds from the Special Income Tax Fund to this project; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

**WHEREAS**, this transfer should be considered as a temporary funding method; and

**WHEREAS**, the aggregate principal amount of obligations which the City will issue to finance this purchase is presently expected not to exceed \$988,475.20; and

**WHEREAS**, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project");

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Safety, Division of Fire, in that it is immediately necessary to enter into contract to purchase said 100' aerial platform ladders, for the immediate preservation of the public health, peace, property, safety and welfare; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

**SECTION 1.** That the Finance and Management Director be and is hereby authorized and directed to enter into contract with Sutphen Corporation for the purchase of 100' aerial ladder platforms in accordance with Solicitation SA003446 which opened on February 4, 2010.

**SECTION 2.** That in accordance with section 329.27 of the Columbus City Code, this Council finds it in the best interest of the City to waive, and does hereby waive section 329.06 (Formal Competitive Bidding) of the Columbus City Code.

**SECTION 3.** The sum of \$988,475.20 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

**SECTION 4.** That the City Auditor is hereby authorized to transfer said funds to the Public Safety Voted Bond Fund 701, at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

**SECTION 5.** That the amount of \$988,475.20 is hereby transferred and appropriated to Public Safety Voted Bonds, Division of Fire, 30-04, Fund 701, Fire Apparatus Replacement-Platform- 340101-100003, Object Level One 06, Object Level Three Code 6652, OCA 713403.

**SECTION 6.** That upon obtaining other funds for the purchase of Fire Apparatus-Platforms, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount appropriated in Section 3 and transferred under Section 4.

**SECTION 7.** That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with this ordinance.

**SECTION 8.** That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$988,475.20 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of the Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

**SECTION 9.** That the 2010 CIB is amended as follows:

Build America Bond 746 Fund 30-04

Project/Project #

Fire Apparatus Replacement 340101-100000 (Carryover)

CIB Amount

\$2,000,000

Revised CIB

\$0



Fire Apparatus Replacement Platform 340101-100003 (Carryover)                      \$0    \$2,000,000

**SECTION 10.** That the city Auditor is hereby directed to transfer funds within the Build America Bond Fund as follows:

FROM

Dept/Div: 3004|Fund:746|Project Number: 340101-100000|Project Name: Fire Apparatus Replacement|OCA Code 710101|Amount: \$2,000,000.00

TO

Dept/Div: 3004|Fund:746|Project Number: 340101-100003|Project Name: Fire Apparatus Replacement-Platform|OCA Code: 763403|Object Level Three: 6652|Amount: \$2,000,000.00

**SECTION 11.** All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

**SECTION 12.** That the expenditure of \$2,988,475.20, or so much thereof as may be necessary in regard to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Division: 30-04|Fund: 746|Project Name: Fire Apparatus Replacement-Platform|Project Number: 340101-100003|Object Level Three Code: 6652|OCA Code: 763403|Amount: \$2,000,000.00

Division: 30-04|Fund: 701|Project Name: Fire Apparatus Replacement-Platform|Project number: 340101-100003|Object Level Three Code: 6652|OCA Code: 713403|Amount: \$988,475.20

**SECTION 13.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0847-2010

**Drafting Date:** 06/01/2010

**Current Status:** Passed

**Version:** 2

**Matter Type:** Ordinance

**Explanation**

**BACKGROUND:** In 2008, the Department of Health solicited vendors to provide retail sale of food and beverages to Health Department staff and the public at 240 Parsons Avenue. JCLK Enterprises, dba as Black Creek Bistro, was the only respondent interested and a lease was executed in January 2009. Ultimately, Black Creek abandoned the premises, leaving the building with no food service operation. This legislation authorizes the Director of Finance and Management, on behalf of the Columbus Department of Health: (1) to execute a termination agreement with JCLK Enterprises d/b/a Black Creek Bistro; and (2) to enter into a lease agreement with Skyward Marketing, Inc., dba Skyward Grille & Catering to provide for the retail food services to the building. Skyward will offer these services through a combination of an exterior food cart as well as utilizing the interior food service area on the second floor of the building.

This ordinance is requested as an emergency to allow retail sale of food and beverages to be offered as soon as possible.

The Contract Compliance number for Skyward Marketing, Inc., dba Skyward Grille & Catering is 311406144, which expires on 5/27/2012.

**Fiscal Impact:** The lease will provide the City with rental income of \$6,000.00 in the first year of the lease.

**Emergency Action:** Emergency action is requested to allow for the immediate provision of food services to both the

public visitors and the staff at Columbus Public Health.

#### **Title**

To authorize the Director of the Department of Finance and Management to execute, on behalf of the Columbus Health Department, those documents necessary to terminate the lease with JCLK Enterprises, Inc., dba Black Creek Bistro, and to enter into a lease agreement by and between the City of Columbus and Marketing Inc., dba Skyward Grille & Catering for approximately 2,504 square feet of space at Columbus Public Health, 240 Parsons Avenue for the retail sale of food and beverage, as well as utilizing an exterior food cart on the parking lot deck; and to declare an emergency.

#### **Body**

**WHEREAS**, a need exists for food services to be available to staff and the public at the Columbus Public Health facility located at 240 Parsons Avenue; and,

**WHEREAS**, JCLK Enterprises dba Black Creek Bistro had been selected to be the food service provider pursuant to being the only bidder to SA002862 ; and,

**WHEREAS**, JCLK Enterprises has abandoned the premises and defaulted on the terms of the lease, and the City desires to terminate this lease agreement; and

**WHEREAS**, Skyward Marketing, Inc., dba Skyward Grille & Catering, desires to enter into a lease with the City to provide for the retail sale of food and beverage for the 240 Parsons location;

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary to terminate the lease with JCLK Enterprises d/b/a Black Creek Bistro, and to enter into a lease agreement with Skyward Marketing, Inc. to provide food service for both the public and staff at Columbus Public Health and for the immediate preservation of the public health, peace, property, safety and welfare; now, therefore,

#### **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Finance and Management is hereby authorized to execute those documents necessary to terminate the lease agreement with JCLK Enterprises d/b/a Black Creek Bistro originally executed in January 2009 for retail sales of food and beverages at the Columbus Public Health facility located at 240 Parsons Avenue.

**SECTION 2.** That the Director of Finance and Management is hereby authorized to enter into a new lease agreement with Skyward Marketing, Inc., dba Skyward Grille & Catering, to provide retail sales of food and beverages for the benefit of the public guests and staff at the Columbus Public Health facility.

~~**SECTION 2.**~~ **SECTION 3.** That the terms and conditions of this lease shall be in a form approved by the City Attorney's office and shall include the following: the lease shall have an initial term of ~~one (1) year~~ **two (2) years** commencing on June 1, 2010 and expiring on May 31, 2012 ~~and the Lessee shall have the option to renew the lease for three (3) consecutive additional one year renewal terms provided that i) written notification of the renewal election is provided not less than 90 days in advance of the commencement of the renewal term, ii) the Lessee is not in default of any terms and conditions of the lease, and iii) such other terms and conditions as are required and/or approved by the City Attorney's Office.~~

**SECTION 3.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0860-2010

**Drafting Date:** 06/02/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation Need:** The Fire Division has a need to purchase nine (9) Emergency Medical Services (EMS) vehicles (medics) to replace aging apparatus in the Division's current fleet. This legislation authorizes the Director of Finance and Management to issue purchase orders for EMS vehicles from an existing Universal Term Contracts (UTC) established by the Purchasing Office with Horton Emergency Vehicles.

This ordinance also authorizes the appropriation and transfer of \$2,009,732.40 from the Special Income Tax Fund to the Public Safety Voted Bonds Fund

**Bid Information:** Universal Term Contracts exists for this purchase with Horton Emergency Vehicles for EMS vehicles.

**Contract Compliance:** Horton Emergency Vehicles #352018529.

**Emergency Designation:** This legislation is to be considered an emergency measure to allow for the immediate use of funds, and immediate purchase of these units, and to take advantage of the current UTC contract.

**FISCAL IMPACT:** This ordinance authorizes an expenditure of \$2,009,732.40 from the Safety Voted Bond funds for the purchase of nine (9) EMS vehicles from a UTC established with Horton Emergency vehicles. The Division of Fire budgeted \$6 million for the purchase of apparatus from the 2010 Capital Improvements Budget (CIB). However, bonds have yet to be sold for the purchase of these medics, necessitating a certification of \$2,009,732.40 against the Special Income Tax Fund. Upon sale of bonds, these funds will be reimbursed to the SIT.

**Title**To authorize and direct the Director of Finance and Management to issue a purchase order for EMS vehicles for the Division of Fire from an existing Universal Term Contract with Horton Emergency Vehicles, to authorize and direct the City Auditor to appropriate and transfer \$2,009,732.40 from the Special Income Tax Fund to the Public Safety Voted Bond Fund; to authorize the City Auditor to appropriate \$2,009,732.40 within the Safety Voted Bond Fund; to authorize the expenditure of \$2,009,732.40 from the Safety Bond Fund; and to declare an emergency. (\$2,009,732.40)

**Body**WHEREAS, the Fire Division has an immediate need to purchase EMS vehicles; and

WHEREAS, a Universal Term Contract was established by the Purchasing Office for these purchases; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance the purchase of these pieces of apparatus is presently expected not to exceed \$2,009,732.40; and

**WHEREAS**, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project");

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Safety, in that it is necessary to purchase said medics to take advantage of the pricing available in the current UTC contract, and for the immediate preservation of the public health, peace, property, safety and welfare; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

**SECTION 1.** That the Finance and Management Director is hereby authorized and directed to issue a purchase order to Horton Emergency Vehicles for the purchase of nine (9) EMS vehicles from an existing UTC contract established by the purchasing office for such purpose with Horton Emergency Vehicles.

**SECTION 2.** The sum of \$2,009,732.40 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

**SECTION 3.** That the City Auditor is hereby authorized to transfer said funds to the Public Safety Voted Bond Funds 701, at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

**SECTION 4.** That the amount of \$2,009,732.40 is hereby transferred and appropriated to The Division of Fire, 30-04, Fund 701, Fire Apparatus Replacement- Medics- 340101-100002, Object Level One 06, Object Level Three Code 6652, OCA Code 713402.

**SECTION 5.** That upon obtaining other funds for purchase of Fire Apparatus-Medics, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

**SECTION 6.** That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 2, above.

**SECTION 7.** That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$2,009,732.40 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of the Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

**SECTION 8.** All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

**SECTION 9.** That the expenditure of \$2,009,732.40, or so much thereof as may be necessary, be and is hereby authorized from the Fire Division's Safety Bond Fund, Fund 701, Division of Fire No. 3004, Object Level One 06, Object Level Three 6652, OCA 713402, Project #340101-100002 Fire Apparatus Replacement-Medics.

**SECTION 10.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contract or contract modifications associated with this ordinance.

**SECTION 11.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves or vetoes the same.

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**Legislation Number:** 0864-2010

**Drafting Date:** 06/02/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into an agreement with Resource International, Inc. in the amount of \$177,000.00, for professional engineering services for the Sylvan Avenue Area Water Line Improvements Project, Division of Power and Water Contract No. 1130.

The purpose of this project is to construct necessary improvements to the water distribution system in the Sylvan Avenue Area. The improvements identified in the scope of work will replace undersized water mains that currently provide low pressures and insufficient fire flows. The improvements will also replace mains that have high break histories and require frequent maintenance. This project includes seven individual sites located at North Sylvan Avenue, Southampton Drive, Algonquin Avenue, Brinker Avenue, Valleyview Drive, Ridge Avenue, Joan Road, and Alberta Street, for a total of approximately 9,800 feet of water line ranging in size from 2-inch to 8-inch diameter.

**2. BID INFORMATION:** The selection of the firm providing the professional engineering services has been performed in accordance with the procedures set forth in Columbus City Code, Section 329.14, "Awarding professional service contracts through requests for proposals." Requests for Proposals (RFP's) were received on February 12, 2010 from Resource International, Inc., CT Consultants, Inc., and HDR Engineering, Inc.

An evaluation committee reviewed the proposals and scored them based on the criteria mentioned above. Based on the evaluation of the proposals submitted, the Director of Public Utilities requests award of the project to Resource International, Inc.

The Contract Compliance Number for Resource International, Inc. is 31-0669793 (expires 6/3/12, F1). Additional information regarding each bidder, description of work, contract time frame and detailed amounts can be found on the attached Legislation Information Form.

**3. FISCAL IMPACT:** Funds for this expenditure are included in the Water Build America Bonds Fund.

### **Title**

To authorize the Director of Public Utilities to enter into an agreement with Resource International, Inc. for professional engineering services for the Sylvan Avenue Area Water Line Improvements Project; and to authorize the expenditure of \$177,000.00 from the Water Build America Bonds Fund; for the Division of Power and Water. (\$177,000.00)

### **Body**

**WHEREAS**, three technical proposals for professional engineering services for the Sylvan Avenue Area Water Line Improvements Project were received on February 12, 2010; and

**WHEREAS**, Resource International, Inc. was the firm selected to perform the design services for this project based on criteria set forth in Columbus City Codes; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Power and Water, Department of Public Utilities, to authorize the Director of Public Utilities to enter into an agreement for professional engineering services for the Sylvan Avenue Area Water Line Improvements Project, for the preservation of the public health, peace, property and safety;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Public Utilities be and hereby is authorized to enter into an agreement for professional engineering services for the Sylvan Avenue Area Water Line Improvements Project; with the best, responsive, and responsible bidder, Resource International, Inc., 6350 Presidential Gateway, Columbus, Ohio 43231; in the amount of \$177,000.00; in accordance with the terms and conditions of the contract on file in the Office of the Division of Power and Water.

**SECTION 2.** That the expenditure of \$177,000.00 is hereby authorized for the Sylvan Avenue Area Water Line Improvements Project within the Water Build America Bonds Fund, Fund No. 609, Division 60-09, Project No. 690236-100030 (carryover funding), OCA Code 623630, Object Level Three 6629.

**SECTION 3.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

**SECTION 4.** That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

**SECTION 5.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 6.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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**Legislation Number:** 0873-2010

**Drafting Date:** 06/03/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation**

Background: The City of Columbus, Ohio ("City") holds title to a sewer easement, located in the vicinity of Eakin Road and Harrisburg Pike. The Developer, Southwest Square II, LLC, an Ohio limited liability company, has requested that a portion of said recorded deed of easement be released, in part, as more particularly described in the body of this legislation. The developer desires to relocate a portion of the existing sanitary line and grant the City a replacement easement to provide for the relocated service line. The Department of Public Utilities, has determined that the partial release of said deed of easement in P.B. 67, Pg. 19, will not adversely affect the City of Columbus and should therefore be allowed. The following legislation authorizes the Director of the Department of Public Utilities to execute those instruments necessary to release certain portions of the subject sanitary sewer line easement.

Fiscal Impact: N/A

Emergency Justification: N/A

**Title**

To authorize the Director of the Department of Public Utilities to execute those instruments necessary to release certain portions of an existing sanitary sewer line easement, located in the vicinity of Eakin Road and Harrisburg Pike, at the request of the grantor/developer Southwest Square II, an Ohio limited liability company, who proposes to relocate the sewer line and grant the City a replacement easement to provide for the relocated service line.

**Body**

WHEREAS, the City of Columbus, Ohio, holds title to a sewer easement, located in the vicinity of Eakin Road and Harrisburg Pike, by virtue of a recorded deed of easement in P.B. 67, Pg. 19, Franklin County Recorder's Office, Ohio; and,

WHEREAS, Southwest Square II, LLC, an Ohio limited liability company, has requested that a portion of said recorded deed of easement be released, in part, as more particularly described below herein; and,

WHEREAS, the Department of Public Utilities, has determined that the partial release of said deed of easement in P.B. 67, Pg. 19, will not adversely affect the City of Columbus; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Public Utilities be, and hereby is authorized to execute those documents, as approved by the Department of Law, Real Estate Division, necessary to release, in part, a portion of that deed of easement, recorded in Official Records, P. B 67, Page 19, in the Recorder's Office, Franklin County, Ohio, as more particularly described below:

RELEASE OF A PORTION OF A SANITARY SEWER EASEMENT  
NORTHERLY OF HARRISBURG PIKE,  
WESTERLY OF EAKIN ROAD,  
CITY OF COLUMBUS, FRANKLIN CO., OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, in Virginia Military Survey No. 717 and being a portion of an easement shown upon the plat entitled Vacation of a Portion of and Dedication of Easements for Southwest Square, of record in Plat Book 67, Page 19, said portion of said easement to be vacated crosses a 0.373 acre tract of land conveyed to Southwest Square II LLC, by deed of record in Instrument 200912110179566, all records referenced to the Recorder's Office, Franklin County, Ohio, said portion of said easement to be vacated bounded and described as follows:

Beginning at a point in the northeasterly line of said 0.373 acre tract and in the southwesterly line of an original 1.250 acre tract of land conveyed as Parcel "G" to Southwest Square II LLC, by deed of record in Instrument 200312090389659, said point being N 45° 15' 32" W a distance of 149.89 feet from a point in the centerline of Harrisburg Pike ~ State Route 62 (variable width), in the southeasterly line of a 1.0070 acre tract of land conveyed, as Parcel 35-WDV, for Harrisburg Pike right-of-way purposes, to the Ohio Department of Transportation by deed of record in Instrument 200708130142310 and at the southwesterly corner of said original 1.250 acre tract;

thence S 42° 11' 46" W crossing a portion of said 0.373 acre tract a distance of 76.37 feet to a point;

thence S 59° 36' 38" W crossing a portion of said 0.373 acre tract a distance of 16.70 feet to a point in the southwesterly line of said 0.373 acre tract and in the northeasterly line of an original 0.404 acre tract of land conveyed as Parcel "E" to Southwest Square II LLC, by deed of record in Instrument 200312090389659;

thence N 41° 32' 46" W along a portion of the southwesterly line of said 0.373 acre tract and along a portion of the northeasterly line of said original 0.404 acre tract a distance of 10.19 feet to a point;

thence N 59° 36' 38" E crossing a portion of said 0.373 acre tract a distance of 17.14 feet to a point;

thence N 42° 11' 46" E crossing a portion of said 0.373 acre tract a distance of 75.28 feet to a point in the northeasterly line of said 0.373 acre tract and in the southwesterly line of said original 1.250 acre tract;

thence S 45° 15' 32" E along a portion of the northeasterly line of said 0.373 acre tract and along a portion of the southwesterly line of said original 1.250 acre tract a distance of 10.01 feet to the place of beginning;

containing 927 square feet (= 0.021 acre) of land, more or less.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc. Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, under his supervision in May, 2008. Basis of bearings is the centerline of Harrisburg Pike - U.S. Route 62,

being S 44° 44' 15" W, as shown of record in Instrument 200705040078352, Recorder's Office, Franklin County, Ohio. Franklin County Tax Parcel Number: 570-207332. Prior Instrument Reference: 200912110179566. Recorder's Office Franklin County, Ohio

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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**Legislation Number:** 0881-2010

**Drafting Date:** 06/04/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation****BACKGROUND:**

This legislation authorizes the Director of the Department of Technology and the Director of the Department of Building and Zoning Services, to enter into an annual contract for license upgrade, access, maintenance and support with the National Fire Protection Association (NFPA) electronic fire codes, associated with building inspectors and plans examiners, with a coverage period from June 28, 2010 through June 27, 2011. Also, this contract will provide for web access for use of numerous NFPA copyright codes and standards materials associated with various aspects of fire prevention and protection.

For approximately ten years, the Department of Building and Zoning Service began utilizing services from NFPA, associated with the electronic fire codes. At that time, the agency purchased code books for staff utilization. As the code books' cost began to increase, the agency began to research other methods to view and access the necessary data. Out of this research the agency switched to web access for staff. This web access was obtained via a three user license that could be shared among staff. However, the NFPA has restructured their access procedures whereby the Department of Building and Zoning Services can no longer have multi-users sharing access from the three user license. As a result of this restructure, it is necessary to upgrade the current license, thus allowing for the level of needed access and shared access for various staff use. Without the passage of this legislation, the ability to provide accurate, timely, up-to-date fire protection code information to the Department of Building and Zoning Services' user base of Building Inspectors and Plans Examiners will not be available.

Since, National Fire Protection Association is the owner of the codes, standards, books, audio/visual and electronic materials dealing with various aspects of fire prevention and protection, this contract is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07.

**FISCAL IMPACT:**

The cost associated with this contract and ordinance, for the upgrade, maintenance and support is \$27,500.00, with a coverage period of June 28, 2010 through June 27, 2011 provided by National Fire Protection Association. Funds have been identified and are available with the Information Services Fund for the Department of Building and Zoning Services.

**CONTRACT COMPLIANCE:**

National Fire Protection Association, Inc. # 04-1653090 Expiration Date: 02/27/2011

**EMERGENCY:** Emergency action is requested in order to establish a purchase order for the necessary upgrade and to maintain support without interruption.

**Title**

To authorize the Director of the Department of Technology and the Director of the Department of Building and Zoning Services to enter into an annual contract for license upgrade, access, maintenance and support with the National Fire Protection Association (NFPA) electronic fire codes; and this agreement is being established in accordance with the sole source provisions of the Columbus City Code; and to authorize the expenditure of \$27,500.00 from the Department of Technology Information Services Fund; and to declare an emergency. (\$27,500.00)



**Body**

**WHEREAS**, this legislation authorizes the Director of the Department of Technology and the Director of the Department of Building and Zoning Services, to enter into an annual contract for license upgrade, access, maintenance and support with the National Fire Protection Association (NFPA) electronic fire codes, associated with building inspectors and plans examiners, with a coverage period from June 28, 2010 through June 27, 2011, and

**WHEREAS**, National Fire Protection Association is the owner of the codes, standards, books, audio/visual and electronic materials dealing with various aspects of fire prevention and protection, and

**WHEREAS**, without the passage of this legislation, the Department of Building and Zoning Services will lose the ability to provide accurate, timely up-to-date fire protection code information to the Department of Building and Zoning Services' user base of Building Inspectors and Plans Examiners, and

**WHEREAS**, this agreement is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07

**WHEREAS**, an emergency exists in the usual daily operation of the Departments of Technology and Building Services and Zoning in that it is necessary to maintain on-going support and access to fire protection code information and to allow for uninterrupted daily operations for the preservation of the public health, peace, property, safety and welfare; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1:** That the Director of the Department of Technology and the Director of the Department of Building and Zoning Services, be and hereby authorized to enter into an annual contract for license upgrade, access, maintenance and support with the National Fire Protection Association (NFPA) electronic fire codes, associated with building inspectors and plans examiners, with a coverage period from June 28, 2010 through June 27, 2011. The cost associated with this ordinance is \$27,500.00.

**SECTION 2:** That the expenditure of \$27,500.00 or so much thereof as may be necessary is hereby authorized to be expended from:

**Div.:**47-01|**Fund:**514|**Subfund:**240|**OCA Code:** 514240|**Obj. Level 1:**03|**Obj. Level 3:** 3358|**Amount:** \$27,500.00

**SECTION 3:** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 4:** That this agreement is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07.

**SECTION 5:** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Drafting Date: 06/08/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

### Explanation

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Conie Construction Co.; in the amount of \$430,876.02; for the Hap Cremean Water Plant Sludge Disposal Line Replacement - Part II Project, Division of Power and Water Contract Number 1149.

This project consists of furnishing all materials, equipment, and labor necessary for the installation and connection of approximately 1,335 feet of 12-inch ductile iron force main by open cut and bore and jack methods.

**2. CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened three bids on May 26, 2010. Bids were received from: Conie Construction Co. - \$430,876.02; John Eramo & Sons, Inc. - \$457,604.55; and Danbert, Inc. - \$498,253.60. The bid from John Eramo & Sons, Inc. was deemed non-responsive as they did not specify a tunneling sub, which was a violation of Mandatory Factor M-5.

The lowest and best bid was from Conie Construction Co. in the amount of \$430,876.02. Their Contract Compliance Number is 31-0800904 (11/10/10, Majority). Additional information regarding each bidder, description of work, contract time frame and detailed amounts can be found on the attached Legislation Information Form.

**3. EMERGENCY DESIGNATION:** The Ohio EPA has requested that the City replace the sludge line at the Hap Cremean Water Plant. Original construction of the sludge line did not provide for corrosion protection. Other portions of this sludge line that were constructed without corrosion protection experienced corrosion-related failures and were replaced. The sludge line being replaced is the final line that was originally constructed without corrosion protection. Although this section of the sludge line has not exhibited any corrosion problems, the Ohio EPA is concerned about the potential environmental impacts of a failure due to the line's proximity to the Olentangy River. Furthermore, the division has a permit to work in a right of way from ODOT that expires in September 2010. Approving this project as emergency legislation will allow construction of this work to proceed during the 2010 construction season.

**4. FISCAL IMPACT:** A transfer of funds within the Water Build America Bonds Fund will be necessary, as well as an amendment to the 2010 Capital Improvements Budget.

### Title

To authorize the Director of Public Utilities to execute a construction contract with Conie Construction Co. for the Hap Cremean Water Plant Sludge Disposal Line Replacement - Part II Project; for the Division of Power and Water; to authorize a transfer and expenditure of \$430,876.02 within the Water Build America Bonds Fund; to amend the 2010 Capital Improvements Budget; and to declare an emergency. (\$430,876.02)

### Body

**WHEREAS**, three bids for the Hap Cremean Water Plant Sludge Disposal Line Replacement - Part II Project were received and publicly opened in the offices of the Director of Public Utilities on May 26, 2010; and

**WHEREAS**, the lowest and best bid was from Conie Construction Co., in the amount of \$430,876.02; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract for the Hap Cremean Water Plant Sludge Disposal Line Replacement - Part II Project; and

**WHEREAS**, it is necessary for this Council to authorize the transfer within and expenditure of funds from the Water Build America Bonds Fund, for the Division of Power and Water, and

**WHEREAS**, it is necessary to authorize an amendment to the 2010 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Power and Water, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into a construction contract with Conie Construction Co., for the Hap Cremean Water Plant Sludge Disposal Line Replacement - Part II Project, for the immediate preservation of the public health, peace, property and safety; now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Public Utilities be and hereby is authorized to award and execute a construction contract for the Hap Cremean Water Plant Sludge Disposal Line Replacement - Part II Project with the lowest and best bidder, Conie Construction Co., 1340 Windsor Ave., Columbus, Ohio 43211; in the amount of \$430,876.02; in accordance with the terms and conditions of the contract on file in the Office of the Division of Power and Water.

**SECTION 2.** That the City Auditor is hereby authorized to transfer \$430,876.02 within the Department of Public Utilities, Division of Power and Water, Water Build America Bonds Fund, Fund No. 609, Dept/Div. No. 60-09, Object Level Three 6623, as follows:

**Fund No. | Project No. | Project Name | OCA Code | Change**

609 | 690510-100000 (carryover) | HCWP Sludge Line | 609510 | -\$430,876.02

609 | 690510-100001 (carryover) | HCWP Sludge Line-Pt. II | 695101 | +\$430,876.02

**SECTION 3.** That the 2010 Capital Improvements Budget is hereby amended as follows:

**Fund No. | Proj. No. | Proj. Name | Current Authority | Revised Authority | Change**

609 | 690510-100000 (carryover) | HCWP Sludge Line | \$800,001 | \$369,124 | -\$430,877

609 | 690510-100001 (carryover) | HCWP Sludge Line-Pt. II | \$0 | \$430,877 | +\$430,877

**SECTION 4.** That the expenditure of \$430,876.02 is hereby authorized for the Hap Cremean Water Plant Sludge Disposal Line Replacement - Part II Project within the Water Build America Bonds Fund, Fund No. 609, Division 60-09, Project No. 690510-100001 (carryover), Object Level Three 6623, OCA Code 695101.

**SECTION 5.** That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Power and Water.

**SECTION 6.** That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

**SECTION 7.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 8.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

**SECTION 9.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0894-2010

**Drafting Date:** 06/08/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

**[Explanation](#)**

**Background:**

The Juvenile Bureau of the Columbus Division of Police has occupied office space at The Children's Hospital Center for Child and Family Advocacy since July 2005 pursuant to the terms of a Memorandum of Understanding and a lease of office space through an Operating Agreement. The Operating Agreement, currently in its first renewal with two remaining renewal options, requires the City to annually reimburse The Children's Hospital Center for Child and Family Advocacy for the City's pro rata share of the operating expenses for its occupancy of the building, the "Shared Cost," on January 1 of each year. Due to the City's budget process, authorization of funding for the expense for this lease of office space under the Operating Agreement does not occur by January 1 of each year thereby making it impossible for the City to make payment as is currently stipulated by the Operating Agreement. Children's Hospital and the City have agreed to change the due date for payment of the Shared Cost to April 1 of each year.

This legislation authorizes the Director of Finance and Management to execute Amendment #2 to the Operating Agreement to revise the payment due date for the City's prorata share of the Shared Cost of its leased office space from January 1 to April 1 for the remaining renewal periods of the Operating Agreement.

**Title**

To authorize the Director of Finance and Management to execute those documents necessary to amend the Operating Agreement between the City of Columbus and the Center for Child Advocacy at Nationwide Children's Hospital by authorizing a change in the due date of the Shared Cost payment.

**Body**

**WHEREAS**, the City desires to enter into Operating Agreement Amendment #2 with the Center for Child Advocacy at Nationwide Children's Hospital, to amend a lease of 4,014 square feet of office space located 655 East Livingston Avenue, Columbus, Ohio for offices for the Juvenile Bureau of the Columbus Division of Police; and

**WHEREAS**, the parties have agreed that the payment date for the each of the remaining renewal terms of the lease shall be revised to be April 1, rather than January 1; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of Finance and Management be, and hereby is authorized to execute those documents approved by the Department of Law, Division of Real Estate necessary to amend the Operating Agreement by and between the City of Columbus, and The Children's Hospital Center for Child and Family Advocacy for the lease of 4,014 square feet of office space located at 655 East Livingston Avenue, Columbus, Ohio.

**Section 2.** That the terms and conditions of Amendment #2 shall be in form approved by the City Attorney's Office and shall include the following:

- a) The rent due date for each of the two remaining renewal periods, if so approved by City Council, shall be changed from January 1 to April 1 of each year.
- b) Such other terms and conditions as agreed to and approved by the City Attorney.

**Section 3.** That the City Auditor is authorized to make any accounting changes necessary to ensure that this contract is properly accounted for and recorded accurately on the City's financial records. That the City Auditor is authorized to make any changes to revise the funding source for any contract or contract modifications associated with this ordinance.

**Section 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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**Legislation Number:** 0898-2010

**Drafting Date:** 06/09/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation1. BACKGROUND**

This is consent legislation with the Ohio Department of Transportation (ODOT) for a crack sealing project on the four lane section of SR-161 from Ulry Road to the Licking County line. Crack sealing will help to extend the life of the pavement by filling cracks that have developed and therefore reduce the effects of the freeze/thaw cycle. (D06-PPM-FY11B PID 83734)

Since this project lies within the City of Columbus, this consent ordinance is necessary. The Ohio Department of Transportation will be responsible for preliminary engineering and construction. Construction is tentatively planned for Spring 2011 and is expected to be completed by Fall 2011. This legislation also authorizes the Director of Public Service to enter into the necessary agreements to complete this project.

**2. FISCAL IMPACT**

The estimated construction cost of the entire project is \$1,000,000.00 part of which is in Madison and Pickaway Counties. There is no cost to the City for this project.

TitleTo authorize the Director of Public Service to enter into an agreement with the Director of the Ohio Department of Transportation and to grant consent and propose cooperation with the State of Ohio for a crack sealing project on the four lane section of SR-161 from Ulry Road to the Licking County line. (\$0)

Body The following is an Ordinance enacted by the City of Columbus, Franklin County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**WHEREAS**, the State of Ohio has identified the need for the described project:

Perform contract crack sealing as a preventative maintenance measure on FRA-161 from the Ulry Road overpass to the Licking County Line. The portion from Ulry Road to the Columbus/New Albany corporation line west of SR-605 is within the City of Columbus; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**Section 1. - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**Section 2 - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director.

The Ohio Department of Transportation shall assume and bear one hundred percent of the necessary costs of the State's highway improvement project.

In the event that the City requests certain features or appurtenances be included within the highway improvement project's design and construction, and which features and appurtenances are determined by the State and the Federal Highway Administration to be not necessary for the State's highway improvement project, the City shall, prior to the project being advertised for construction contract bidding purposes, provide appropriate documentation that its Council has appropriated, and its Auditor has certified as being available for such specific purposes, funds sufficient in amount to cover one hundred percent (100%) of the costs of incorporating such additional features or appurtenances within the State's project, including preliminary engineering, final design, right-of-way, construction and construction engineering expenses as may be directly related thereto.

### **Section 3 - Utilities and Right-of-Way Statement**

ODOT agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. ODOT also understands that right-of-way costs include eligible utility costs.

ODOT agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

### **Section 4 - Maintenance**

Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

### **Section 5 - Authority to Sign**

The Director of Public Service of said City is hereby empowered on behalf of the City of Columbus to enter into contracts with the Director of Transportation necessary to complete the above described project.

**Section 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

---

**Legislation Number:** 0902-2010

**Drafting Date:** 06/09/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

#### **Explanation1. BACKGROUND**

This is consent legislation with the Ohio Department of Transportation (ODOT) for a major rehabilitation project on I-270 from 0.36 miles west of Hamilton Road to 0.92 miles south of Broad Street. Work items include pavement, bridges, guardrail, sign, lighting, and drainage. This project lies within Gahanna and Columbus. (FRA-270-36.94 PID 86067)

Since this project lies within the City of Columbus, this consent ordinance is necessary. The Ohio Department of Transportation will be responsible for preliminary engineering and construction. Environmental work is planned to begin in 2010 and construction is tentatively planned for 2014 and is expected to be completed in 2016. This legislation also authorizes the Director of Public Service to enter into the necessary agreements to complete this project.

#### **2. FISCAL IMPACT**

The estimated construction cost of the entire project is \$55,000,000.00. There is no cost to the City for this project.

TitleTo authorize the Director of Public Service to enter into an agreement with the Director of the Ohio Department of Transportation and to grant consent and propose cooperation with the State of Ohio for a major rehabilitation project on I-270 from 0.36 miles west of Hamilton Road to 0.92 miles south of Broad Street. (\$0)

Body The following is an Ordinance enacted by the City of Columbus, Franklin County, Ohio, hereinafter referred to

as the Local Public Agency (LPA), in the matter of the stated described project.

**WHEREAS**, the State has identified the need for the described project:

This project proposes to perform a major rehabilitation project on I-270 from 0.36 miles west of Hamilton Road to 0.92 miles south of Broad Street. Work items include pavement, bridges, guardrail, sign, lighting, and drainage; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**Section 1 - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**Section 2 - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director.

The Ohio Department of Transportation shall assume and bear one hundred percent of the necessary costs of the State's highway improvement project.

In the event that the City requests certain features or appurtenances be included within the highway improvement project's design and construction, and which features and appurtenances are determined by the State and the Federal Highway Administration to be not necessary for the State's highway improvement project, the City shall, prior to the project being advertised for construction contract bidding purposes, provide appropriate documentation that its Council has appropriated, and its Auditor has certified as being available for such specific purposes, funds sufficient in amount to cover one hundred percent (100%) of the costs of incorporating such additional features or appurtenances within the State's project, including preliminary engineering, final design, right-of-way, construction and construction engineering expenses as may be directly related thereto.

**Section 3 - Utilities and Right-of-Way Statement**

ODOT agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. ODOT also understands that right-of-way costs include eligible utility costs.

ODOT agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 4 - Maintenance**

Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

**Section 5 - Authority to Sign**

The Director of Public Service of said City is hereby empowered on behalf of the City of Columbus to enter into contracts with the Director of Transportation necessary to complete the above described project.

**Section 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

---

**Legislation Number:** 0906-2010

**Drafting Date:** 06/09/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

**BACKGROUND:** The Columbus Department of Development is proposing to enter into a Jobs Growth Incentive Agreement with Huntington National Bank (HNB) equal to thirty-five percent (35%) of the amount of personal income tax withheld on new employees for a term of seven (7) years. The company will invest approximately \$7 million in leasehold improvements and personal property and create 500 new full-time permanent positions.

P. W. Huntington formed and opened the first Huntington National Bank in downtown Columbus in 1866. Today, HNB is an affiliate of Huntington Bancshares Inc., which is a \$53 billion Midwest bank holding company. HNB provides retail and commercial financial services in more than 600 branches in Ohio, Kentucky, Michigan, Indiana, Pennsylvania, and West Virginia. HNB provides full-service commercial and consumer banking services, mortgage banking services, equipment leasing, investment management, trust services, brokerage services, customized insurance service program, and other financial products and services

HNB is proposing to expand its workforce at its corporate headquarters at 41 S. High Street and other locations throughout the City of Columbus. HNB will enter into a 20-year lease agreement and invest approximately \$7 million in leasehold improvements and personal property as well as create 500 new full-time permanent positions.

**FISCAL IMPACT:** No funding is required for this legislation.

### **Title**

To authorize the Director of Development to enter into a Jobs Growth Incentive Agreement with Huntington National Bank equal to thirty-five percent (35%) of the amount of new income tax withheld on employees for a term of seven (7) years in consideration of the company's proposed investment of \$7 million and the creation of 500 new permanent full-time jobs.

### **Body**

**WHEREAS**, the City desires to increase employment opportunities and encourage the creation of new jobs in the City in order to improve the overall economic climate of the City and its citizens; and

**WHEREAS**, the Department of Development has received a completed Jobs Growth Incentive Agreement Application from Huntington National Bank; and

**WHEREAS**, Huntington National Bank is proposing to enter into an additional 20-year lease at 41 S. High Street, to accommodate the expansion of its corporate headquarters and other locations throughout Columbus; and

**WHEREAS**, Huntington National Bank has indicated that a Jobs Growth Incentive is crucial to its decision to locate the aforementioned corporate headquarters in Columbus; and

**WHEREAS**, the City of Columbus desires to facilitate Huntington National Bank's future growth at the project sites by the creation of new jobs; and



**WHEREAS**, in consideration of Huntington National Bank proposed investment of \$7 million and the creation of 500 new permanent full-time jobs; and **NOW THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

- Section 1.** That the Director of the Department of Development is hereby authorized to enter into a Jobs Growth Incentive Agreement equal to thirty-five percent (35%) of the amount of new income tax withheld on employees for a term of seven (7) years with Huntington National Bank.
- Section 2.** Each year of the term of the agreement with Huntington National Bank the City's obligation to pay the incentive is expressly contingent upon the passage of an ordinance appropriating and authorizing the expenditure of monies sufficient to make such payment and the certification of the City Auditor pursuant to Section 159 of the Columbus City Charter.
- Section 3.** That the City of Columbus Jobs Growth Incentive Agreement is signed by Huntington National Bank within 90 days of passage of this ordinance, or this ordinance and the incentive herein shall be null and void.
- Section 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

---

**Legislation Number:** 0912-2010

**Drafting Date:** 06/10/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation**

**Background**

The Department of Finance and Management Real Estate Management Office (REMO) solicited Request for Proposals (RFP) in April 2009, RFP No. SA00324, to provide insurance brokerage and risk management services for the City's property (casualty), boiler and machinery, and aviation insurance programs. The City selected Arthur J Gallagher Risk Management Services, Inc. to administer the City's insurance programs for a five year period, consisting of an initial one-year term and four automatic consecutive one-year terms, each subject to appropriation of necessary funds by City Council and certification of availability of funds by the City Auditor.

Pursuant to Ordinance No. 0943-2009, passed on 07/8/10, the City entered into a contract with Arthur J. Gallagher Risk Management Services, Inc. for insurance brokerage and engineering services and funded for the initial one (1) year term commencing August 1, 2009 and terminating July 31, 2010 for insurance brokerage and engineering services, property (casualty), boiler and machinery, and aviation insurance premiums.

Per the City's requirements, Arthur J. Gallagher Risk Management Services, Inc. has solicited underwriting for the City's insurance coverage for the renewal term commencing August 1, 2010 and terminating July 31, 2011. After review of the quotations, the City has chosen to remain with its existing insurance carriers thereby providing the broadest and best coverage meeting the City's requirements and at the best price. The selected insurance carriers are: Affiliated FM Insurance Company for property (casualty) insurance; Zurich American Insurance Company for boiler and machinery insurance; and Phoenix Aviation (Old Republic Insurance Company) for aviation insurance. The policies include the following deductibles: \$250,000 for property (casualty) insurance; a \$25,000 deductible for boiler & machinery insurance; a \$100,000 deductible for aviation insurance for loss events with "rotors in motion" and a \$500 deductible for loss events "rotors not in motion". In addition, the aviation policy provides the City liability coverage at \$15,000,000 per loss occurrence. The combined cost of the premiums for the selected insurance coverage is \$346,257. The insurance policies are effective from August 1, 2010 through July 31, 2011.

The cost of the brokerage and risk engineering service fee is \$30,000. The annual cost of all insurance premiums is \$346,257 for the current selected property locations, contents, and the scheduled aircraft (see attached lists). The total cost for brokerage and risk management services, including property (casualty), boiler and machinery, and aviation insurance premiums is \$376,257.

This ordinance authorizes the Director of Finance and Management to pay the cost of the first of four (4) one year renewals of the insurance brokerage and engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. for the term commencing August 1, 2010 and terminating July 31, 2011, to bind coverage for all City 2010-2011 insurance programs, and to expend \$239,377 from the Department of Finance and Management Employee Benefit Budget 2010 and \$136,880 from the Law Enforcement Seizure Fund.

This ordinance also authorizes the Director of Finance and Management to expend up to \$55,623 for additional insurance premiums required due to the City's addition of buildings or changes to coverage limits as may be necessary during the 2010-2011 policy term.

The Contract Compliance Number for Arthur J. Gallagher Risk Management Services, Inc. is 36-2102482 and with an expiration date of 03/10/2012.

**Fiscal Impact:** The funding for this contract renewal and all insurance premiums was budgeted and the funds are available within the Department of Finance and Management Employee Benefit Fund Budget 2010 and the Law Enforcement Seizure Fund. The financial obligation for this one year renewal and all insurance premiums is \$431,880.00.

#### **Title**

To authorize the Director of Finance and Management to expend funds for the contract Arthur J. Gallagher Risk Management Services, Inc. for the first of four (4) automatic one (1) year renewals, to bind the City's insurance for the term commencing August 1, 2010 and terminating July 31, 2011, and to authorize the expenditure of up to \$431,880 for the City's 2010-2011 insurance program from the Employee Benefits Fund and the Law Enforcement Seizure Fund (\$431,880).

#### **Body**

**WHEREAS**, pursuant to Ordinance No. 0943-2009, the City of Columbus entered into an insurance brokerage and risk engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. for a five year period with an initial one (1) year term and four (4) automatic consecutive one-year renewal terms, each subject to agreement by both parties and appropriation of necessary funds by the Columbus City Council and certification of availability of funds by the City Auditor, commencing on August 1, 2009 and terminating on July 31, 2010; and

**WHEREAS**, it is necessary to authorize the expenditure of funds for insurance brokerage and risk engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. for the first of four (4) consecutive one (1) year terms commencing August 1, 2010 and terminating July 31, 2011; and

**WHEREAS**, due to the City's addition of buildings or changes to coverage limits to its property and boiler coverage during the 2010-2011 policy term, it may be necessary to pay associated premium costs; and

**WHEREAS**, it is necessary to authorize the expenditure of \$431,880.00, or as much as may be necessary, for payment of costs for insurance brokerage and engineering services, and property (casualty), boiler and machinery, and aviation insurance premiums; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Finance and Management be and is hereby authorized and directed to pay contract

costs for the renewal of the contract with Arthur J. Gallagher Risk Management Services, Inc. to provide insurance brokerage and risk engineering services, for select City properties, property (casualty), boiler and machinery, and aviation insurance premiums and to pay contract costs caused by additional insurance premiums due to addition of coverage during the 2010-2011 term.

**SECTION 2.** That the expenditure of \$431,880, or so much thereof that may be necessary in regard to the action authorized in Section 1, be and is hereby authorized and approved as follows:

Department/Division: 45-51  
Fund: 502  
OCA Code: 450052  
Object Level 1: 03  
Object Level 3: 3392  
Amount: \$295,000

Department/Division: 30-03  
Fund: 219  
Subfund: 016  
OCA Code: 300988  
Object Level 1: 03  
Object Level 3: 3392  
Amount: \$136,880

**SECTION 3.** That the City Auditor is authorized to make any accounting changes necessary to ensure that this contract is properly accounted for and recorded accurately on the City's financial record. That the City Auditor is authorized to make any changes to revise the funding source for any contract or contract modification associated with this ordinance.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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**Legislation Number:** 0913-2010

**Drafting Date:** 06/10/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

**Explanation**

**BACKGROUND:**

This legislation authorizes the transfer of \$2,980,528.00 within the General Government Grant Fund, Neighborhood Stabilization Program 1. Funds are needed to obligate and expend for eligible projects and activities associated with the Neighborhood Stabilization Program 1 (NSP1) Grant.

This ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible. These funding obligations must be made prior to the end of the grant's required obligation period of September 4, 2010 as mandated by the City's NSP1 Grant Agreement with the U.S. Department of Housing and Urban Development.

**FISCAL IMPACT:**

This ordinance authorizes the cancellation of \$930,528.00 from an Auditor's Certificate and the transfer of \$2,980,528.00 within the General Government Grant Fund, NSP1 Grant.

**Title**

To authorize the City Auditor to cancel \$930,528.00 from an Auditor's Certificate; to authorize and direct the transfer of \$2,980,528.00 within the General Government Grant Fund, NSP1 Grant, to provide funding for obligations and expenditures related to the NSP1 Grant; and to declare an emergency. (\$2,980,528.00)

**Body**

**WHEREAS**, this legislation authorizes the cancellation of an Auditor's Certificate and the transfer of \$2,980,528.00 within the General Government Grant Fund, NSP1 Grant, to provide funding for the Department of Development obligations and expenses relating to the NSP1 Grant; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to transfer said funds so expenditures can be made by the end of the grant period, thereby preserving the public health, peace, property, safety and welfare; **Now, Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the City Auditor is hereby authorized to partially cancel AC029669\003 by canceling \$930,528.00 from its balance.

**Section 2.** That the City Auditor be and is hereby authorized and directed to transfer, within the General Government Grant Fund, Fund No.220, Grant Number 440500, \$2,980,528.00 as follows:

**FROM:**

**Division / OL One / OL Three / OCA / Amount**

44-01 / 03 / ???? / 440512 / \$1,500,000  
44-10 / 05 / 5528 / 440511 / \$930,528.00  
44-10 / 03 / 3336 / 440509 / \$550,000.00  
**Total: \$2,980,528**

**TO:**

**Division / OL One / OL Three / OCA / Amount**

44-10 / 05 / 5528 / 440506 / \$2,730,528.00  
44-10 / 05 / 5528 / 440510 / \$250,000.00  
**Total: \$2,980,528.00**

**Section 3.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0918-2010

**Drafting Date:** 06/11/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

**Explanation**

**BACKGROUND:** The purpose of this legislation is to authorize the Director of the Department of Development to enter into an agreement with the Ohio Department of Development to receive and administer a Clean Ohio Revitalization Fund grant of up to \$3 million to clean and redevelop the former Kimball Midwest site at 580-582 West Goodale Blvd. and to authorize entering into an agreement with the Wagenbrenner Development Company, to apply the grant funding toward the environmental clean up work at the project site to prepare for redevelopment.

Pursuant to Ordinance 0031-2010, passed by Columbus City Council on January 11, 2010, the Columbus Department of Development applied for, and was awarded, a Clean Ohio grant of \$3 million from the Ohio Department of Development to remediate the Kimball Midwest site in partnership with the Wagenbrenner Development Company.

The Wagenbrenner Development Company is committed to invest approximately \$9 million to construct 90-120 market rate apartment units utilizing LEED standards for the renovation of various existing structures and for new construction. Wagenbrenner also proposes to grant an easement to the City, along Goodale Blvd., for the extension of the Olentangy bike path and proposed pedestrian bridge over the Olentangy River.

This legislation is submitted as an emergency to commence work under the grant contingent on Ohio Controlling Board Approval scheduled for July 19, 2010.

**FISCAL IMPACT:** Funding for this legislation is provided by a Clean Ohio Revitalization Fund grant from the Ohio Department of Development in the amount of \$3,000,000.

#### **Title**

To authorize and direct the Director of the Department of Development to enter into an agreement with the Ohio Department of Development to receive and administer a Clean Ohio Revitalization Fund grant of up to \$3 million for the environmental clean up and redevelopment of the Kimball-Midwest site; to authorize the appropriation of \$3 million from the General Government Grant Fund; to authorize the Director of the Columbus Department of Development to enter into an agreement with The Wagenbrenner Development Company to apply said grant funding for environmental clean up and redevelopment of the Kimball Midwest site; to authorize the expenditure of \$3 million from the General Government Grant Fund; and to declare an emergency. (\$3,000,000)

#### **Body**

**WHEREAS**, the City of Columbus contains brownfield properties which may qualify for Clean Ohio clean up and redevelopment grant funding; and

**WHEREAS**, the Columbus Department of Development has been involved with brownfield redevelopment since 1996 through its administration of the Columbus Brownfield Redevelopment Program and its associated task force; and

**WHEREAS**, Clean Ohio grant funding is available for environmental clean up and will greatly compliment the efforts of the Columbus Department of Development in helping to clean up and redevelop brownfield properties in Columbus; and

**WHEREAS**, the Columbus Department of Development identified a brownfield property, which was awarded \$3 million in Clean Ohio grant funds by the Ohio Department of Development, contingent on Ohio Controlling Board approval, at the Kimball-Midwest site, 580-582 West Goodale Blvd., where environmental clean up is required before redevelopment can occur; and

**WHEREAS**, Kimball-Midwest site owner and developer; the Wagenbrenner Development Company, intends to clean and redevelop the site with residential units investing approximately \$9 million; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to begin the process to receive grant funding for environmental clean up at the former Kimball-Midwest site, all for the preservation of public health, peace, property, safety and welfare; **Now, Therefore,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of the Columbus Department of Development is hereby authorized and directed to enter into an agreement with the Ohio Department of Development to receive and administer a Clean Ohio Revitalization Fund grant in an amount of up to \$3 million for environmental clean up activities at the former Kimball-Midwest site in Columbus.

**Section 2.** That the sum of up to \$3 million be and is hereby appropriated from the un-appropriated balance of the General Government Grant Fund, Fund 220, and from all monies estimated to come into said fund from any and all sources appropriated and un-appropriated for any other purpose during the fiscal year ending December 31, 2010, to the Department of Development, Economic Development Division, Division Number 44-02, Object Level One 03, Object Level Three 3526, with the OCA and grant codes to be issued by the City Auditor upon award of said grant.

**Section 3.** That the Director of the Columbus Department of Development is authorized to enter into an agreement with the Wagenbrenner Development Company in an amount of up to \$3 million for environmental clean up work at the former Kimball-Midwest site in Columbus.

**Section 4.** That for the purpose stated in Section 3, the expenditure of up to \$3 million is hereby authorized from the General Government Grant Fund, Fund 220, Department of Development, Economic Development Division, Division No. 44-02, Object Level One 03, Object Level Three 3526, with the OCA and grant codes to be issued by the City Auditor upon award of said grant.

**Section 5.** That the monies appropriated in the foregoing Section 2 shall be paid upon order of the Director of The Columbus Department of Development, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**Section 6.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor, or ten days after adoption if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0926-2010

**Drafting Date:** 06/15/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

**Explanation**

**Background:** This Council passed Ordinance No. 0826-2010 on June 7, 2010, authorizing the City Clerk to execute the First Amendment to Petition for Organization of a New Community Authority for One Neighborhood New Community Authority on behalf of the City of Columbus as the sole "proximate city" within the meaning of Section 349.01(M) of the Ohio Revised Code, and determining that the First Amendment complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code. This ordinance expresses City Council's approval of the First Amendment and its determination that the addition of property to the new community district as set forth in that First Amendment will be conducive to the public health, safety, convenience and welfare, and will be consistent with the development of the new community, and will not jeopardize the plan of the new community, all as permitted by Section 349.03 of the Ohio Revised Code.

This ordinance is being submitted as an emergency in order to comply with the conditions set forth in Chapter 349 of the Ohio Revised Code for approving an amendment to a petition for organization of a new community authority.

**Fiscal Impact:** No City funding is required for this legislation.

To approve the First Amendment to Petition for Organization of a New Community Authority for One Neighborhood New Community Authority and make related findings; and to declare an emergency.

**Body**

**WHEREAS**, this Council enacted Ordinance No. 0926-2010 on June 7, 2010, directing the City Clerk to execute the First Amendment to Petition for Organization of a New Community Authority for One Neighborhood New Community Authority (the "First Amendment") on behalf of the City of Columbus (the "City") pursuant to Chapter 349 of the Ohio Revised Code, and that First Amendment was signed by the City Clerk to indicate the approval of the First Amendment by the City as the sole "proximate city" as that term is defined in Section 349.01(M) of the Ohio Revised Code; and

**WHEREAS**, the First Amendment was filed in the office of the Clerk of the Franklin County Board of Commissioners and in the office of the City Clerk as required by Section 349.03 of the Ohio Revised Code; and

**WHEREAS**, pursuant to that Ordinance No. 0826-2010, this Council, as the "organizational board of commissioners" as that term is defined in Section 349.01(F) of the Ohio Revised Code, determined that the First Amendment complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code and fixed the time and place for a hearing on that First Amendment; and

**WHEREAS**, this Council, as the organizational board of commissioners, held a hearing on the First Amendment on [June 28, 2010], after public notice was duly published in accordance with Section 349.03 of the Ohio Revised Code; and

**WHEREAS**, an emergency exists in that it is immediately necessary to approve the First Amendment and make related findings in order to comply with the conditions set forth in Chapter 349 of the Ohio Revised Code and to facilitate the development of the real property governed by the Authority, such immediate action being necessary for the preservation of the public health, peace, property and safety; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

- Section 1.** This Council finds and determines pursuant to Section 349.03 of the Ohio Revised Code that the addition of the Subject Property to the District, each as defined in the First Amendment, will be conducive to the public health, safety, convenience and welfare, and will be consistent with the development of the new community, and will not jeopardize the plan of the new community.
- Section 2.** The First Amendment is hereby accepted and shall be recorded, along with this Ordinance, in the journal of this Council, as the organizational board of commissioners, and in the journal of the Franklin County Board of Commissioners pursuant to Section 349.03 of the Ohio Revised Code.
- Section 3.** For the reasons stated in the Preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after the passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0927-2010

**Drafting Date:** 06/15/2010

**Version:** 1

**Current Status:** Passed

**Matter Type:** Ordinance

**Explanation**

**AN010-001**

**BACKGROUND:** This ordinance is being submitted to set forth the municipal services and zoning conditions the city of Columbus will provide upon annexation of a territory located in Truro Township. This ordinance is required by the Ohio Revised Code (ORC) as enacted by the General Assembly of the State of Ohio. An annexation petition has been filed with

Franklin County for this property. A service ordinance must be passed before the annexation meeting takes place before the Board of County Commissioners of Franklin County. Information regarding municipal services that would be available, should the subject site be annexed, has been compiled and is reflected in this ordinance. Should the petition be approved by the County Commissioners, a second City ordinance accepting the annexation will be required to complete the annexation process. The time frames specified in the ORC require that this legislation be filed as emergency.

**FISCAL IMPACT:** The statement of municipal services and zoning conditions for a proposed annexation area has no fiscal impact. While provision of the stated services does represent cost to the city, annexation of land also has the potential to create revenue to the city.

**Title**

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN10-001) of .570± acres in Truro Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.

**Body**

**WHEREAS**, a petition for the annexation of certain territory in Truro Township was duly filed on behalf of The Board of Education of the City District of Columbus, OH on June 14, 2010; and

**WHEREAS**, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on July 20, 2010; and

**WHEREAS**, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

**WHEREAS**, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority adopt an ordinance stating zoning buffering conditions; and

**WHEREAS**, properties proposed for annexation are not located within the boundaries of an adopted neighborhood or area plan area; and

**WHEREAS**, upon annexation, properties will have uniform access to City services as they become available; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code, all for the preservation of the public peace, property, health safety and welfare; **now, therefore,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the city of Columbus will provide the following municipal services for .570 ± acres in Truro Township upon the annexation of said area to the city of Columbus:

**Public Safety:** The City of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other



changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

**Sanitation:** Residential refuse collection services will be available for residential uses upon annexation of the property. However, commercial uses are required to provide their own refuse collection.

**Transportation:** Maintenance will be available for any additional right-of-way that may be included in this annexation request. If this annexation contains existing signalized intersections, those intersections and signals are subject to Transportation Division Policy, which appeared in the December 6, 2003 Columbus City Bulletin, and any subsequent updates thereto.

**Water:** The site will be served water service from the existing eight-inch water main located in Old Orchard Drive.

**Sewer:**

**Sanitary Sewer:** The site can obtain sewer service from an existing 8-inch sanitary sewer per Record Plan RP-2562 situated along the easterly right of way of Harvest Lane Ct (approximately 280 feet to the east of the eastern property line of subject parcel). In its current configuration, a mainline extension would be required from the existing sanitary sewer line. Cost of said extension to be incurred by the developer. However, if this property were to be combined with the eastern parcels on which the former school is situated then mainline requirements are not applicable. Permission to tap the sewer is required.

**Storm Sewer:** All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development. All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

**Section 2.** If this .570 ± acre site is annexed and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Truro Township, the Columbus City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Truro Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

**Section 3.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0928-2010

**Drafting Date:** 06/15/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation1. BACKGROUND**

This legislation authorizes the Director of Public Service to enter into a construction contract, in the amount of \$338,765.35, with the Jack Conie and Sons Corporation (dba Conie Construction Company,) in connection with the City Bridge Rehabilitation - Sylvan Culvert Project (CIP No. 530301-100008), which is located on the west side of Columbus. This ordinance further authorizes the expenditure of up to \$67,753.65, for construction administration and inspection services.

Engineering personnel from the Division of Planning and Operations, along with bridge consultant GPD Associates, performed an inspection of the bridge on May 24, 2010. This field examination found further deterioration of the beams and a critical scour condition in proximity to the bridge foundation. The Director of the Department of Public Service ordered the bridge be closed immediately to both vehicular and pedestrian traffic. In response to these events, a Mayor's Emergency was declared on June 14, 2010.

This department requested and received funding within the 2010 Capital Improvements Budget for this bridge replacement project. However, due to the complete closure of this roadway, the department has undertaken an informal, competitive procurement effort, and opened sealed bids from four contractors on June 10, 2010.

Company Name	Bid Amt	City/State	Status
Conie Construction	\$338,765.35	Columbus	Majority
The Righter Co., Inc.	\$381,174.81	Columbus	Majority
John Eramo & Sons	\$396,705.10	Hilliard	Majority
Complete General	\$396,971.18	Columbus	Majority

Conie Construction Company was found to be the lowest, best, and most responsive and responsible bidder, based upon an evaluation of the bids received.

It is expected that this work will be complete within 90 days of the contract award.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Conie Construction Company.

## 2. FISCAL IMPACT

The Mayor's Emergency Declaration authorized the temporary use of Street Construction, Maintenance and Repair Funds (SCMRF) to facilitate the execution of this contract work. This ordinance will replace the SCMR funding with more appropriate capital improvement funding.

This project is budgeted within the 2010 Capital Improvement Budget. This expense can be accommodated within the Streets and Highways G.O. Bonds Fund, Bridge Rehabilitation - Sylvan Culvert Project, by appropriating and transferring \$406,519.00 from the Special Income Tax Fund. This funding method is a temporary measure and this amount will be restored to the Special Income Tax Fund subsequent to the next note/bond sale for the Division of Planning and Operations Capital Improvement Projects.

Bonds have yet to be sold for the project, necessitating a certification of \$406,519.00 against the Special Income Tax Fund. Upon sale of bonds, the amount transferred will be reimbursed.

## 3. CONTRACT COMPLIANCE

Conie Construction Company's contract compliance number is 310800904 and expires 11/10/2010.

## 4. EMERGENCY DESIGNATION

The Division is requesting that this legislation be considered an emergency measure, in order to replace the temporary operating budget funding of these contractual services with capital improvement funds, to allow for the payment of services that were authorized by the Mayor's Emergency Declaration of June 14, 2010.

Title To Authorize the Director of Public Service to enter into a contract with the Jack Conie and Sons Corporation (dba Conie Construction Company) for the construction of the City Bridge Rehabilitation - Sylvan Culvert project, in connection with the Mayor's Emergency declared June 14, 2010; to authorize the City Auditor to transfer \$406,519.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the appropriation and expenditure of \$406,519.00 from the Streets and Highways GO Bonds Fund; and to declare an emergency. (\$406,519.00)

Body **WHEREAS**, A Mayor's Emergency was declared on June 14, 2010, for purposes of undertaking the necessary action to replace the bridge on Sylvan Avenue over Dry Run; and

**WHEREAS**, Department of Public Service engineering personnel have determined that the bridge is unsafe, and it has been closed to vehicular and pedestrian traffic since May 25, 2010; and

**WHEREAS**, Department of Public Service's Office of Support Services has determined it to be in the City's best interest to enter into contract with Conie Construction Company after a competitive bid process that identified Conie Construction Company as the lowest and best bidder to provide these necessary replacement services; and

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

**WHEREAS**, this transfer should be considered as a temporary funding method; and

**WHEREAS**, the aggregate principal amount which the city will issue to finance this project is presently expected not to exceed \$406,519.00; and

**WHEREAS**, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Division of Planning and Operations, in that it is urgently required to contract for the necessary emergency bridge replacement and construction administration/inspection services as described above, in order to allow for the immediate payment of said services as required to ensure for the completion of this bridge replacement project, thereby preserving the public health, peace and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

**Section 1.** That the Director of Public Service, be and hereby is, authorized to enter into contract with the Conie Construction Company, 1340 Windsor Avenue, Columbus Ohio 43211; in an amount up to \$338,765.35, and to provide for construction administration and inspection in an amount up to \$67,753.65 in connection with the City Bridge Rehabilitation - Sylvan Culvert project, in accordance with terms and conditions as shown in the contract on file in the Office of Support Services with the Department of Public Service.

**Section 2.** The sum of \$406,519.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

**Section 3.** That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

**Section 4.** That the sum of \$406,519.00 be and hereby is appropriated from the unappropriated balance of Fund 704, The Streets and Highways G.O. Bonds Fund, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 to Dept-Div. 59-11, for the Division of Planning and Operations as follows:

Fund / Project # / Project / Object Level Three Codes / OCA Code

704 / 530301-100008 / City Bridge Rehabilitation - Sylvan Culvert / 06-6600 / 743108 / \$406,519.00

**Section 5.** That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**Section 6.** That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount to repay the Special Income Tax Fund the amount transferred under Section 3 above.

**Section 7.** That the City Auditor is authorized to make any accounting changes to revise the funding source for any

contract(s) or contract modification(s) associated with the expenditure of the funds transferred under Section 3 above.

**Section 8.** That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$406,519.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

**Section 9.** All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

**Section 10.** That for the purpose of paying the cost of the contract authorized within Section 1 herein, and for the cost of construction administration and inspection services, the expenditure of \$406,519.00, is hereby authorized from the Streets and Highways GO Bonds Fund, No. 704, Project 530301 - 100008, OCA Code 743108, O.L. 01-03 Codes 06-6631.

**Section 11.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**Section 12.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0932-2010

**Drafting Date:** 06/15/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation1. BACKGROUND**

The City of Columbus, Department of Public Service, Division of Design and Construction, is engaged in the Roadway Improvements - Universal Road /Fairwood Avenue to Progress Avenue Improvement project. This legislation authorizes the Director of Public Service to enter into contract for the construction of this project and provides funding for construction inspection. This improvement reconstructs Universal Road between Fairwood Avenue and Progress Avenue. 4400 feet of 5 foot wide sidewalks and 7 curb ramps will be added or reconstructed as part of this project. The project also consists of curb and gutter construction and storm sewer improvements. These improvements will provide multi-modal transportation facilities and improve drainage.

The estimated Notice to Proceed date is July 22, 2010. The project was let by the Office of Support Services through vendor services. 5 bids were received on June 3, 2010 (5 majority, 0 minority) and tabulated on June 4, 2010 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Columbus Asphalt Paving, Inc.	\$878,091.50	Gahanna, OH	Majority
Decker Construction Company	\$943,409.82	Columbus, OH	Majority
Complete General Construction	\$961,701.70	Columbus, OH	Majority
Trucco Construction Company	\$1,063,176.41	Delaware, OH	Majority
Nickolas Savko & Sons, Inc.	\$1,132,049.30	Columbus, OH	Majority

Award is to be made to Columbus Asphalt Paving, Inc., as the lowest, best, most responsive and most responsible bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings

against Columbus Asphalt Paving, Inc.

## **2. CONTRACT COMPLIANCE**

Columbus Asphalt Paving, Inc's contract compliance number is 310857095 and expires 1/12/12.

## **3. FISCAL IMPACT**

This project is budgeted within the 2010 Capital Improvement Budget. This expense can be accommodated within the Streets and Highways G.O. Bonds Fund, Universal Road between Fairwood Avenue and Progress Avenue, by appropriating and transferring \$965,901.00 within the Special Income Tax Fund. This funding method is a temporary measure and this amount will be restored to the Special Income Tax Fund subsequent to the next note/bond sale for the Division of Planning and Operations Capital Improvement Projects.

## **4. EMERGENCY DESIGNATION**

Emergency action is requested to allow this project to proceed on schedule and alleviate localized roadway and flooding issues.

**Title**To authorize the Director of Public Service to enter into a contract with Columbus Asphalt Paving, Inc, for construction of the Roadway Improvements - Universal Road /Fairwood Avenue to Progress Avenue Improvement project for the Division of Design and Construction; to appropriate and authorize the City Auditor to transfer \$965,901.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the appropriation and expenditure of \$965,901.00 from the Streets and Highways GO Bonds Fund; and to declare an emergency. (\$965,901.00)

**Body****WHEREAS**, bids were received on June 3, 2010, and tabulated on June 4, 2010, for the Roadway Improvements - Universal Road /Fairwood Avenue to Progress Avenue Improvement project and a satisfactory bid has been received; and

**WHEREAS**, it is necessary to provide for construction inspection costs; and

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund for this project; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

**WHEREAS**, this transfer should be considered as a temporary funding method; and

**WHEREAS**, the aggregate principal amount which the city will issue to finance this project is presently expected not to exceed \$965,901.00; and

**WHEREAS**, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Design and Construction in that the contract should be awarded immediately to alleviate localized roadway and flooding issues; now, therefore

## **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of Public Service be and is hereby authorized to enter into a contract with Columbus Asphalt Paving, Inc, 1196 Technology Drive, Gahanna, OH, 43230, for the construction of the Roadway Improvements - Universal Road /Fairwood Avenue to Progress Avenue Improvement project in the amount of \$878,091.50, in accordance with the specifications and plans on file in the Office of the Support Services; and to obtain and pay for the necessary inspection costs associated with this project up to a maximum of \$87,809.50.

**Section 2.** The sum of \$965,901.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

**Section 3.** That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

**Section 4.** That the sum of \$965,901.00 be and hereby is appropriated from the unappropriated balance of Fund 704, The Streets and Highways G.O. Bonds Fund, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 to Dept-Div. 59-12, for the Division of Design and Construction as follows:

Fund / Project # / Project / Object Level Three Codes / OCA Code

704 / 530161-100077 / Roadway Improvements - Universal Road /Fairwood Avenue to Progress Avenue / 06-6600 / 746177 / \$965,901.00

**Section 5.** That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**Section 6.** That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount to repay the Special Income Tax Fund the amount transferred under Section 3 above.

**Section 7.** That the City Auditor is authorized to make any accounting changes to revise the funding source for any contract(s) or contract modification(s) associated with the expenditure of the funds transferred under Section 3 above.

**Section 8.** That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$965,901.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

**Section 9.** All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

**Section 10.** That for the purpose of paying the cost of the contract and inspection, the sum of \$965,901.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways G.O. Bonds Fund, No. 704 as follows:

**Division of Design and Construction, Dept-Div 59-12:**

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 530161-100077 / Roadway Improvements - Universal Road /Fairwood Avenue to Progress Avenue / 06-6631 / 746177 / \$965,901.00

**Section 11.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**Section 12.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0935-2010

**Drafting Date:** 06/16/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

#### **Background:**

The goal of a Community Reinvestment Area is neighborhood revitalization and stabilization.

This Ordinance will create the Livingston and James Community Reinvestment Area and provide for real property tax exemptions for residentially-zoned and used parcels within the area.

The Ordinance will provide for exemption from an increase in real property tax for construction of new, owner-occupied and rental, single family homes built on vacant lots, construction of new owner-occupied and rental multi-family housing, on the increase in valuation of building conversions from commercial use to residential use; and on the increase in property taxes due to the renovation of existing single and multi-family housing units, within the established boundaries.

Emergency action is requested to allow construction to begin in the summer building season.

#### **Fiscal Impact:**

No fiscal impact. No funding is required for this legislation.

### **Title**

To create the Livingston and James Community Reinvestment Area and to authorize real property tax exemptions as established in Section 3735.65 to 3735.70 of the Ohio Revised Code; and to declare an emergency.

### **Body**

**WHEREAS**, The council of the City of Columbus (hereinafter "Council") desires to pursue reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Columbus that have not enjoyed benefit of reinvestment from remodeling or new construction; and

**WHEREAS**, Resolution No. 1698-78, approved August 3, 1978, as amended by Ordinance No. 1345-02, approved July 29, 2003, authorized the Department of Development to carry out a Community Reinvestment Program, pursuant to Sections 3735.65 to 3735.70 of the Ohio Revised Code, and approved certain administrative procedures for the program; and

**WHEREAS**, a survey of housing (see Exhibit A) as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared and included in this proposed Community Reinvestment Area; and

**WHEREAS**, the remodeling of existing buildings for residential use and construction of new residential structures in this Community Reinvestment Area would serve to encourage economic stability and maintain real property values; and

**WHEREAS**, the remodeling of existing buildings for residential use and the construction of new residential structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted; and

**WHEREAS**, the proposal is a public/private partnership intended to promote and expand conforming uses in the designated area; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately

necessary to approve the tax abatement for this area to allow construction to begin in the summer building season, all for the preservation of the public peace, property, health safety and welfare; **now, therefore,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** The area depicted in Exhibit B constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.

**Section 2.** Pursuant to ORC Section 3735.66, The Livingston and James Community Reinvestment Area boundary is hereby established in the following described area:

N: Astor Ave. continuing to Towers Ct. and reconnecting with Astor Ave. (including all properties on the north of Astor Ave. and Towers Ct.)  
S.: Langfield Dr. continuing to Quigley Rd then connecting with Zettler Rd continuing to Scotwood and connecting with Livmoor Dr. (excluding all rear property lines)  
E: Courright to Livingston Ave. connecting with Brookway Rd. (including properties on the east side of Brookway Rd.) connecting with Olney Drive (including all properties on the east and northeast side of Olney)  
W: James Rd. (excluding rear property lines on the west side of James Rd)

The Community Reinvestment Area is approximately depicted as the area on the map marked B, attached to this Ordinance; on the list of parcel numbers marked Exhibit C, and by this reference incorporated herein.

Only residential properties consistent with the applicable zoning regulations and variances thereto within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

**Section 3.** A tax exemption on the increase in the assessed valuation, resulting from improvements as described herein, shall be granted upon proper application by the property owner and approval by the designated Housing Officer.

Abatement terms and percentages are as follows:

- a) One hundred percent (100%) for ten (10) years for the remodeling of:
- owner-occupied dwellings containing not more than two housing units and upon which the remodeling cost is at least twenty percent (20%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement and upon which the cost of remodeling is at least \$2500.00, as described in ORC Section 3735.67;
  - existing rental housing, containing not more than two housing units, upon which the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement and upon which the cost of remodeling is at least \$2500.00, as described in ORC Section 3735.67;
  - conversion of rental housing to owner-occupied housing, containing not more than two units, upon which



the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement;

- conversion of existing commercial property containing not more than two units, to owner-occupied housing units upon which the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement.

b) One hundred percent (100%) for twelve (12) years for the remodeling of:

- owner-occupied dwellings containing more than two housing units and upon which the remodeling cost is at least twenty percent (20%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement and upon which the cost of remodeling is at least \$5000.00 as described in ORC Section 3735.67;
- existing rental housing, containing more than two housing units, upon which the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement and upon which the cost of remodeling is at least \$5000.00 as described in ORC Section 3735.67;
- conversion of rental housing to owner-occupied housing, containing more than two units, upon which the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement.
- conversion of existing commercial property containing more than two units, to owner-occupied housing units upon which the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement.

(c) Eighty percent (80%) for ten (15) years for:

- construction of new owner-occupied and rental dwellings.
- construction of new owner-occupied and rental dwellings containing more than two housing units.

A pre-application will be required to insure the compatibility with neighborhood plans and to insure the maintenance of existing streetscape lines, style, scale setbacks and landscaping features compatible with neighborhood

**Section 4.** That City Council reserves the right to re-evaluate the designation of the Livingston and James Community Reinvestment Area after December 31, 2015, at which time Council may direct the Housing Officer not to accept any applications for exemptions as described in Section 3735.67 of the Ohio Revised Code.

**Section 5.** That a Community Reinvestment Area Housing Council shall be created, consisting of two members appointed by the Mayor of the City of Columbus, two members appointed by the Council of the City of Columbus and one member appointed by the Planning Commission of Columbus. The majority of those members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Council shall be for three years. An un-expired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made for the remainder of the term of the vacated seat.

**Section 6.** The Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.66 of the ORC. The council shall also hear appeals under 3735.70, of the ORC.

**Section 7.** That this Council further hereby authorizes and directs the Mayor, the Clerk of Council, the Director of Development, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

**Section 8.** To administer and implement the provisions of this Ordinance, the Administrator of the Department of Development's Housing Division is designated as the Housing Officer as described in Sections 3735.65 through 3735.70 of the Ohio Revised Code.

**Section 9.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0939-2010

**Drafting Date:** 06/16/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into an agreement with Black & Veatch Corporation, in the amount of \$49,392.31, for professional engineering services for a Peer Review of the contract documents on the Upground Reservoir Project.

The Upground Reservoir Project is scheduled to be advertised for construction in December 2010 and is currently being reviewed by the Ohio Department of Natural Resources for approval of a construction permit. The Peer Review must be completed as soon as possible in order to incorporate any potential revisions to the contract documents prior to advertising for construction. The Department of Public Utilities intends to enter into a contract immediately upon approval of this legislation with tasks to be completed within 30 days of Notice to Proceed.

**2. BID INFORMATION:** The selection of the firm providing the professional engineering services has been performed in accordance with the procedures set forth in Columbus City Code 329.11, "Process for awarding professional service contracts exceeding twenty thousand dollars (\$20,000.00), but not exceeding fifty thousand dollars (\$50,000.00)". Letter Requests for Proposals (RFP's) were sent to Black & Veatch Corporation, URS Corporation - Ohio, MWH Constructors and AECOM USA, Inc. and RFP's were received on May 21, 2010.

Proposals were evaluated based on proposal quality including project approach, demonstrated understanding of project, and proposed project schedule meets needs and is realistic, and experience of team, including qualifications and experience of staff. Based on the evaluation of the proposals submitted, the Director of Public Utilities requests award of the project to Black & Veatch Corporation.

The Contract Compliance Number for Black & Veatch Corporation is 43-1833073 (expires 10/30/11, Majority). Additional information regarding all bidders, description of work, contract time frame and detailed amounts can be found on the attached Legislation Information Form.

### **3. FUTURE CONTRACT MODIFICATIONS:**

The Department of Public Utilities does not anticipate requesting a contract modification at this time, however, one may be needed in the event the Peer Review identifies substantial items that require additional investigation or evaluation.

**4. EMERGENCY DESIGNATION:** This project is scheduled to be advertised for construction in December 2010 and is currently being reviewed by the Ohio Department of Natural Resources for approval of a construction permit. The Peer Review must be completed as soon as possible in order to incorporate any potential revisions to the contract documents prior to advertising for construction.

**5. FISCAL IMPACT:** Funds for this expenditure are available within the Water Build America Bonds Fund.

**Title**

To authorize the Director of Public Utilities to enter into an agreement with Black & Veatch Corporation for a Peer Review of the contract documents on the Upground Reservoir Project; to authorize an expenditure of \$49,392.31 within the Water Build America Bonds Fund; for the Division of Power and Water; and to declare an emergency. (\$49,392.31)

**Body**

**WHEREAS**, four proposals for a Peer Review of the contract documents on the Upground Reservoir Project were received on May 21, 2010; and

**WHEREAS**, Black & Veatch Corporation was the firm selected to perform the design services for this project based on criteria set forth in Columbus City Codes; and

**WHEREAS**, the Division of Power and Water would like to enter into a professional services agreement with Black & Veatch Corporation for a Peer Review of the contract documents on the Upground Reservoir Project; and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Power and Water, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into a professional services agreement for a Peer Review of the contract documents on the Upground Reservoir Project, in an emergency manner in order to incorporate any potential revisions to the contract documents prior to the construction advertisement scheduled for December 2010, for the immediate preservation of the public health, peace, property and safety;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Public Utilities be and hereby is authorized to enter into a professional services agreement for a Peer Review of the contract documents on the Upground Reservoir Project; with the best, responsive and responsible bidder, Black & Veatch Corporation, 4016 Townsfair Way, Suite 210, Columbus, Ohio 43219; in the amount of \$49,392.31; in accordance with the terms and conditions of the contract on file in the Office of the Division of Power and Water.

**SECTION 2.** That the expenditure of \$49,392.31 is hereby authorized for a Peer Review of the contract documents on the Upground Reservoir Project within the Water Build America Bonds Fund, Fund No. 609, Division 60-09, Project No. 690370-100000 (carryover), OCA Code 609370, Object Level Three 6686.

**SECTION 3.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

**SECTION 4.** That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

**SECTION 5.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 6.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

## Explanation

### Background:

The purpose of this ordinance is to authorize the Director of Development to execute the First Amendment to the Memorandum of Understanding (the "MOU") with MI Homes of Central Ohio, LLC, Dominion Homes, Inc., and Homewood Corporation to affirm and update financing commitments for infrastructure improvements based upon the Pay As We Grow Plan in the Northeast Corridor, and to add Village Communities Corporation and Murphy Development Company as parties.

In 2004, the City of Columbus became aware of development interest in the Northeast Corridor. The city responded to that interest by engaging in a cooperative dialogue with the development community to develop a Pay As We Grow plan for that area of the City to effectively manage development and secure the developers' participation in the funding of infrastructure that will benefit the entire northeast quadrant of Franklin County. Ordinance 2153-2005 was enacted December 12, 2005 authorizing the Director of Development to execute an agreement that affirmed the commitments and obligations of the city and the developers based upon this Pay As We Grow Plan in the provision of critical infrastructure in the Northeast Corridor. The parties to that original Northeast MOU have acted in good faith to execute it and generally believe it to have been constructive. Nevertheless, some circumstances have changed sufficiently for it to be advisable to update aspects of that MOU by authorizing this First Amendment thereto to add parties and make other appropriate adjustments.

### Fiscal Impact:

No city funding is required for this legislation. The amendment reaffirms developer contributions of \$2,300 per unit for a financing program for regional infrastructure needs.

## Title

To authorize the Director of Development to execute the First Amendment to the Memorandum of Understanding with MI Homes of Central Ohio, LLC, Dominion Homes, Inc., and Homewood Corporation to affirm and update financing commitments for infrastructure improvements based upon the Pay As We Grow Plan in the Northeast Corridor, and to add Village Communities Corporation and Murphy Development Company as parties; and to declare an emergency.

## Body

**WHEREAS**, the original Northeast MOU authorized in December 2005 by Ordinance 2153-2005 and executed February 23, 2006 has served to implement the City's "Pay As We Grow" policy and to further the need of the City and the development community to help ensure the coordination of land use and infrastructure development; and

**WHEREAS**, as a result of changing circumstances and ongoing dialogue, the original parties of MI Homes of Central Ohio, LLC, Dominion Homes, Inc., Homewood Corporation and the City agree that continued efforts to provide for critical infrastructure and services that will benefit the entire northeast quadrant of Franklin County will be better served by the addition of Village Communities Corporation as a party and by the addition of Murphy Development Company for the limited purposes set forth in Section 13 of the amendment; and

**WHEREAS**, in order to continue and improve the financing and other commitments for infrastructure improvements and services in the Northeast Corridor and in view of changes in some circumstances, it is necessary and appropriate for the City and the Developers to enter into this First Amendment; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development, in that it is immediately necessary to authorize the Director of Development to enter this First Amendment with MI Homes of Central Ohio, LLC, Dominion Homes, Inc. Homewood Corporation, Village Communities Corporation, and Murphy Development Company without delay so that planning and other actions can begin that are necessary to implement the Pay As We Grow plan for the Northeast Corridor thereby preserving the public health, peace, property, safety and welfare; **Now, Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of Development (the "Director"), for and in the name of the City, is hereby authorized to execute the First Amendment to the Memorandum of Understanding (the "MOU") presently on file with the Clerk of this Council, providing for, among other things, financing commitments by the Developers (MI Homes of Central Ohio, LLC, Dominion Homes, Inc., Homewood Corporation, Village Communities Corporation, and Murphy Development Company) for the provision of infrastructure improvements and services in the Northeast Corridor, along with any changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the Director and the City Attorney.

**Section 2.** That the Director or other appropriate officers of the City are authorized to execute such other agreements and instruments and to take all actions as may be necessary to implement this Ordinance and the transactions contemplated by the MOU as amended.

**Section 3.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0944-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation**

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$23,945,000.00 for safety and health projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

**Title**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$23,945,000 for safety and health projects (\$23,945,000). Section 55(B) of the City Charter.

**Body**

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Eighty-Six Million One Hundred Seventy Thousand Dollars (\$86,170,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$23,945,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving facilities for the Department of Public Safety and the Department of Health, including the acquisition of real estate and interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures, the acquisition of furnishings, apparatus, communications equipment and other equipment, and landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fourteen (14) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Twenty-Three Million Nine Hundred Forty-Five Thousand Dollars (\$23,945,000) (the "Bonds"), or such

lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Unlimited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality,

in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer,

the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its



nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the

Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$23,705,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
701	310003-100000	\$ 1,000,000	Safety Cameras
706	570030-100110	675,000	Southside Health Project - Design
701	320017-100001	2,500,000	Support Services Complex
701	330021-100000	1,655,000	Police Facility Renovation
701	330033-100000	10,375,000	Police Property Room/Crime Lab
701	340101-100002	2,500,000	Fire Apparatus Replacement - Medics
701	340101-100003	1,000,000	Fire Apparatus Replacement - Platform
701	340101-100004	2,500,000	Fire Apparatus Replacement - Engines
701	340101-100005	205,000	Fire Apparatus Replacement - Grant Match
701	340103-100000	<u>1,295,000</u>	Fire Facility Renovation
	<b>Total</b>	<b>\$23,705,000</b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

**Break1**

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument a shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0945-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$24,295,000.00 for recreation and parks projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$24,295,000 for recreation and park improvements (\$24,295,000). Section 55(B) of the City Charter.

### **Body**

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Three Hundred Forty-Five Million Six Hundred Thirty Thousand Dollars (\$345,630,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$24,295,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, renovating and improving municipal parks, playgrounds and recreation facilities including the acquisition of real estate and interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures, the acquisition and installation of furnishings, apparatus, communications equipment and other equipment, and landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is seventeen (17) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the

principal sum of Twenty-Four Million Two Hundred Ninety-Five Thousand Dollars (\$24,295,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Unlimited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued

pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person

authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and

authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.



"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$24,050,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

**Break 1**

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
702	510229-100001	\$ 210,000	Bikeway Improvements - Harrison West
702	510229-100002	285,000	Bikeway Improvements - Goodale Street Trail
702	510229-100003	225,677	Bikeway Improvements - Alum Creek, Ohio Dominican
702	510017-100001	45,000	Park and Playground Imp. - Auditors Certificate
702	510017-100002	500,000	Park and Playground Imp. - Hard Surface Improvements
702	510017-100003	300,000	Park and Playground Imp.- Hard Surface & Tennis Court
702	510017-100004	400,000	Park and Playground Imp. - Neighborhood Park Ren.
702	510017-100005	450,000	Park and Playground Imp. - New Park Development
702	510017-100016	261,000	Park and Playground Imp. - Hard Road Development
702	510017-100017	1,100,000	Park and Playground Imp. - Franklin/ Conservatory Park
702	510017-100024	100,000	Park and Playground Improvements - Grant Matches
702	510017-100043	100,000	Park and Playground Imp. - Festival Infrastructure
702	510316-100000	1,644,684	Greenways Projects - Miscellaneous
702	510316-100007	100,000	Greenways Projects - Land Acquisition Grant Matches
702	510316-100005	150,000	Greenways Projects - Alum Creek Trail Engineering

702	510316-100016	645,000	Greenways Projects - Main Street Underpass
702	510316-100021	100,000	Greenways Projects - Bikeway Land Acquisitions
702	510316-100022	1,482,316	Greenways Projects - Scioto Trail
702	510316-100025	750,000	Greenways Projects - Downtown Pedestrian Bridge
702	510316-100030	128,000	Greenways Projects - Galloway Property Acquisition
702	510319-100000	630,000	Safe Playgrounds - Various Locations
702	510112-100015	102,000	Park Acquisition - Lockbourne Property Acquisition
702	510112-100016	672,000	Park Acquisition - Galloway Property Acquisition
702	510035-100000	1,234,798	Facility Renovation - Miscellaneous
702	510035-100004	200,000	Facility Renotion - Auditors Certificate
702	510035-100010	1,975,000	Facility Renovation - HVAC Improvements
702	510035-100047	251,202	Facility Renovation - Santa Maria
702	510035-100022	558,000	Facility Renovation - King Arts Complex Improvements
702	510035-100024	1,682,392	Facility Renovation - Various Roof Improvements
702	510035-100025	18,931	Facility Renovation - COAAA
702	510035-100040	440,000	Facility Renovation - Plumbing and Electrical
702	510035-100041	579,000	Facility Renovation - Westgate Shelter Renovation
702	510035-100042	665,000	Facility Renovation - Wolfe Park Shelter
702	510035-100045	390,000	Facility Renovation - Shelter Renovations
702	510035-100046	175,000	Facility Renovation - Whetstone Gazebo
702	510035-100050	50,000	Facility Renovation - Berliner Sanitary Line
702	510716-100001	112,000	Security Enhancements
702	510717-100002	200,000	Recs. & Parks Public Invest. Imp. - Grant Match Land
702	510011-100005	2,994,024	Swimming Facilities - Pool Bath Houses
702	510011-100010	125,000	Swimming Facilities - Aquatic Center Concrete
702	510011-100011	100,000	Swimming Facilities - Aquatic Auditor Certificates
702	510011-100012	75,000	Swimming Facilities - Aquatic Center Painting
702	510011-100013	223,976	Swimming Facilities - Dodge Pool Replacement
702	510039-100001	400,000	Street Trees
702	440006-100000	100,000	Urban Infrastructure Rec. Fund - Miscellaneous
702	440006-100001	200,000	Urban Infrastructure Rec. Fund - Harrison West Bikeway
702	440006-100002	300,000	Urban Infrastructure Rec. Fund - Goodale Gate Restor.
702	510429-100001	250,000	Golf - Equipment Replacement
702	510429-100003	120,000	Golf - Bunker Improvements
702	510429-100004	100,000	Golf - Hard Surface Improvements
702	510429-100016	50,000	Golf - Auditors Certificates
702	510429-100017	<u>100,000</u>	Golf - General Golf Facility Improvements
	<b>Total</b>	<b>\$24,050,000</b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The sum of \$200,000.00 is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 to the Department of Recreation and Parks,

Department 51-01, Object Level One 06, OCA Code 514301, Object Level Three 6615 for the reimbursement to Columbus College of Art and Design for infrastructure improvements in the right of way.

The expenditure of \$200,000.00, or so much thereof as may be necessary, is hereby authorized from Fund 430, the Special Income Tax Fund, Department No. 51-01, Department of Recreational and Parks, Object Level One Code 06, Object Level Three Code 6615 and OCA Code 514301.

Section 11. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to

and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 13. It is hereby 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 14. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 15. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0946-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

#### **Explanation**

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$4,515,000.00 for transportation projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

#### **Title**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$4,515,000 for transportation improvements (\$4,515,000). Section 55(B) of the City Charter

#### **Body**

WHEREAS, at the election held on November 2, 2004 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of One Hundred Eighty-Four Million Four Hundred Twenty Thousand Dollars (\$184,420,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$4,515,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of widening, opening, extending, constructing, paving, repaving, improving and changing the line of expressways, freeways, roads, highways, bikeways, streets, alleys, bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access roads and sidewalks, including development of offstreet parking facilities, the acquisition and installation of parking meters, traffic control systems, equipment and signs, the acquisition of real estate and interests in real estate and related equipment, and landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Four Million Five Hundred Fifteen Thousand Dollars (\$4,515,000) (the "Bonds"), or such lesser amount

as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Unlimited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality,

in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer,

the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its

nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the



Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$4,515,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
704	530161-100077	\$ 375,000	Roadway Improvements - Universal Road
704	530161-100073	1,640,000	Roadway Improvements - Tech Center South/ Techneglas
704	530161-100013	2,400,000	Roadway Improvements - SCMRP Reimbursements
704	530161-100071	<u>100,000</u>	Roadway Improvements -Miscellaneous Construction Inspection
<b>Total</b>		<b><u>\$4,515,000</u></b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a)

(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

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In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bond or interest thereon or assisting compliance with requirements or that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing

the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0947-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

#### **Explanation**

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$50,035,000.00 for transportation projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

#### **Title**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$50,035,000 for transportation improvements (\$50,035,000). Section 55(B) of the City Charter.

#### **Body**

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Three Hundred Forty-Five Million Six Hundred Thirty Thousand Dollars (\$345,630,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$50,035,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of widening, opening, extending, constructing, paving, repaving, improving and changing the line of expressways, freeways, roads, highways, bikeways, streets, alleys, bridges, viaducts, bioswales, overpasses, underpasses, grade crossing eliminations, service and access roads, and sidewalks, including development of offstreet parking facilities, the acquisition and installation of parking meters, traffic control systems, equipment and signs, the acquisition of real estate and interests in real estate and related equipment, and landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is sixteen (16) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Fifty Million Thirty-Five Thousand Dollars (\$50,035,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above

and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Unlimited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or

become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized

denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result

of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the

amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

**Break1**

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$49,490,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
704	530104-100003	\$ 550,000	Alley Rehabilitation - Downtown SID
704	530103-100013	1,640,043	Arterial Street Rehabilitation - North High Street
704	530103-100026	216,800	Arterial Street Rehabilitation - Alum Creek Drive
704	530103-100035	310,000	Arterial Street Rehab - Parsons Avenue / Livingston
704	540002-100009	720,000	Bikeway Development - General Engineering
704	540002-100010	20,000	Bikeway Development - Bike Hitches/Racks
704	540002-100015	600,000	Bikeway Development - Hilltop Connector
704	540002-100022	100,000	Bikeway Development - Bike Parking Shelters
704	540002-100023	190,000	Bikeway Development - Summit and Fourth
704	540002-100024	120,000	Bikeway Development - West Broad Street
704	540002-100026	250,000	Bikeway Development - Pavement Marking
704	540002-100029	650,000	Bikeway Development - Downtown Connector
704	530301-100008	600,000	Bridge Rehabilitation - Sylvan Culvert
704	530301-100010	250,000	Bridge Rehabilitation - Annual Citywide Contracts #1
704	530301-100015	3,000,000	Bridge Rehabilitation - Major Bridge Rehabilitation
704	530301-100019	230,000	Bridge Rehabilitation - Eureka Street
704	530301-100037	1,620,000	Bridge Rehabilitation - Annual Citywide Contracts #2
704	530086-100005	400,000	Intersection Improvements - Livingston Avenue



704	590955-100002	250,000	Operation Safewalks - Deshler Avenue / 18th Avenue
704	590955-100008	668,754	Operation Safewalks - Joyce Avenue Phase II
704	540001-100000	200,000	Parking Meters - Commodities
704	590105-100005	250,000	Pedestrian Safety Improvements - Sidewalks
704	590105-100015	300,000	Pedestrian Safety Improvements - Franklinton
704	590105-100031	67,000	Pedestrian Safety Improvements - Obetz Road
704	590105-100034	200000	Pedestrian Safety Improvements - Valleyview
04	590105-100035	250,000	Pedestrian Safety Improvements - Cole / Mooberry Sidewalks
704	590105-100036	313,000	Pedestrian Safety Improvements - Olentangy
704	590105-100037	620,000	Pedestrian Safety Improvements - Hague Avenue
704	540013-100000	516,954	Permanent Pavement Markings
704	530282-100041	5,748,126	Resurfacing 2010 - Project 2
704	530282-100049	1,500,000	Resurfacing - Preventative Surface Treatment
704	530282-100055	6,149,339	Resurfacing 2010 - Project 4
704	530282-100056	4,551,809	Resurfacing 2010 - Project 5
704	530282-100057	2,050,726	Resurfacing 2010 - Project 6
704	530161-100077	925,000	Roadway Improvements - Universal Road
704	590910-100002	1,000,000	SciTech Corridor Improvements
704	540008-100001	300,000	Sign Upgrading/Street Name Signs
704	530020-100000	4,068,500	Street Equipment
704	540007-100003	716,200	Traffic Signal Installation - Commodities
704	530058-100001	450,000	Neighborhood Commercial Revitalization - Milo Grogan
704	530058-100003	100,000	Neighborhood Commercial Revitalization - Short North
704	530058-100008	730,000	Neighborhood Commercial Revitalization - Streetscape Improvements
704	530058-100009	800,000	Neighborhood Commercial Revitalization - Lincoln Theatre Phase 2
704	530801-100002	200,000	Downtown Streetscape Improvements - Corporate Relocations
704	530801-100003	400,000	Downtown Streetscape Imp. - CCAD - Cleveland Ave. Improvements
704	440005-100001	850,000	Urban Infrastructure Recovery Fund - 18th, 20th Clair Sts Corridor
704	440005-100006	350,000	Urban Infrastructure Recovery Fund - General Engineering Services
704	440005-100008	564,549	Urban Infrastructure Recovery Fund - High Street/ Clintonville
704	440005-100009	700,000	Urban Infrastructure Recovery Fund - Holtzman/Main
704	440005-100013	420,000	Urban Infrastructure Recovery Fund - N. Eureka/Steel to North Corp
704	440005-100015	730,000	Urban Infrastructure Recovery Fund - Miscellaneous
704	440005-100016	230,000	Urban Infrastructure Recovery Fund - Iuka Road Lighting
704	440005-100017	350,000	Urban Infrastructure Recovery Fund - ENB & High Street
704	440005-100018	20,000	Urban Infrastructure Recovery Fund - St. Clair Gateway
704	704999-100000	<u>483,200</u>	Unallocated Balance Fd. 704
	<b>Total</b>	<b>\$49,490,000</b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby

covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0948-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$6,695,000.00 for storm sewer improvement projects . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$6,695,000 for storm sewer improvements (\$6,695,000). Section 55(B) of the City Charter.

### **Body**

WHEREAS, at the election held on November 2, 2004 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of One Hundred Four Million One Hundred Fifty Thousand Dollars (\$104,150,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$6,695,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of enlarging, extending, renovating and improving the municipal storm sewerage system for the collection, retention, control and disposal of storm sewerage and surface waters and prevention and control of soil erosion by the acquisition of real estate and other interests in real estate, landscaping and making site improvements, construction and installation of storm sewers, renovation and improvement of manholes and storm sewerage ditches and acquisition and installation of related facilities and appurtenances; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is twenty-five (25) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Six Million Six Hundred Ninety-Five Thousand Dollars (\$6,695,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax

required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Unlimited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the

Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this

Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of

beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per

centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$6,625,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
685	610739 - 100000	\$1,100,000	60-15 Petzinger Rd Stormwater Improvements
685	610759 - 100000	1,000,000	Northeast Neighborhood Stormwater System Improvements
685	610761 - 100000	1,014,262	60-15 Safford/Union Area Storm Sewer
685	610762 - 100000	200,000	General Engineering Services - Storm
685	610770 - 100000	10,000	Saddle Run Storm Sewer Improvements
685	610774 - 100000	720,738	Fairwood Avenue Stormwater System Improvements
685	610779 - 100000	100,000	Marion Road Area Neighborhood Project No. 1
685	610780 - 100000	50,000	Marion Road Area Neighborhood Projects No. 2
685	610784 - 100000	50,000	Weisheimer Road Stormwater System Improvements
685	610788 - 100000	250,000	Lehnert Farms/Bolton Field SSI
685	610789 - 100000	300,000	Clintonville/Northridge SSI
685	610976 - 100000	1,380,000	60-15 Maryland Ave Storm Sewer Drainage
685	610990 - 100002	250,000	17th Avenue Improvements
685	611011 - 100000	<u>200,000</u>	Cooper Park Stormwater System Improvements
	<b>Total</b>	<b><u>\$6,625,000</u></b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

**Break1**



This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at

maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0949-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

#### **Explanation**

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$55,080,000.00 for sanitary sewer projects . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

#### **Title**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$55,080,000 for sanitary sewer improvements (\$55,080,000). Section 55(B) of the City Charter.

#### **Body**

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Five Hundred Fifty-One Million Nine Hundred Seventy Thousand Dollars (\$551,970,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$55,080,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring real estate and interests in real estate, landscaping and making site improvements, expanding and improving existing wastewater treatment facilities, constructing new wastewater treatment facilities, acquiring and improving instrumentation and control systems, sewer lines, pumping stations, lagoons and levees, constructing storm and sanitary sewer septations, wetlands, bioswales, rain gardens and vegetated roofs, and acquiring related machinery, equipment and appurtenances; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is twenty-five (25) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Fifty-Five Million Eighty Thousand Dollars (\$55,080,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Unlimited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined

Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is

to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

**Break1**

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$54,530,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
664	650014-100000	\$ 1,000,000	60-05 Sanitary Sewer Construction
664	650100-100000	2,000,000	60-05 Sanitary Sewer Contingency
664	650249-100001	359,000	JPWWTP Solids Handling Improvement
664	650250-100004	886,256	JPWWP Biogas Utilization
664	650252-100000	500,000	JPWWTP New Headworks Truck Waste Disposal
664	650259-100001	500,000	JPWWTP, Corr. Prev. and Prot. Coating System Consultant
664	650347-100001	190,000	Combined Sewer Overflow (CSO) Reduction Imp. at the WWTPs
664	650348-100002	1,000,000	60-05 WWTFs Instrumentation And Control (I&C) System Upgrade
664	650350-100000	3,000,000	60-05 WWTFs Renovations and Rehabilitations
664	650350-100002	300,000	SWWTP Corrosion Prev. & Prot. Coating Systems Consultant
664	650351-100001	4,165,551	60-05 Wastewater Treatment Facilities Construction and Contingencies
664	650352-100000	2,289,000	60-05 SWWTP, New Headworks
664	650359-100000	65,000	6005 SWWTP, Sludge Thickening Imp. & Additional Renovations
664	650360-100001	2,388,000	60-05 WWTF Upgrade General Program
664	650361-100002	338,000	WWTFs Professional Construction Mgmt
664	650368-100000	1,000,000	SWWTP Corrosion Prevention & Protective Coating System
664	650369-100001	1,380,000	SWWTP Pavement Replacement and Improvement
664	650390-100001	8,250,000	60-05 Professional Program Management Services
664	650404-100000	2,200,000	Sanitary Sewers Rehabilitation
664	650404-100035	2,100,000	2010 Annual Lining Contract

664	650405-100008	1,300,000	Sewer System Remediation I/I Early Ditch Relief Area
664	650405-100013	500,000	Sewer System Remediation I&I - Plum Ridge Area
664	650490-100001	600,000	BWARI Corrosion Investigation
664	650510-100031	411,000	Fairwood Facilities Improvements
664	650600-100006	1,300,000	Franklin Main Interceptor, Rehabilitation Sec. 6
664	650704-100002	9,500,000	OSIS Agment Sewer, Henry St. - JPWWTP
664	650706-100000250,000		Lower Olentangy River Eco. Rest., Fifth Avenue Dam Removal
664	650725-100002	450,000	Lrg Diam. Swr Rehab. - Alum Creek Trunk N. Sect./Subtrunk Sewer
664	650725-100003	650,000	Lrg Diam. Swr Rehab. - Alum Cr Trunk Middle Sect./Intercept Sewer
664	650728-100000	830,000	Asset Management Program Development
664	650739-100000	500,000	60-05 Petzinger Road Sanitary Imps
664	650741-100000	1,000,000	Scioto River Basin Stage Prediction Aug. (Flood Forecasting)
664	650744-100000	20,000	Brimfield Area Sanitary System Repair Project
664	650745-100002	1,500,000	2010 General Construction Contract
664	650747-100000	260,000	Fenway Court Sanitary Pump Station
664	650748-100000	260,000	Stella Court Sanitary Pump Station
664	650749-100000	175,000	Second Ave Pump Station Replacement
664	650752-100000	413,193	Columbus Coated Fabrics
664	650759-100000	200,000	Compost Facility Leachate Basin
664	650760-100000	<u>500,000</u>	Compost Facility Diversion Swale
	<b>Total</b>	<b>\$54,530,000</b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the



City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0950-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$6,035,000.00 for refuse collection purposes. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as

senior manager, and J.P. Morgan Securities, co-senior manager.

**Title**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$6,035,000 for refuse collection projects (\$6,035,000). Section 55(B) of the City Charter.

**Body**

WHEREAS, at the election held on November 2, 2004 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Twenty-One Million One Hundred Thousand Dollars (\$21,100,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Thirty-Two Million Two Hundred Five Thousand Dollars (\$32,205,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$6,035,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving facilities for the Division of Refuse Collection, including but not limited to sanitation trucks, containers and related equipment, and landscaping and making site improvements on real estate owned by the City for such purposes, and refunding bonds previously issued for such purpose; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is five (5) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Six Million Thirty-Five Thousand Dollars (\$6,035,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be

jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Unlimited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special

Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor,

and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$5,975,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
703	520001-100001	\$ 310,759	Mechanized Collection Equipment - 90 Gallon Containers
703	520001-100002	472,209	Mechanized Collection Equipment - 300 Gallon Containers
703	520001-100003	2,411,496	Mechanized Collection Equipment - Automatic Side Loaders
703	520001-100004	721,474	Mechanized Collection Equipment - Front Box Loaders
703	520001-100006	884,062	Mechanized Collection Equipment - Semi - Automatic
703	520001-100007	75,000	Mechanized Collection Equipment - Flatbed
703	520001-100009	600,000	Mechanized Collection Equipment - Knuckleboom
703	520004-100005	<u>500,000</u>	Facility Improvements
	<b>Total</b>	<b>\$5,975,000</b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

**Break1**

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering an performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsid payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was

originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.



**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$179,930,000.00 for water system improvements. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$179,930,000 for water system projects (\$179,930,000). Section 55(B) of the City Charter.

### **Body**

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Five Hundred Twenty-Four Million Seven Hundred Thousand Dollars (\$524,700,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$179,930,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring real estate and interests in real estate, landscaping and making site improvements, improving existing water plants and acquiring and improving instrumentation and control systems, hydroelectric facilities, raw water conduits, transmission and distribution lines, booster stations, tanks, lagoons and levees; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is twenty-five (25) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of One Hundred Seventy-Nine Million Nine Hundred Thirty Thousand Dollars (\$179,930,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality

to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Unlimited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed

by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry

form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and

the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

**Break1**

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$178,145,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
606	690026-100000	\$ 300,000	Miscellaneous Water Facilities
606	690236-100001	3,000,000	Near East Area Waterline Improvements
606	690236-100010	3,000,000	German Village Area Water Line Improvements
606	690236-100039	250,000	Project No. 10 Water Meter Replacement
606	690236-100040	250,000	Project No. 11 Water Meter Replacement
606	690251-100000	200,000	O'Shaughnessy Hydroelectric - FERC
606	690290-100002	600,000	Distribution Improvements - Water Audit
606	690331-100000	750,000	HCWP Lagoons 1 & 3 Sludge Removal
606	690331-100002	3,700,000	HCWP Lagoon #3 Sludge Removal
606	690359-100001	3,000,000	South Wellfield Expansion
606	690370-100000	137,200,000	Upground Reservoir - Reservoir #2
606	690423-100000	250,000	Fisher District Storage Tank
606	690428-100001	15,000,000	DRWP Treatment Capacity Incr. (Prelim Design)
606	690441-100000	500,000	Alum Creek Pumping Station Improvements
606	690459-100000	200,000	Mound District Booster Station
606	690479-100002	2,503,588	Security Enhancements - 910 Dublin Road
606	690488-100000	4,986,412	PAWP Surface Water Treatment Upgrade
606	690489-100000	50,000	HCWP Window Replacement
606	690496-100000	500,000	Water Plant Location Evaluation & Land Acquisition
606	690501-100000	250,000	Hague Avenue 24" Water Main
606	690507-100000	325,000	HCWP Flocc and Lime Basin Reconstruction
606	690510-100000	<u>1,330,000</u>	HCWP Sludge Disposal Line Replacement - Part 1
	<b>Total</b>	<b>\$178,145,000</b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council has authorized, by separate ordinances adopted on the date of this Ordinance, the issuance by the City of new money and refunding bonds for various purposes. To provide for the payment of the costs of issuance of such obligations, which shall include, but shall not be limited to, the fees and expenses of the Municipality's bond counsel, the fees and expenses of the Municipality's financial advisor, rating agency fees, the fees and expenses associated with the sale of the Obligations and printing fees, the Municipality is hereby authorized to expend a sum not to exceed One Million

Dollars (\$1,000,000), and such amount is hereby deemed appropriated, which amount shall be allocated to, and paid from, the benefiting funds as determined by the City Auditor. Initial funds for the payment of such costs of issuance are hereby appropriated from Debt Service Fund #430, which fund shall then be reimbursed by the benefiting funds as determined by the City Auditor. In the alternative, the City Auditor is hereby authorized to pay the costs of issuance of the Obligations from the proceeds of the sale of the Obligations.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such

purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0952-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

#### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$605,000.00 for Municipal Court Clerk projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

#### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$605,000 for Municipal Court Clerk projects (\$605,000) Section 55(B) of the City Charter.

#### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$605,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, developing, designing, improving and installing computer related system equipment and services for the Municipal Court Clerk and related appurtenances thereto; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Six Hundred Five Thousand Dollars (\$605,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to



all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of

this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a

period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the

Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$595,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
780	780001-100000	\$595,000	Municipal Court Document Con.
	<b>Total</b>	<b>\$595,000</b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that

interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

**Break1**

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of

Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0953-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$13,805,000.00 for construction management projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$13,805,000 for construction management projects (\$13,805,000) Section 55(B) of the City Charter.

### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$13,805,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving municipal facilities, including the acquisition of real estate, easements and other interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures and related appurtenances thereto, the acquisition of furnishings, apparatus, communications equipment and other equipment, landscaping and site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Thirteen Million Eight Hundred Five Thousand Dollars (\$13,805,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the

Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.



Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other

provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor.

The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the

necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$13,665,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
733	570030-100002	\$ 325,000	Roof Renovation Program
733	570030-100016	140,000	240 Parsons Ave. - North Dorm Replacement
733	570030-100017	240,000	240 Parsons Ave. - Parking Deck Renovation
733	570030-100018	300,000	240 Parsons Ave. - Generator
733	570030-100085	50,000	4256 Morse Road - Ventilation Fans
733	570030-100102	230,953	Facility Renovations - Staff Reimbursements
733	570030-100116	150,000	1111 East Broad Street - Exterior Masonry
733	570030-100117	250,000	1111 East Broad Street - Training Move/Floor Coverings
733	570030-100120	508,647	Facility Renovations - Various
733	570030-100161	200,000	109 N. Front Street - Critical Observation
733	450006-100001	3,500,000	Downtown Implementation Plan - Downtown Parking Garage
733	570030-100163	200,000	Security Improvements - Downtown Campus
733	570030-100200	300,000	Piedmont Avenue One Stop Shop
733	570030-100201	300,000	Carolyn Ave. Transportation and Housing
733	570030-100202	110,400	Fire Alarm Systems
733	570030-100203	250,000	Staff Augmentation
733	570030-100204	300,000	Architectural and Engineering Various
733	570030-100205	250,000	Building Evaluations
733	570031-100122	250,000	City Hall Conference Room
733	570031-100123	300,000	City Hall Second Floor Windows
733	570031-100124	100,000	City Hall South Elevator
733	570031-100125	50,000	City Hall Garage
733	570031-100126	50,000	City Hall Exterior Lighting
733	570031-100127	40,000	City Hall Marble Renovation
733	570031-100128	60,000	City Hall Ceiling Renovations
733	570043-100002	60,000	Municipal Court Space Program
733	570043-100006	300,000	Municipal Court Electric Upgrades
733	570043-100007	3,300,000	Municipal Court Phase 2 Construction
733	570043-100008	300,000	Municipal Court Professional Services
733	570043-100009	750,000	Municipal Court Caulking and Tuck Pointing
733	570045-100000	<u>500,000</u>	North Market Improvements
	<b>Total</b>	<b><u>\$13,665,000</u></b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

**Break1**

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulation necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage

profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0954-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$1,620,000 for the Division of Fleet Management. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,620,000 for fleet management projects (\$1,620,000) Section 55(B) of the City Charter.

### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$1,620,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving municipal facilities for the Division of Fleet Management, including the acquisition of real estate, easements and other interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures and related appurtenances thereto, the acquisition of furnishings, apparatus, communications equipment and other equipment, landscaping and site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the

principal sum of One Million Six Hundred Twenty Thousand Dollars (\$1,620,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued

pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person



authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and

authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$1,600,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
513	550003-100000	\$ 100,000	Fleet Equipment Replacement
513	550002-100000	500,000	Fleet Automated Fuel Location Upgrades
513	550001-100002	<u>1,000,000</u>	Fleet Facility Improvements - CNG
	<b>Total</b>	<b><u>\$1,600,000</u></b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

**Break1**

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at

maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0955-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

#### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$2,015,000.00 for information services projects . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

#### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$2,015,000 for information services projects (\$2,015,000). Section 55(B) of the City Charter.

#### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$2,015,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, developing, designing, improving and installing information systems software and hardware and related network infrastructure and related appurtenances thereto; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is seven (7) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Two Million Fifteen Thousand Dollars (\$2,015,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment

Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.



"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$1,992,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
514	470050-100000	\$250,000	E-Gov Initiatives
514	470046-100000	412,000	Connectivity Project
514	470046-100002	100,000	Routing Equipment Upgrade
514	470054-100001	130,000	GTC 3 Equipment - Control Room
514	470054-100006	130,000	GTC 3 Equipment - Media Services Equip.
514	470049-100000	970,000	Human Resources Information
	<b>Total</b>	<b>\$1,992,000</b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes,

under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

**Break1**

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0956-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$1,010,000 for Green Columbus Fund project . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,010,000 for certain Green Columbus Fund projects (\$1,010,000). Section 55(B) of the City Charter

### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$1,010,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of providing funding for the Green Columbus Fund, which fund will be used to further the Get Green Columbus initiative by, among other things, (1) making grants (a) for the purchase of contaminated property within Columbus' CDBG Service Area or 1950 boundaries, and (b) to finance the costs of completed Phase 1 Environmental Assessments and Phase 2 Environmental Assessments to determine clean-up costs; and (2) facilitating LEED (Leadership in Energy and Environmental Design) Certification of "green" buildings within the City of Columbus by, among other things, providing funds for (x) full or partial reimbursement of the LEED Certification fee charged by the U.S. Green Building Council, and (y) further reimbursement of the LEED Certification fee based on the number of LEED credits and the location of the building within the City of Columbus; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is seven (7) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of One Million Ten Thousand Dollars (\$1,010,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be

placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless

such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmaturing principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmaturing principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance



with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$1,000,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
735	441749-100001	<u>\$1,000,000</u>	Green Columbus Fund
	<b>Total</b>	<b><u>\$1,000,000</u></b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America

Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

**Break1**

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$2,020,000.00 to acquire the approximately 52-acre site know as Woodland Meadows . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$2,020,000 to acquire the approximately 52-acre site known as Woodlands Meadows (\$2,020,000). Section 55(B) of the City Charter.

### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$2,020,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring the approximately 52-acre site in the City of Columbus known as Woodland Meadows; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is twenty (20) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Two Million Twenty Thousand Dollars (\$2,020,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portions thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining

such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The

Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$2,000,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
735	590415-100002	\$2,000,000	Economic and Comm. Development - Woodland Meadows
	<b>Total</b>	<b>\$2,000,000</b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

**Break1**

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the



Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0958-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$255,000.00 for various public infrastructure improvements that may be appropriate in connection with efforts to attract and retain certain businesses in Columbus. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$255,000 to make various public infrastructure improvements that may be appropriate in connection with efforts to attract and retain certain businesses in Columbus (\$255,000). Section 55(B) of the City Charter.

### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$255,000 of bonds under authority of the general laws

of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of widening, opening, extending, constructing, paving, repaving, improving and changing the line of streets, alleys, bridges, viaducts, bioswales, overpasses, underpasses, service and access roads, sidewalks, curbs and gutters, traffic control systems, equipment and signs, street lights, street trees and other landscaping improvements in the public right-of-way, and acquiring real estate and interests in real estate in connection with the same; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Two Hundred Fifty-Five Thousand Dollars (\$255,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity

of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any

Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or

interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts

sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$250,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
735	590415-100004	<u>\$250,000</u>	Economic and Comm. Development - Corporate Retentions

**Total** **\$250,000**

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

**Break 1**

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage

profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0959-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$710,000.00 for housing projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$710,000 for housing projects (\$710,000). Section 55(B) of the City Charter.

### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$710,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of facilitating housing preservation, promoting housing renovation and encouraging the improvement of housing stock within the City of Columbus, including providing funds for (i) providing assistance for the renovation and improvement of homes owned or to be owned by low and moderate-income households to correct substandard and deteriorating conditions; (ii) providing assistance for the purchase and rehabilitation of vacant homes or construction of new homes; (iii) repairing and rehabilitating existing homeless shelters in the City and (iv) demolishing vacant and abandoned housing structures to prepare sites for residential purposes; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:



Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Seven Hundred Ten Thousand Dollars (\$710,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or

are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later

than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$700,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
782	782001-100000	<u>\$700,000</u>	Housing Preservation
	<b>Total</b>	<b><u>\$700,000</u></b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

**Break1**

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at

maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0960-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$305,000.00 for emergency roof repair grants. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$305,000 for emergency roof repair grants (\$305,000). Section 55(B) of the City Charter.

### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$305,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of providing grants for emergency roof repair projects within the City of Columbus; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Three Hundred Five Thousand Dollars (\$305,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days



prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be

paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining,

together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature

on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$300,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
782	782001-100002	<u>\$300,000</u>	Roof Program
	<b>Total</b>	<b><u>\$300,000</u></b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the

Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

**Break1**

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0961-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$255,000.00 for emergency shelter repair grants . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$255,000 for emergency shelter repair grants (\$255,000). Section 55(B) of the City Charter.

### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$255,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of providing grants to community shelters to fund emergency repairs of various shelter facilities located within the City of Columbus; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Two Hundred Fifty-Five Thousand Dollars (\$255,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America

Bonds, as provided in Section 10 hereof and shall be designated "Various Purpose Limited Tax Bonds, Series 2010", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined) in order to provide for any issuance of Build America Bonds.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to

be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds



in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection

with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$250,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
782	782003-100000	<u>\$250,000</u>	Emergency Shelter Repair
	<b>Total</b>	<b><u>\$250,000</u></b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

**Break1**

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying,

any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0962-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$910,000.00 for the construction of a fleet fuel site for dispensing compressed natural gas. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

### **Title**

To authorize the issuance of limited tax bonds in the amount of not to exceed \$910,000 to construct a fleet fuel site for dispensing compressed natural gas (\$910,000). Section 55(B) of the City Charter.

### **Body**

WHEREAS, it is now deemed necessary to issue and sell up to \$910,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing, equipping and improving a fleet fuel site for dispensing compressed natural gas; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Nine Hundred Ten Thousand Dollars (\$910,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." As described herein, the Combined Bonds may be issued in multiple series and shall be designated "Various Purpose Limited Tax Bonds, Series 2010 (Taxable)", or as otherwise provided in the Certificate of Fiscal Officer (hereinafter defined).

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined 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. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the

Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.



"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$900,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
513	550002-100001	<u>\$900,000</u>	Fleet Fuel Site Infrastructure
	<b>Total</b>	<b><u>\$900,000</u></b>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to

another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

**Break1**

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0965-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

**Explanation**

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$271,595,000.00 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

**Title**

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$271,595,000 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City (\$271,595,000). Section 55(B) of the City Charter.

**Body**

WHEREAS, pursuant to various ordinances passed by City Council (the "Council") of the City of Columbus, Ohio (the "Municipality" or the "City") unlimited tax general obligation bonds of the Municipality, to wit:

<u>Title</u>	<u>Dated</u>	<u>Outstanding Amount</u>	<u>Callable Amount</u>
Various Purpose UT, Series 2002-1	11/15/02	\$ 77,370,000	\$ 49,335,000
Various Purpose UT, Series 2004-1	7/27/04	117,310,000	67,300,000
Various Purpose UT, Series 2005D	12/14/05	191,295,000	104,600,000
Various Purpose UT, Series 2006A	12/12/06	106,775,000	50,360,000

(the "Outstanding Series Bonds"), were issued and sold by the Municipality for the purposes described in those ordinances and in the Outstanding Bonds; and

WHEREAS, the Municipality can achieve a reduction in the debt service associated with the Outstanding Bonds by providing for the refunding of the "Callable Amount" of such Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, due to current market conditions, this Council believes that it is in the best interest of the Municipality to refund the Refunded Bonds using the proceeds of refunding bonds, authorized by Section 133.34(A)(3) of the Ohio

Revised Code, together with other moneys available for that purpose, if any;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the Municipality shall be issued in one or more series, in the aggregate principal sum not to exceed Two Hundred Seventy-One Million Five Hundred Ninety-Five Thousand Dollars (\$271,595,000) (the "Unlimited Tax Refunding Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose of, along with other funds available for such purpose, to refund, either currently or in advance, all or a portion of the Refunded Bonds.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Unlimited Tax Refunding Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Unlimited Tax Refunding Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Unlimited Tax Refunding Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Unlimited Tax Refunding Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Unlimited Tax Refunding Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Unlimited Tax Refunding Bonds in accordance with law.

Section 4. The Unlimited Tax Refunding Bonds shall be designated "City of Columbus, Ohio Various Purpose Unlimited Tax Refunding Bonds" or as otherwise provided in Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

It is hereby determined that, for purposes of issuance and sale, it may be in the best interests of the Municipality to combine all or a portion of the Unlimited Tax Refunding Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances adopted by this Council. The Certificate of Fiscal Officer shall indicate the extent to which such bonds are combined. The Unlimited Tax Refunding Bonds and such other bonds will be collectively referred to herein as the "Bonds". The Bonds shall be designated "City of Columbus, Ohio Various Purpose Unlimited Tax Bonds" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

Section 5. The Bonds shall be issued only as fully registered Bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory redemption, and shall be subject to optional redemption at a redemption price specified in the Certificate of Fiscal Officer, on the dates as shall be set forth in the Certificate of Fiscal Officer.

If less than all of the then outstanding Bonds are called for redemption, the Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of the Bonds is authorized, the Bond Registrar shall select Unlimited Tax Refunding Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Refunding Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance, and shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar (as defined in Section 8 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

Section 7. The principal of and premium, if any, and interest 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. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the office of the Bond Registrar. Each Bond shall bear interest from the later of the date of the presentation and surrender of the Bonds at the office of the Bond Registrar or the most recent Interest Payment Date to which interest has been paid or duly provided. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 1st day (unless such 1st day is a non-business day, in which case the record date will be the preceding business day) of the calendar month in which occurs that Interest Payment Date (the "Record Date"), on the Bond Register (as defined in Section 8 hereof) at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 7, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Bonds. So long as any of the Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of 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 7 hereof, the person in whose name any Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of any authorized denomination or denominations equal in

the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed 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 owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

Section 9. The Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) the Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (iv) the Bonds 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 Municipality. Principal of and premium, if any, and interest on the Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (a) in the case of interest, on each Interest Payment Date, and (b) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for the Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, a letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system.

If any Depository determines not to continue to act as a depository for the Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with

another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds, and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 10. Certain terms of the Bonds shall be set forth in a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor, which Certificate of Fiscal Officer shall set forth and determine such terms and other matters pertaining to the Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance. The Certificate of Fiscal Officer shall state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Bonds to be issued, the dated date of the Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, and the Earliest Optional Redemption Date (all as hereinafter defined), shall identify the Original Purchasers, shall identify the Verification Agent, and shall include such additional information as shall be required by the terms of this Bond Legislation and the Bond Purchase Agreement.

As used in this Section 10 and Section 5 hereof:

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the dates to be specified in the Certificate of Fiscal Officer in which such Bonds that are Term Bonds are to be redeemed pursuant to applicable Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Bonds on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the dates on which Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer, provided that the final maturity of the principal portion of the Bonds included in the Bonds shall not be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is

to be no less than 98% of the aggregate principal amount of the Bonds, together with accrued interest on such Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Unlimited Tax Refunding Bonds shall not exceed five and one half per centum (5.50%) per annum.

"Term Bonds" means those Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the dates on which Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer, provided no such date shall be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Verification Agent" means the certified public accounting firm specified within the Certificate of Fiscal Officer that will deliver reports on the arithmetical accuracy of certain computations contained in schedules provided to them by the Original Purchasers on behalf of the Municipality relating to the Escrow Fund.

The Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Inc., as representative of the Original Purchasers, at the Purchase Price, plus any accrued interest on the principal amount of the Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Bonds, the manner of sale and the terms of the Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Bonds as described in the Bond Purchase Agreement is hereby authorized, and the Director of Finance and Management is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and he is authorized and directed to advise the Original Purchasers in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds of the Bonds, including premium, if any, received from the sale of the Bonds, but excluding costs of issuance and any accrued interest, shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer.

The Municipality shall deposit with the Escrow Trustee, hereinafter identified, proceeds of the Bonds paid to the Municipality pursuant to the Bond Purchase Agreement in an amount sufficient to defease the Refunded Bonds, and such monies shall be applied in accordance with the terms of the Escrow Deposit Agreement, hereinafter identified. The balance of such proceeds, including any accrued interest received from such sale, shall be deposited in the City Treasury and shall be credited to the proper Bond Retirement Fund to be applied to the payment of the principal and interest of



general obligation Bonds of the Municipality in the manner provided by law. Said proceeds are hereby appropriated for such purposes.

All moneys necessary to carry out the purpose of this Ordinance, including all principal of and interest on the Bonds, are hereby deemed appropriated.

This Council hereby declares that the Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 11. The Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity Bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage Bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

**Break1**

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with sections 141 through 150 of the Code and the Regulations.

City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 12. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the defeasance of the Refunded Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Refunded Bonds on their first optional redemption dates. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed to execute and deliver an Escrow Deposit Agreement with such banking association selected by the City Auditor to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of the Unlimited Tax Refunding Bonds deposited with the Escrow Trustee for the defeasance of the Refunded Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) be appointed and serve as the co-paying agent for the Refunded Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such

terms, covenants and conditions not inconsistent with this Ordinance as shall be approved by the officer executing the same and as shall be approved as to form by the City Attorney. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by those officials.

Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 14. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the refunding of the Outstanding Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Outstanding Bonds on their first optional redemption dates.

Section 15. It is hereby 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 16. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 17. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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**Legislation Number:** 0966-2010

**Drafting Date:** 06/17/2010

**Current Status:** Passed

**Version:** 1

**Matter Type:** Ordinance

#### **Explanation**

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$120,285,000.00 for the purpose of providing funds to refund either currently or in advance, certain outstanding general obligation bonds of the City. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

#### **Title**

To authorize the issuance of limited tax bonds in an amount not to exceed \$120,285,000 for the purpose of providing funds to refund, either currently or in advance, certain outstanding general obligation bonds of the City (\$120,285,000). Section 55(B) of the City Charter.

#### **Body**

WHEREAS, pursuant to various ordinances passed by City Council (the "Council") of the City of Columbus, Ohio (the "Municipality" or the "City"), limited tax general obligation bonds of the Municipality, to wit:

<u>Title</u>	<u>Dated</u>	<u>Outstanding Amount</u>	<u>Callable Amount</u>
Various Purpose LT, Series 2004-2	07/27/04	99,155,000	55,295,000
Various Purpose LT, Series 2005E	12/14/05	29,485,000	14,800,000

Various Purpose LT, Series 2006B	12/12/06	66,610,000	33,125,000
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(the "Outstanding Limited Tax Bonds"), and unlimited tax general obligation bonds of the Municipality, to wit:

<u>Title</u>	<u>Dated</u>	<u>Outstanding Amount</u>	<u>Callable Amount</u>
Various Purpose UT, Series 2002-1	11/15/02	\$ 77,370,000	\$ 49,335,000
Various Purpose UT, Series 2004-1	7/27/04	117,310,000	67,300,000
Various Purpose UT, Series 2005D	12/14/05	191,295,000	104,600,000
Various Purpose UT, Series 2006A	12/12/06	106,775,000	50,360,000

(the "Outstanding Unlimited Tax Bonds" and together with the Outstanding Limited Tax Bonds, the "Outstanding Bonds"), were issued and sold for the purposes described in those ordinances and in the Outstanding Bonds; and

WHEREAS, the Municipality can achieve a reduction in the debt service associated with the Outstanding Bonds by providing for the refunding of the "Callable Amount" of such Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, due to current market conditions, this Council believes that it is in the best interest of the Municipality to refund the Refunded Bonds using the process of refunding bonds, authorized by pursuant to Section 133.34(A)(3) of the Ohio Revised Code, together with other moneys available for that purpose, if any;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the Municipality shall be issued in one or more series, in the aggregate principal sum not to exceed One Hundred Twenty Million Two Hundred Eighty-Five Thousand Dollars (\$120,285,000) (the "Limited Tax Refunding Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose of refunding, either currently or in advance, all or a portion of the Refunded Bonds.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Limited Tax Refunding Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Limited Tax Refunding Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Limited Tax Refunding Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Limited Tax Refunding Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Limited Tax Refunding Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Limited Tax Refunding Bonds in accordance with law.

Section 4. The Limited Tax Refunding Bonds shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Refunding Bonds" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined in order to

distinguish one series of bonds from another.

It is hereby determined that, for purposes of issuance and sale, it may be in the best interests of the Municipality to combine all or a portion of the Limited Tax Refunding Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances adopted by this Council. The Certificate of Fiscal Officer shall indicate the extent to which such bonds are combined. The Limited Tax Refunding Bonds and such other bonds may be issued in one or more series and will be collectively referred to herein as the "Bonds". The Bonds shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Bonds" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

Section 5. The Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory redemption, and shall be subject to optional redemption at a redemption price as specified in the Certificate of Fiscal Officer, on the dates as shall be set forth in the Certificate of Fiscal Officer.

If less than all of the then outstanding Bonds are called for redemption, the Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of the Bonds is authorized, the Bond Registrar shall select Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance, and shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 8 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

Section 7. The principal of and premium, if any, and interest 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. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the office of the Bond Registrar. Each Bond shall bear interest from the later of the date of the presentation and surrender of the Bonds at the office of the Bond Registrar or the most recent Interest Payment Date to which interest has been paid or duly provided. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Combined Bond is registered, at the close of business on the 1st day (unless such 1st day is a non-business day, in which case the record date will be the preceding business day) of the calendar month in which occurs that Interest Payment Date (the "Record Date"), on the Bond Register (as defined in Section 8 hereof) at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be

published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 7, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Bonds. So long as any of the Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of 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 7 hereof, the person in whose name any Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of any authorized denomination or denominations equal in the aggregate to the unmaturing principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmaturing principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed 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 owner; except that the Municipality 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

Section 9. The Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) the Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (iv) the Bonds 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 Municipality. Principal of and premium, if any, and interest on Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (a) in the case of interest, on each Interest Payment Date, and (b) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, a letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system.

If any Depository determines not to continue to act as a depository for the Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds, and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 10. Certain terms of the Bonds shall be set forth in a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor, which Certificate of Fiscal Officer shall set forth and determine such terms and other matters pertaining to the Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance. The Certificate of Fiscal Officer shall state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Bonds to be issued, the dated date of the Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, and the Earliest Optional Redemption Date (all as hereinafter defined), shall identify the Original Purchasers, shall identify the Verification Agent, and shall include such additional information as shall be required by the terms of this Bond Legislation and the Bond Purchase Agreement.

As used in this Section 10 and Section 5 hereof:

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which the Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the dates to be specified in the Certificate of Fiscal Officer in which such Bonds that are Term Bonds are to be redeemed pursuant to applicable Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to the Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Bonds on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the dates on which Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer, provided that the final maturity of the principal portion of the Bonds included in the Bonds shall not be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Bonds, together with accrued interest on such Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Limited Tax Refunding Bonds shall not exceed five and one half per centum (5.50%) per annum.

"Term Bonds" means those Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the dates on which Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer, provided no such date shall be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Verification Agent" means the certified public accounting firm specified within the Certificate of Fiscal Officer that will deliver reports on the arithmetical accuracy of certain computations contained in schedules provided to them by the Original Purchasers on behalf of the Municipality relating to the Escrow Fund.

The Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Inc., as representative of the Original Purchasers, at the Purchase Price, plus any accrued interest on the principal amount of the Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Bonds, the manner of sale and the terms of the Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Bonds as described in the Bond Purchase Agreement is hereby authorized, and the Director of Finance and Management is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and he is authorized and directed to advise the Original Purchasers in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds of the Bonds, including premium, if any, received from the sale of the Bonds, but excluding costs of issuance and any accrued interest, shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer.

The Municipality shall deposit with the Escrow Trustee, hereinafter identified, proceeds of the Bonds paid to the Municipality pursuant to the Bond Purchase Agreement in an amount sufficient to defease the Refunded Bonds, and such monies shall be applied in accordance with the terms of the Escrow Deposit Agreement, hereinafter identified. The balance of such proceeds, including any accrued interest received from such sale but excluding any proceeds designated to pay costs of issuance of the Bonds and any other refunding bonds issued at the same time as the bonds (which shall be deposited into a fund to be designated by the City Auditor for the payment of such costs of issuance), shall be deposited in the City Treasury and shall be credited to the proper Bond Retirement Fund to be applied to the payment of the principal and interest of general obligation bonds of the Municipality in the manner provided by law. Said proceeds are hereby appropriated for such purposes.

All moneys necessary to carry out the purpose of this Ordinance, including all principal of and interest on the Bonds, are hereby deemed appropriated.

This Council hereby declares that the Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

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Section 11. The Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess anngs as rebate, or obviating those amounts or payments, as determined by the City Auditor or th Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable



expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 12. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the defeasance of the Refunded Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Refunded Bonds on their first optional redemption dates. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed to execute and deliver an Escrow Deposit Agreement with such banking association selected by the City Auditor to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of the Limited Tax Refunding Bonds deposited with the Escrow Trustee for the defeasance of the Refunded Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) be appointed and serve as the co-paying agent for the Refunded Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance as shall be approved by the officer executing the same and as shall be approved as to form by the City Attorney. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by those officials.

Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 14. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the refunding of the Outstanding Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Outstanding Bonds on their first optional redemption dates.

Section 15. It is hereby 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 16. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 17. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.



# City RFPs, RFQs, and Bids

THE CITY BULLETIN  
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

**CITY OF COLUMBUS FORMAL BID OPPORTUNITIES ARE UPDATED DAILY AT:**

<http://vendorservices.columbus.gov/e-proc/venSolicitationsAll.asp?link=Open+Solicitations&cboType=B>

Each proposal shall contain the full name and address of every person, firm or corporation interested in the same, and if corporation, the name and address of the President and Secretary.

**EQUAL OPPORTUNITY CLAUSE:** Each responsive bidder shall submit, with its bid, a contract compliance certification number or a completed application for certification. Compliance with the provisions of Article I, Title 39, is a condition of the contract. Failure to comply with this Article may result in cancellation of the contract.

**WITHHOLDING OF INCOME TAX:** All bidders are advised that in order for a contract to bind the City, each contract must contain the provisions found in Section 361.34 C.C.C. with regard to income taxes due or payable to the City of Columbus for wages, salaries and commissions paid to the contractor's employees as well as requiring those contractors to ensure that subcontractors withhold in a like manner.

**DELINQUENT PERSONAL PROPERTY TAX:** All bidders are charged with notice of Section 5719.042 of the Ohio Revised Code and agree that if this contract is awarded to them, the successful bidder, prior to the time the contract is entered into, will submit to the City Auditor the affidavit required by said section of the Ohio Revised Code. Said affidavit, when filed with City Auditor, is thereby incorporated into and made a part of this contract and no payment shall be made with respect to this contract unless such statement has been so incorporated as a part thereof.

**LOCAL CREDIT:** For all contracts EXCEPT PROFESSIONAL SERVICE CONTRACTS: In determining the lowest bid for purpose of awarding a contract not exceeding \$20,000.00, a local bidder shall receive a credit equal to five percent (5%) of the lowest bid submitted by a non-local bidder. In determining the lowest bid for purposes of awarding a contract in excess of \$20,000.00, a local bidder shall receive a credit equal to one percent (1%) or \$10,000.00, whichever is less, of the lowest bid submitted by a non-local bidder. A local bidder is a person, corporation or business which (a) has listed its principal place of business as being located within the corporation limits of the City of Columbus or the County of Franklin in official documents filed with Secretary of State, State of Ohio, or a valid vendor's license which indicates its place of business is located within the corporation limits of the City of Columbus or County of Franklin.

FOR COPIES OF ANY OF THE FOLLOWING BID PROPOSALS CALL THE LISTED DIVISION

THE CITY BULLETIN  
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - July 6, 2010 11:00 am

THE CITY BULLETIN  
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003637 - R&P Harrison Park Development

ADVERTISEMENT FOR BIDS

Sealed proposals will be received by the Wagenbrenner Management, Inc. as acting agents for the Recreation and Parks Commission of the City of Columbus, Ohio, at their office at Wagenbrenner Management, Inc., 575 West First Avenue #100, Columbus, Ohio 43215, until 11:00 a.m. on Tuesday, July 6th, 2010, and publicly opened and read immediately thereafter for:

Harrison Park Development

The work for which proposals are invited consists of earthwork, fine grading, seeding and landscaping, steel gazebo fabrication and installation, park electric service installation and walkway lighting, trail and walkway development, park furnishings, and playground installation with safety surfacing, as per plans and specification.

Copies of the Project Manual/Specifications and the plans are on file and available to prospective bidders at 575 West First Avenue #100 and as of 6/21/10 at Atlas Blueprint, 374 W. Spring St., Columbus, Ohio 43215, (614) 224-5149, [www.atlasblueprint.com](http://www.atlasblueprint.com) upon a non-refundable payment per bid set. Contact Atlas Blueprint for the cost.

Payment shall be made payable to Atlas Blueprint.

Questions about the project should be directed to Mark Barrett at 614-545-3662

"Harrison Park Development?"

PRE-BID CONFERENCE

A Pre-bid Conference will be held Tuesday, June 25, 2010, at 1:00 pm at 575 W First Avenue, #100. Park on Harrison Park Place and meet at the terminus of First Street. Bidders are strongly urged to attend. Failure to attend will not disqualify a bidder. However, bidders shall comply with and be responsible for the bid specifications and information discussed at the pre-bid conference

ORIGINAL PUBLISHING DATE: June 18, 2010

SA003626 - ROADWAY IMP. 2010-2012 GE CONTRACT

THE CITY BULLETIN  
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Project Overview: The Department of Public Service is initiating a single procurement effort that will result in the award and execution of three (3) separate general engineering contracts. The intent of these contracts is to provide the Department of Public Service with continuing, contractual access to additional resources that are necessary to perform various professional engineering, survey and technical expertise for the department to complete its capital and operating budget commitments. The Department anticipates funding each of these contracts with an initial appropriation of \$200,000.00 each from the FY2010 Capital Improvements Budget. The Department anticipates submitting planned requests to modify these contracts as the operational need arises and as funding capacity will allow over the three year term of these contracts.

1.2 An Evaluation Committee will evaluate Consultant proposals, establishing a ranking using the consultant evaluation form attached. Upon completion of the evaluations, the Evaluation Committee will recommend the three top-rated firms to the Director to receive one and only one of the three contracts. The Director shall make the final determination, based on which firms best fits the needs of the City and the projects for which the contract is to service.

1.3 The Consultant is to submit only one proposal for this entire package.

1.4 ODOT prequalification is required. The team shall be prequalified in ALL of the following work types:

Bridge Design Level 1  
Interchange Justification/Modification Study  
Environmental Document Preparation - CE  
Non-Complex Roadway Design  
Right of way Plan Development  
Geotechnical Engineering  
Geotechnical Testing Laboratory  
Basic Traffic Signal Design  
Simple Lighting Design  
ESA Level I and Level II

1.5 Classification: The RFP is available for download at <http://vendorservices.columbus.gov/e-proc/>. Firms wishing to submit a proposal must meet the mandatory requirements stated in the RFP. Each offeror shall submit with its proposal an active City of Columbus Contract Compliance Certification Number, or a completed application for certification. A pre-proposal meeting will not be held. All questions concerning the RFP are to be sent to [capitalprojects@columbus.gov](mailto:capitalprojects@columbus.gov). The last day to submit questions is June 25, 2010. Responses will be posted on the Vendor Services web site as an addendum. Phone calls will not be accepted.

For additional information concerning this bid go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov/e-proc/>) and view this solicitation number in the "open solicitations" listing.

Additional information:

It is highly recommended that proposals are hand delivered and not mailed as US Mail is not delivered directly to this building.

ORIGINAL PUBLISHING DATE: July 01, 2010

THE CITY BULLETIN  
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - July 8, 2010 12:00 am

SA003642 - LAND REDVT-DEBRIS & SHRUB REMOVAL/DEMO

1. SCOPE AND CLASSIFICATION

1.1 Scope: It is the intent of the City of Columbus, Department of Development, Land Redevelopment Office, to obtain bids to establish one or more contracts for all labor, materials and equipment. The Columbus Land Bank will need trash & debris clean up, tree and shrub removal and light demolition. The Land Bank inventory contains both city owned vacant lots and parcels with structures scattered throughout the City of Columbus. The contract(s) will not be exclusive to one contractor; the City reserves the right to award contracts to multiple contractors and to non-profit organizations under this bid request. Contract term will be based on the availability of funds, but shall, at minimum, last until December 31, 2010. Additional time for this contract(s) is subject to the approval and appropriation of funds.

1.2 Classification: Services shall be performed at sites identified by the Land Redevelopment Office. Tasks performed may include, but are not limited to items such as: initial clean up of the job site and disposing of all debris in appropriate land fill or solid waste authority, removal of fallen trees, small structures, trash and debris (interior and exterior) and tree trimming.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov> <<http://vendorservices.columbus.gov/>> ) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 01, 2010

SA003628 - Employee Benefits Administration Service

1.1 Scope: The City of Columbus intends to contract with qualified companies who can provide Employee Benefit Administration Services for its self-insured health plans that includes dental, short term disability, life, COBRA, and vision programs starting February, 2011 through January, 2014.

1.2 Classification: Please see attached documents for complete scope of work and classification.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 24, 2010

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SA003631 - ENCLOSED SERVICE TRUCK BODY

1.1 Scope: It is the intent of the City of Columbus, Recreation & Parks Facilities Maintenance section to purchase one (1) new and unused enclosed service body with accessories to be mounted and installed by the successful bidder on a Standard Cab and Chassis which the City of Columbus will provide.

1.2 Classification: The contract resulting from this bid proposal will provide for the purchase of one (1) new and unused enclosed service body with accessories and the mounting and installation by the successful bidder on a 2010 Ford F-550 4X2 Standard Cab and Chassis which the City of Columbus will provide. Manufacturers must have a fully franchised installer located in Franklin County or contiguous county to supply parts and warranty service.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 12, 2010

SA003640 - ELEC/SPCC BARRIER BOOM SYSTEM

1.1 Scope: It is the intent of the City of Columbus, Division of Power and Water, Power Section, to obtain formal bids for a one time purchase of an SPCC Barrier Boom System as required by 40 CFR 112. This device shall prevent 100% flow of hydrocarbons from a containment site, while allowing the unimpeded flow of water. It is to be used in oil filled equipment storage areas containing distribution transformers.

1.2 Classification: The contract resulting from this bid proposal will provide for the purchase and delivery of the barrier boom system. Preferred system is C. I. Agent Barrier Boom manufactured by C. I. Agent Solutions of Louisville, Kentucky.

1.2.1 City of Columbus personnel will perform all installation requirements.

1.2.2 Manufacturer shall provide an onsite representative to oversee and certify installation.

1.2.3 Manufacturer shall submit warranty information for the product. Manufacturer shall also provide separate warranty of Pollution Insurance Policy in an amount not less than \$2,000,000.00.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 25, 2010

BID OPENING DATE - July 12, 2010 1:30 pm



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BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003641 - OCM-RENOV OF HVAC @ 1475 GRANVILLE ST

ADVERTISEMENT FOR BIDS  
RENOVATION OF TWO HEATING AND AIR CONDITIONING SYSTEMS  
FOR THE CITY OF COLUMBUS DIVISION OF POLICE  
LOCATED AT 1475 GRANVILLE STREET COLUMBUS, OHIO 43235

1.1 Scope: It is the intent of the City of Columbus, Department of Finance and Management, Office of Construction Management, to obtain formal bids to establish a contract for : RENOVATION OF TWO HEATING AND AIR CONDITIONING SYSTEMS FOR THE CITY OF COLUMBUS DIVISION OF POLICE LOCATED AT 1475 GRANVILLE STREET COLUMBUS, OHIO 43235

Work to be completed within 30 calendar days upon notification of award of contract.

1.2 Classification: The scope of work will be but not limited to heating and air conditioning services. The intent of this bid is to secure heating and air conditioning services for the renovation of two heating and air conditioning systems for the City of Columbus Division of Police located at 1475 Granville Street Columbus, Ohio 43235. Below are examples of work to be performed under this contract but are not limited to the following:

" Contractor shall be capable working from blueprints, drawings, written or oral instructions and follow all applicable building codes.

" Contractor shall have knowledge and understanding of HVAC systems, Electrical systems and plumbing systems.

" General contractor shall provide, coordinate and oversee sub-contractors (plumbing, HVAC, electrical, etc.) as needed to complete projects as directed by designee if necessary.

" Contractor shall be able to provide options for project work, set and keep schedules and coordinate all activities with sub-contractors and City designee.

" The contractor shall be required to provide cost estimates to the City upon request. The City retains the right to solicit cost estimates from other vendors. Contracts will be written accordingly.

There will be a pre-bid meeting on Wednesday June 30, 2010 at 9:00 a.m., at the City of Columbus Division of Police located at 1475 Granville Street Columbus, Ohio 43235. This is not a prevailing wage project. A 10% proposal bond/100% performance bond required. All questions and concerns pertaining specifications shall be directed in writing to the City of Columbus Office of Construction Management Project Manager: John Hanson via fax (614-645-0254) or email (jjhanson@columbus.gov) prior to Thursday July 8, 2010 by 12:00 p.m. Addendums will be issued accordingly. The budget for this project is \$22,000.00.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

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ORIGINAL PUBLISHING DATE: June 26, 2010

BID OPENING DATE - July 14, 2010 10:00 am

SA003636 - FMD-FLOORING VARIOUS FMD LOCATIONS

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BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

ADVERTISEMENT FOR BIDS

RENOVATION AND INSTALLATION OF FLOOR COVERINGS FOR VARIOUS CITY FACILITIES UNDER THE PURVIEW OF FACILITIES MANAGEMENT

Sealed bids will be received by the Department of Finance and Management, Division of Facilities Management of the City of Columbus, Ohio at their office, located at 640 Nationwide Blvd., Columbus, Ohio 43215 until 10:00 a.m. local time, and publicly opened and read at the hour and place on, July 14, 2010 for RENOVATION AND INSTALLATION OF FLOOR COVERINGS FOR VARIOUS CITY FACILITIES UNDER THE PURVIEW OF FACILITIES MANAGEMENT. The work for which bids are invited consist of renovation and preparation of floor surfaces and installation of various flooring materials at various city locations. This is a prevailing wage project. A 10% proposal bond is required/100% performance bond required by successful bidder. All questions and concerns pertaining to the specifications shall be directed in writing to Facilities Management Division, Designee, 640 Nationwide Blvd., Columbus, Ohio 43215. In order to receive consideration, questions must be received at least eight (8) days prior to the date fixed for the opening of bids. Any interpretations of questions so raised, which in the opinion of the City or its representatives require interpretations, will be issued by Addenda mailed, faxed or delivered to holders of record no later than July 09, 2010, 12:00 p.m. All questions must be emailed no later then July 07, 2010 12:00 p.m. to [jjchappelear@columbus.gov](mailto:jjchappelear@columbus.gov). The City or its representative will not be bound by any oral interpretations which are not reduced in writing and included in the addenda.

Copies of the Contract Documents will available in the office of Facilities Management, 640 Nationwide Blvd., Columbus, Ohio 43215 at the PRE-BID MEETING, June 30, 2010. Proposals must be submitted on the proper forms contained in the Bid Documents and the Bid Documents containing the Proposals must be submitted IN THEIR ENTIRETY in a sealed envelopment marked: Bid for: RENOVATION AND INSTALLATION OF FLOOR COVERINGS FOR VARIOUS CITY FACILITIES UNDER THE PURVIEW OF FACILITIES MANAGEMENT.

FAILURE TO RETURN THE BID PACKET AND REQUIRED INFORMATION MAY RESULT IN REJECTION OF THE PROPOSAL.

PROPOSAL GUARANTY

The bidder is required to submit a Proposal Guaranty, consisting either of a Proposal Bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall be expressed in dollars and cents and shall not be less than ten (10) percent of the bid including all alternates submitted which increase the bid. All bonds signed by an agent must be accompanied by a certified copy of the authority to act.

PREVAILING WAGE RATE

Attention of the bidder is called to the special requirements which are included in the Bid Documents

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regarding prevailing rates of wages to be paid. Bidders must comply with the prevailing wage rates on Public Improvements of Franklin County and the City of Columbus in the State of Ohio as determined by the Ohio Bureau of Employee Services, Wage and Hour Division (614-644-2239).

**CONTRACT PERFORMANCE AND PAYMENT BOND  
(REQUIRED BY SUCCESSFUL BIDDER)**

A contract performance and payment bond of 100 percent of the amount of the contract with a surety or sureties licensed to conduct business in the State of Ohio according to Section 103.05 of the City of Columbus Construction and Materials Specifications, latest edition, will be required to assure the faithful performance of the work.

**PRE-BID MEETING**

A pre-bid meeting will be held June 30, 2010 at 10:00 a.m., at 640 Nationwide Blvd., Second Floor Conference Room, Columbus, Ohio 43215. Bid documents will be available at the pre-bid meeting.

**OSHA/EPA REQUIREMENTS**

Contractors are subject to all applicable federal, state and local laws, ordinances, rules and regulations pertaining to services or products to be provided under this contract.

**CONSTRUCTION AND MATERIALS SPECIFICATIONS**

Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio Construction and Material Specifications, latest edition and will become part of the terms and conditions of the contract to be awarded. Said specification are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to submit a proposal. Copies of said Construction and Materials Specifications may be examined and/or purchased at the office of the Director of Public Service, 90 West Broad Street, Room 301, Columbus, Ohio 43215, (614) 645-8290, at the office of the Transportation Division, 1800 East 17th Avenue, Columbus, Ohio 43219, (614) 645-3182, at the Director of Public Utilities, 910 Dublin Road, 4th Floor, Columbus, Ohio 43215, (614) 645-6141.

**CONTRACT COMPLIANCE REQUIREMENTS AND EQUAL OPPORTUNITY CLAUSE**

Each responsive bidder shall submit, with its bid, a City of Columbus Contract Compliance Certification Number or a completed application for certification. Any questions or inquiries concerning this should be directed to the Equal Business Opportunity Commission Office.

The City of Columbus encourages the participation of Minority and female owned business enterprises. Each bidder must identify any subcontractor(s) who are minority or female owned businesses (M/FBE's) as defined in Title 39 of the Columbus City Code along with the scope of work and anticipated cost.\* This information is gathered and monitored by the Equal Business Opportunity Commission Office (EBOCO). Please contact EBOCO (614) 645-4764 for assistance with identifying potential M/FBE subcontractors. Equal Business Opportunity Commission Office, 109 N. Front Street 4th Floor, Columbus, Ohio 43215, (614) 645-4764.

\*While the participation of minority and female owned businesses is encouraged the level of minority or female participation will not be a condition of the bid award.

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**BID CANCELLATION AND REJECTIONS**

The right is reserved by the Director of Public Service of the City of Columbus, Ohio to cancel the Advertisement for Bids, to reject any and/or all bids, to waive technicalities, or to advertise for new proposals, when it is in the best interest of the City. Also, the right is reserved by the Public Service Director to hold bids for a period of 180 days after the bid opening for evaluating both the proposals and the contractors. The award of the contract may be made at any time during that period.

**SPECIAL REQUIREMENTS**

Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under laws of any other state.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 19, 2010

BID OPENING DATE - July 15, 2010 11:00 am

SA003638 - Tow Behind Roller-Street Maintenance

1.1 Scope: It is the intent of the City of Columbus, Division of Planning and Operations, to obtain formal bids to establish a contract for the purchase of three Tow Behind Rollers. The Rollers will be used by the Street Maintenance Operations Section of the Division of Planning and Operations in street maintenance and repair operations.

1.2 Classification: The successful vendor shall be responsible for building and delivering the completed units to the City of Columbus, Division of Planning and Operations. Specifications detail a Leeboy Model 400T. Bids will be accepted for alternates that meet or exceed the detailed specifications. Manufacturers must have a fully franchised dealer located in Franklin County or within 50 mile radius of Broad and High Streets in Columbus.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 19, 2010

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SA003639 - Force Feed Loader - Street Maintenance

1.1 These specifications describe a new Force Feed Loader in order to secure bids for the City of Columbus. The Force Feed Loader will be used by the Street Maintenance Operations Section of the Division of Planning and Operations in street maintenance and repairs operations.

1.2 Classification: The successful vendor shall be responsible for building and delivering the completed unit to the City of Columbus, Division of Planning and Operations. Specifications describe a Leeboy Model 300. Bids will be accepted for alternates that meet or exceed the detailed specifications. Manufacturers must have a fully franchised dealership located in Franklin County or within a 50 mile radius of the intersection of Broad and High Streets in Columbus.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 22, 2010

BID OPENING DATE - July 16, 2010 3:00 pm

SA003633 - CONSTRUCTION MANAGEMENT RFP - WATER SPLY

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BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

The City of Columbus, Ohio is soliciting Detailed Technical Proposals (RFP's) from experienced professional consulting/engineering firms to provide cost effective Construction Management; Field Representation; Inspection Testing; Instrumentation/Control Design, Integration and Support Services; and services for maintenance of operations during construction for various capital improvements projects for the Water Supply/Technical Support group that begin construction in the years 2011-2015. The intent is to establish a multi-year contract with fixed direct labor, overhead, and fixed fee rates. Appropriations for individual projects will be through planned contract modifications duly authorized by City Council. The selected Professional Construction Management (PCM) team will ensure the projects are completed in accordance with design requirements and contract documents while serving as a liaison between the contractor, design professional, and City personnel in the dissemination and flow of information.

Project security and confidentiality with respect to DOPW records is a critical component of this work. All relevant information shall be considered as "Official Use Only (OUO)" and shall be appropriately secured.

Selection of professional services shall be in accordance with Section 329.14 of Columbus City Codes, 1959, utilizing the Department of Public Utilities Request for Proposals (RFP) process. This process is generally as follows:

1. RFP prepared and advertised by the Department.
2. All offerors are required to obtain an information package containing instructions on the expected format for the proposals, and other project related information. These may be obtained at:

Division of Power and Water  
Water Supply Group - Technical Support Section  
910 Dublin Road, 2nd Floor  
Columbus, Ohio 43215

Information packages will be available beginning Wednesday June 16, 2010. There is no charge for the information package. Consultants who prefer information packages to be shipped by Fed Ex, shall provide a Fed Ex account number for payment of shipping charges. Send request via email to Miriam Siegfried, P.E., Technical Support Manager, at [MCSiegfried@columbus.gov](mailto:MCSiegfried@columbus.gov).

3. Proposals will be received by the City until 3:00 pm, Friday July 16, 2010. No proposals will be accepted thereafter. Address Proposals to:

Department of Public Utilities  
Division of Power and Water  
Administrator Richard C. Westerfield, P.E., PhD.  
910 Dublin Road, 3rd floor  
Columbus, Ohio 43215

4. Six (6) copies of the proposal documents, each limited to no more than 75 double-sided pages in length with minimum 12 point font, shall be submitted in a sealed envelope(s) or box(s) to Richard C. Westerfield at the address listed above. The envelopes (or box) shall be clearly marked on the exterior to denote both the names of the submitting firm and the particular professional services contract for which the qualifications are

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offered.

5. The Department Evaluation Committee may request that some offerors make a presentation to the Committee to elaborate on their proposals. Offerors will be notified of the invitation to a presentation interview and will be given sufficient time to prepare for the presentation.
6. The Committee shall rank all offerors based upon the quality, experience, and feasibility of their proposals and any revisions thereto.
7. The Department shall enter into contract negotiations with the offerors in order of rank.

Any agreement or contract entered into will be in accordance with the provisions of Chapter 329 of Columbus City Codes, 1959, the standard agreements for professional services of the Division of Power and Water, and all other applicable rules and regulations.

All questions shall be submitted in writing by 3:00 pm Wednesday July 7, 2010 to Miriam Siegfried, P.E. Technical Support Section Manager, Water Supply Group, Division of Power and Water, 910 Dublin Road, Columbus, Ohio 43215, or by fax (614) 645-6165, or by e-mail (MCSiegfried@columbus.gov)

TATYANA ARSH, P.E., DIRECTOR

Department of Public Utilities

City Bulletin Publication Dates

June 19, 2010

June 26, 2010

July 3, 2010

July 10, 2010

#### EVALUATION CRITERIA

The Request for Proposals submittal must include information to address each of the criteria as listed below. Submissions will be evaluated by the evaluation committee based on how well the following criteria are met or exceeded and rating values:

#### 15 Points - Proposal Quality & Feasibility

----- (15 points) Consultant and Team approach including but not limited to: work plan, table of organization, anticipated staffing for each major construction project (list specific team members and applicable experience for each project listed in Appendix A over \$35 million in construction costs), information management system, and demonstrating expertise in dispute resolution, claims resolution, cost estimating, negotiating, and schedule analysis.

#### 5 Points - Environmental Considerations

----- (5 points) Construction Management team promotes sustainability and environmental awareness within the work place. The team must demonstrate methodologies and policies that embrace conservation, pollution prevention and waste reduction.



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40 Points Competence to Perform & Experience of Team With Subconsultants

40 Points - Experience of Team with subconsultants (Qualifications and experience of staff)

----- (20 points) Construction Manager team Leader is a registered professional engineer in the State of Ohio (professional Engineers registered in other states must apply for a State of Ohio license prior to submitting this proposal) and has experience including but not limited to: water and/or wastewater plant construction and projects over \$50 million in total cost, and large reservoir/dam projects. The possession of Construction Specifications Institute (CSI) or Construction Management Association of America (CAME) certifications is desirable.

----- (20 points) The Construction Management Team members have the competence and experience to perform the required services as indicated by the technical training, education and experience of key personnel. Key personnel on the Team should demonstrate at least 5 years of relevant experience. Testing lab shall be capable of providing full in-house service. The possession of Construction Specifications Institute (CSI) or Construction Management Association of America (CAME) certifications is desirable.

5 Points - Ability of Offeror to Perform Expeditiously

----- (5 points) The Team has the ability to perform the required service competently and expeditiously as indicated by their workload and the availability of necessary personnel, equipment and facilities. List specific team member's availability for each identified project.

15 Points - Past Performance

----- (5 points) The Team or key members have demonstrated a successful history of working with the City of Columbus for at least 5 years.

----- (10 points) The Team has demonstrated a successful history of completed construction management services for large scale improvement projects, while controlling project costs, meeting deadlines and completing projects on time and within budget. This criterion will also be used to evaluate past performance of project team on similar projects for other entities.

20 Points - Local Workforce

----- (20 points) At least 90% of the Team's project labor costs are assignable to employees paying City of Columbus income tax on the date proposal is submitted, or at least 90% of the Team's project labor costs are assignable to the office location within Franklin County if office established prior to 1995.

----- (15 points) At least 75% of the Team's project labor costs are assignable to employees paying City of Columbus income tax on the date proposal is submitted.

----- (15 points) At least 90% of the Team's project labor costs are assignable to employees paying assigned work in an office location within Franklin County, but outside Columbus Corporate Limits on the date proposal submitted

----- (10 points) At least 50% of the Team's project labor costs are assignable to employees paying City of Columbus income tax on the date proposal is submitted

Note: in the proposal, the consultant shall indicate their percentage of local workforce and show how this number was determined. The Team includes the prime consultants and sub-consultants.

100 TOTAL POINTS

ORIGINAL PUBLISHING DATE: June 16, 2010

# Public Notices

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The link to the **Columbus City Health Code** pdf shall constitute publication in the City Bulletin of changes to the Columbus City Health Department's Health Code. To go to the Columbus City Health Code, click [here](#) (pdf).

The Columbus City Code's "**Title 7 -- Health Code**" is separate from the Columbus City Health Code. Changes to "Title 7 -- Health Code" are published in the City Bulletin. To go to the Columbus City Code's "Title 7 -- Health Code," click [here](#) (html).

**City of Columbus  
City Bulletin Report**

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

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**Legislation Number:** PN0006-2010

**Drafting Date:** 12/18/2009

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** 2010 Recreation and Parks Committee/Development Committee Meeting Notice

**Contact Name:** Carl Williams

**Contact Telephone Number:** (614) 645-2932

**Contact Email Address:** [CGWilliams@columbus.gov](mailto:CGWilliams@columbus.gov)

**Body**

Council Member Priscilla R. Tyson will host a Recreation and Parks Committee / Development Committee Meeting on the dates listed below. Unless otherwise noted, the meetings will begin at 5:30 P.M. in City Council Chambers, located on the second floor of City Hall, 90 West Broad Street, Columbus, Ohio.

A valid picture ID is needed to enter City Hall.

Persons wishing to address the meeting must fill out a speaker slip. These speaker forms will be made available in Council Chambers from 5:30 until 6:00 P.M. on the day of the meeting.

Thursday, February 18, 2010

Thursday, March 18, 2010 (Arts & Culture Briefing)

Thursday, March 25, 2010 (Arts & Culture Briefing)

Thursday, April 15, 2010

Thursday, May 20, 2010, 4:00 p.m., Council Chambers

Thursday, June 17, 2010, 3:00 p.m., Council Chambers

Thursday, July 15, 2010

Thursday, September 16, 2010

Thursday, October 21, 2010

Thursday, November 18, 2010

Thursday, December 16, 2010 (Budget Hearing, 5:00 pm)

Agendas for these meetings will be posted on [www.columbuscitycouncil.org/tyson](http://www.columbuscitycouncil.org/tyson) as soon as possible.

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**Legislation Number:** PN0010-2010

**Drafting Date:** 12/23/2009

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** 2010 German Village Commission Meeting Schedule

**Contact Name:** Randy Black

**Contact Telephone Number:** (614) 645-6821

**Contact Email Address:** [rblack@columbus.gov](mailto:rblack@columbus.gov)

**Body**

[German Village Commission 2010 Meeting Schedule](#)

The German Village Commission has its Regular Meeting the 1st Tuesday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to [ljpoulton@columbus.gov](mailto:ljpoulton@columbus.gov). A Sign Language Interpreter will be made

available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802.

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (German Village Meeting Haus 588 S Third St.) 4:00pm
December 22, 2009	December 29, 2009	January 5, 2010
January 19, 2010	January 26, 2010	February 2, 2010
February 16, 2010	February 23, 2010	March 2, 2010
March 23, 2010	March 30, 2010	April 6, 2010
April 20, 2010	April 27, 2010	May 4, 2010
May 18, 2010	May 25, 2010	June 1, 2010
June 22, 2010	June 29, 2010	July 6, 2010
July 20, 2010	July 27, 2010	August 3, 2010
August 24, 2010	August 31, 2010	September 7, 2010
September 21, 2010	September 28, 2010	October 5, 2010
October 19, 2010	October 26, 2010	November 2, 2010
November 23, 2010	November 30, 2010	December 7, 2010
December 21, 2010	December 28, 2010	January 4, 2011
January 18, 2011	January 25, 2011	February 1, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus  
Historic Preservation Office  
109 N. Front St. - Ground Floor  
Columbus OH 43215-9031

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**Legislation Number:** PN0011-2010

**Drafting Date:** 12/23/2009

**Version:** 1

**Title**

**Current Status:** Clerk's Office for Bulletin

**Matter Type:** Public Notice

**Notice/Advertisement Title:** Brewery District 2010 Meeting Schedule

**Contact Name:** Randy F. Black

**Contact Telephone Number:** (614) 645-6821

**Contact Email Address:** rfblack@columbus.gov

**Body**

Brewery District Commission 2010 Meeting Schedule

The Brewery District Commission has its Regular Meeting the 1st Thursday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time. To schedule, please call 645-8036 or TDD 645-6802.

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
December 24, 2009	December 30, 2009	January 7, 2010
January 21, 2010	January 28, 2010	February 4, 2010
February 18, 2010	February 25, 2010	March 4, 2010
March 18, 2010	March 25, 2010	April 1, 2010
April 22, 2010	April 29, 2010	May 6, 2010
May 20, 2010	May 27, 2010	June 3, 2010
June 17, 2010	June 24, 2010	July 1, 2010
July 22, 2010	July 29, 2010	August 5, 2010
August 19, 2010	August 26, 2010	September 2, 2010
September 23, 2010	September 30, 2010	October 7, 2010
October 21, 2010	October 28, 2010	November 4, 2010
November 18, 2010	November 24, 2010*	December 2, 2010
December 23, 2010	December 30, 2010	January 6, 2011
January 20, 2011	January 27, 2011	February 3, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus  
Historic Preservation Office  
109 N. Front St. - Ground Floor  
Columbus OH 43215-9031

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**Legislation Number:** PN0012-2010

**Drafting Date:** 12/23/2009

**Version:** 1

**Current Status:** Clerk's Office for Bulletin

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Victorian Village Commission 2010 Meeting schedule

**Contact Name:** Randy Black

**Contact Telephone Number:** (614) 645-6821

**Contact Email Address:** rfblack@columbus.gov

Victorian Village Commission 2010 Meeting Schedule

The Victorian Village Commission has its Regular Meeting the 2nd Thursday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to [ljpoulton@columbus.gov](mailto:ljpoulton@columbus.gov). A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
December 31, 2009	January 7, 2010	January 14, 2010
January 28, 2010	February 4, 2010	February 11, 2010
February 25, 2010	March 4, 2010	March 11, 2010
March 25, 2010	April 1, 2010	April 8, 2010
April 29, 2010	May 6, 2010	May 13, 2010
May 27, 2010	June 3, 2010	June 10, 2010
June 24, 2010	July 1, 2010	July 8, 2010
July 29, 2010	August 5, 2010	August 12, 2010
August 26, 2010	September 2, 2010	September 9, 2010
September 30, 2010	October 7, 2010	October 14, 2010
October 28, 2010	November 4, 2010	November 11, 2010
November 25, 2010	December 2, 2010	December 9, 2010
December 30, 2010	January 6, 2011	January 13, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus  
Historic Preservation Office  
109 N. Front St. - Ground Floor  
Columbus OH 43215-9031

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**Legislation Number:** PN0013-2010

**Drafting Date:** 12/23/2009

**Version:** 1

**Current Status:** Clerk's Office for Bulletin

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Italian Village Commission 2010 Meeting Schedule

**Contact Name:** Randy F. Black

**Contact Telephone Number:** (614) 645-6821

**Contact Email Address:** [rblack@columbus.gov](mailto:rblack@columbus.gov)

**Body**

[Italian Village Commission 2010 Meeting Schedule](#)

The Italian Village Commission has its Regular Meeting the 3rd Tuesday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to [ljpoulton@columbus.gov](mailto:ljpoulton@columbus.gov). A Sign Language Interpreter will be made

available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802.

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
January 5, 2010	January 12, 2010	January 19, 2010
February 2, 2010	February 9, 2010	February 16, 2010
March 2, 2010	March 9, 2010	March 16, 2010
April 6, 2010	April 13, 2010	April 20, 2010
May 4, 2010	May 11, 2010	May 18, 2010
June 1, 2010	June 8, 2010	June 15, 2010
July 6, 2010	July 13, 2010	July 20, 2010
August 3, 2010	August 10, 2010	August 17, 2010
September 7, 2010	September 14, 2010	September 21, 2010
October 5, 2010	October 12, 2010	October 19, 2010
November 2, 2010	November 9, 2010	November 16, 2010
December 7, 2010	December 14, 2010	December 21, 2010
January 4, 2011	January 11, 2011	January 18, 2011
February 1, 2011	February 8, 2011	February 15, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus  
Historic Preservation Office  
109 N. Front St. - Ground Floor  
Columbus OH 43215-9031

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**Legislation Number:** PN0014-2010

**Drafting Date:** 12/23/2009

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Historic Resource Commission 2010 Meeting

**Contact Name:** Randy F Black

**Contact Telephone Number:** (614) 645-6821

**Contact Email Address:** rblack@columbus.gov

**Body**

Historic Resource Commission 2010 Meeting Schedule

The Historic Resource Commission has its Regular Meeting the 3rd Thursday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to [ljpoulton@columbus.gov](mailto:ljpoulton@columbus.gov).

A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802.

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
January 7, 2010	January 14, 2010	January 21, 2010
February 4, 2010	February 11, 2010	February 18, 2010
March 4, 2010	March 11, 2010	March 18, 2010
April 1, 2010	April 8, 2010	April 15, 2010
May 6, 2010	May 13, 2010	May 20, 2010
June 3, 2010	June 10, 2010	June 17, 2010
July 1, 2010	July 8, 2010	July 15, 2010
August 5, 2010	August 12, 2010	August 19, 2010
September 2, 2010	September 9, 2010	September 16, 2010
October 7, 2010	October 14, 2010	October 21, 2010
November 4, 2010	November 11, 2010	November 18, 2010
December 2, 2010	December 9, 2010	December 16, 2010
January 6, 2011	January 13, 2011	January 20, 2011
February 3, 2011	February 10, 2011	February 17, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus  
Historic Preservation Office  
109 N. Front St. - Ground Floor  
Columbus OH 43215-9031

**Legislation Number:** PN0015-2010

**Drafting Date:** 12/23/2009

**Version:** 1

**Current Status:** Clerk's Office for Bulletin

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Board of Commission Appeals 2010 Meeting Schedule

**Contact Name:** Randy F Black

**Contact Telephone Number:** (614) 645-6821

**Contact Email Address:** rblack@columbus.gov

**Body**

Board of Commission Appeals 2010 Meeting Schedule

The Board of Commission Appeals has its Business Meeting the last Wednesday of every other month (as necessary and barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802.



Business Meeting Dates  
(1st fl. Conf. Rm, 109 N. Front St.)  
12:00pm

January 27, 2010  
March 31, 2010  
May 26, 2010  
July 28, 2010  
September 29, 2010  
November 24, 2010  
January 27, 2011

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**Legislation Number:** PN0021-2010

**Drafting Date:** 12/30/2009

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** 2010 Meeting Schedule - City of Columbus Records Commission

**Contact Name:** Toya Johnson

**Contact Telephone Number:** 645-7293

**Contact Email Address:** [tjjohnson@columbus.gov](mailto:tjjohnson@columbus.gov)

**Body**

**CITY BULLETIN NOTICE  
MEETING SCHEDULE  
CITY OF COLUMBUS RECORDS COMMISSION**

The regular meetings of the City of Columbus Records Commission for the calendar year 2010 are scheduled as follows:

**Monday, February 8, 2010**

**Monday, May 10, 2010**

**Monday, September 20, 2010**

These meetings will take place at: City Hall, 90 West Broad Street, 2nd Floor, in the City Council Conference Room (226). They will begin promptly at 10:00 am.

Every effort will be made to adhere to the above schedule, but the City of Columbus Records Commission reserves the right to change the date, time or location of any meeting; or to hold additional meetings. To confirm the meeting date, time and locations or to obtain agenda information, contact the Office of the City of Columbus Records Commission Coordinator - (614) 645-7293.

Advertise: 01/02/2010 to 9/18/2010

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**Legislation Number:** PN0023-2010

**Drafting Date:** 01/04/2010

**Version:** 1

**Current Status:** Clerk's Office for Bulletin

**Matter Type:** Public Notice

**Title**

**OFFICIAL NOTICE  
CIVIL SERVICE COMMISSION  
COMPETITIVE EXAMINATION ANNOUNCEMENTS**

**Notice/Advertisement Title:** Civil Service Commission Notice

**Contact Name:** Annette Bigham

**Contact Telephone Number:** 614.645.7531

**Contact Email Address:** eabigham@columbus.gov

**Body**

OFFICIAL NOTICE  
CIVIL SERVICE COMMISSION  
COMPETITIVE EXAMINATION ANNOUNCEMENTS

APPLY ON-LINE 24 HOURS A DAY, 7 DAYS A WEEK OR APPLY IN PERSON 9:00 A.M. TO 4:00 P.M.  
MONDAY, WEDNESDAY, or THURSDAY.

The Civil Service Commission continuously administers competitive examinations. Information regarding examinations, for which the Civil Service Commission is currently accepting applications, is located on our website at [www.csc.columbus.gov](http://www.csc.columbus.gov) and is also posted at the Commission offices located at 50 West Gay Street, 6th Floor, Columbus, Ohio. Please note that all visitors to the Beacon Building are required to produce a picture ID, authenticating their identity, in order to visit the applications area. Applicants interested in City jobs should check our website or visit the Commission offices.

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**Legislation Number:** PN0060-2005

**Drafting Date:** 02/23/2005

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Published Columbus City Health Code

**Contact Name:** Roger Cloern

**Contact Telephone Number:** 654-6444

**Contact Email Address:** rogerc@columbus.gov

**Body**"The Columbus City Health Code is updated and maintained by the Columbus Health Department.

To view the most current City Health Code, please visit:

[www.publichealth.columbus.gov](http://www.publichealth.columbus.gov)

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**Legislation Number:** PN0173-2010

**Drafting Date:** 06/22/2010

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Public Meeting of Charter Review Committee

**Contact Name:** John Ivanic

**Contact Telephone Number:** 645-6798

**Contact Email Address:** jpivanic@columbus.gov

**Body**

The Charter Review Committee will hold a Public Meeting on **Wednesday, June 30, 2010 AT 2:30 P.M. in at City Hall, 90 West Broad Street, 2nd floor Conference Room 226**

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**Legislation Number:** PN0174-2010

**Drafting Date:** 06/22/2010

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Charter Review Committee Meeting Schedule

**Contact Name:** John Ivanic

**Contact Telephone Number:** 645-6798

**Contact Email Address:** jpivanic@columbus.gov

**Body**

The Charter Review Committee will hold a Public Hearing on **Tuesday, July 6, 2010 AT 3:30 P.M. in City Council Chambers, 90 West Broad St, 2nd Floor.**

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**Legislation Number:** PN0175-2010

**Drafting Date:** 06/28/2010

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**Civil Service Commission Public Notice

**Notice/Advertisement Title:**

Civil Service Commission Public Notice

**Contact Name:**  
Annette Bigham

**Contact Telephone Number:**  
614-645-7531

**Contact Email Address:**  
eabigham@columbus.gov

**Body**

During its regular meeting held on Monday, June 28, 2010, the Civil Service Commission passed a motion to abolish the specification for the classification Water Accounts Assistant Supervisor and amend Rule XI accordingly (Job Code 1262).

---

**Legislation Number:** PN0176-2010

**Drafting Date:** 06/29/2010

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Public Service Director's Orders - Placement of Traffic Control Devices as recommended by the Transportation Division - Effective Date: June 24, 2010

**Contact Name:** Patricia Rae Grove

**Contact Telephone Number:** (614) 645-7881

**Contact Email Address:** prgrove@columbus.gov

**Body**

Please see Public Service Director's Orders - Placement of Traffic Control Devices as recommended by the Transportation Division - Effective Date: June 24, 2010

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**Legislation Number:** PN0177-2010

**Drafting Date:** 06/30/2010

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Public Service Director's Orders - Placement of Traffic Control Devices as recommended by the Transportation Division - Effective Date: June 24, 2010

**Contact Name:** Patricia Rae Grove

**Contact Telephone Number:** (614) 645-7881

**Contact Email Address:** prgrove@columbus.gov

**Body**

Please see Public Service Director's Orders - Placement of Traffic Control Devices as recommended by the Transportation Division - Effective Date: June 24, 2010

---

**Legislation Number:** PN0178-2010

**Drafting Date:** 06/30/2010

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Property Maintenance Appeals Board July 12, 2010 meeting agenda

**Contact Name:** Phaedra Nelson

**Contact Telephone Number:** 645-5994

**Contact Email Address:** panelson@columbus.gov

**Body**

**AGENDA  
PROPERTY MAINTENANCE  
APPEALS BOARD  
Monday, July 12, 2010  
1:00 PM - 757 Carolyn Avenue  
Hearing Room**

**1. Approval of prior meeting minutes**

**2. Case Number PMA-199**

**Appellant:** David Kathary  
**Property:** 284 E. Hudson Street  
**Inspector:** Joel Cash  
**Order #:** 10440-06826

**3. Case Number PMA-200**

**Appellant:** Robert Blair  
**Property:** 3336 Wicklow Rd.  
**Inspector:** Danielle Weber  
**Order #:** 09440-03713

**NOTE:** A Sign Language Interpreter, to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Regulations Division is made aware of this need and given a reasonable notice of at least four (4) hours before the scheduled meeting time. To schedule an interpreter, please call Phaedra Crook-Nelson at 645-5994 or TDD 645-3293.

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**Legislation Number:** PN0179-2010

**Drafting Date:** 06/30/2010

**Version:** 1

**Current Status:** Clerk's Office for Bulletin

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Public Service Director's Orders - Placement of Traffic Control Devices as recommended by the Transportation Division - Effective Date: June 25, 2010

**Contact Name:** Patricia Rae Grove

**Contact Telephone Number:** (614) 645-7881

**Contact Email Address:** prgrove@columbus.gov

**Body**

Please see Public Service Director's Orders - Placement of Traffic Control Devices as recommended by the Transportation

Division - Effective Date: June 25, 2010

---

**Legislation Number:** PN0180-2010

**Drafting Date:** 06/30/2010

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** Joint Finance & Economic Development Committee and Development Committee Public Hearing: Downtown Strategic Plan

**Contact Name:** Kenneth Paul, Legislative Aide, Councilmember Andrew J. Ginther

**Contact Telephone Number:** 614-645-2931

**Contact Email Address:** [kcpaul@columbus.gov](mailto:kcpaul@columbus.gov)

**Body**

Columbus City Councilmember Andrew J. Ginther, Chair of the Finance & Economic Development Committee and Councilmember Priscilla R. Tyson, Chair of the Development Committee will conduct a joint public hearing to discuss the proposed Downtown Strategic Plan as endorsed by the Columbus Downtown Commission.

**What:** Joint Finance & Economic Development Committee and Development Committee Public Hearing:  
Downtown Strategic Plan

**Who:** Councilmember Andrew J. Ginther, Chair, Finance & Economic Development Committee  
Councilmember Priscilla R. Tyson, Chair, Development Committee  
Columbus Department of Development

**When:** Tuesday, July 13, 2010  
5:30 pm

**Where:** City Hall  
Columbus City Council Chambers  
90 West Broad Street  
Columbus, OH 43215

Public testimony will be accepted. Those wishing to testify should fill out a speaker slip on the day of the hearing between the hours of 8:00 am - 5:00 pm in the lobby entrance located on the Front Street side of City Hall. Free parking is available in the Gay Street parking lot on the north side of City Hall after 5:00 pm.

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**Legislation Number:** PN0182-2010

**Drafting Date:** 07/01/2010

**Current Status:** Clerk's Office for Bulletin

**Version:** 1

**Matter Type:** Public Notice

**Title**

**Notice/Advertisement Title:** City Council Zoning Agenda for 07/12/2010

**Contact Name:** Sherry Martin

**Contact Telephone Number:** 614-645-8538

**Contact Email Address:** [simartin@columbus.gov](mailto:simartin@columbus.gov)

**Body**  
**REGULAR MEETING NO. 38**  
**CITY COUNCIL (ZONING)**  
**JULY 12, 2010**  
**6:30 P.M.**  
**COUNCIL CHAMBERS**

**ROLL CALL**

**READING AND DISPOSAL OF THE JOURNAL**

**EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION**

**ZONING: MILLER, CHR. CRAIG GINTHER PALEY TAVARES TYSON MENTEL**

**0788-2010**

To grant a Variance from the provisions of Sections 3349.03, Permitted uses; and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes, for the property located at 200 EAST LIVINGSTON AVENUE (43215), to permit an Automatic Teller Machine (ATM) kiosk as an accessory use to a church with a reduction in the required number of parking spaces in the I, Institutional District (Council Variance #CV10-008).

**0895-2010**

To grant a variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3312.27(3), Parking Setback Line; 3321.05(B)(2), Vision clearance; and 3356.11, C-4 district setback lines; of the Columbus City codes, for the property located at 237 SOUTH DAKOTA AVENUE (43222), to permit two single-unit dwellings in the C-4 Commercial District with reduced development standards. (CV10-010).

**0899-2010**

To grant a variance from the provisions of Section 3356.03, C-4 Permitted uses; of the Columbus City codes, for the property located at 45 SOUTH YALE AVENUE (43222), to permit a single-unit dwelling in the C-4 Commercial District. (CV10-011).

**0901-2010**

To grant a variance from the provisions of Section 3356.03, C-4 Permitted uses; of the Columbus City code, for the property located at 931 SULLIVANT AVENUE (43223), to permit a single-unit dwelling in the C-4 Commercial District. (CV10-012).

**0909-2010**

To rezone 4401 CLEVELAND AVENUE (43231), being 2.1± acres located at the southwest corner of Cleveland Avenue and Morse Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z09-024)

**0836-2010**

To rezone 4747 SAWMILL ROAD (43232), being 9.85± acres located at the west side of Sawmill Road, 206± feet south of Hayden Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z10-003)  
*(TABLED 06/28/2010)*

**0886-2010**

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3312.49, Minimum number of parking spaces required; 3332.14, R-2F Area District Requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; 3332.29, Height district; and 3332.30, Vision clearance, of the Columbus City Codes, for the property located at 1072 EAST LONG STREET (43203), to permit a five-unit apartment building and a two-unit dwelling with reduced development standards on one lot in the R-2F, Residential District (Council Variance # CV10-009).

*(TABLED 06/28/2010)*



PLACEMENT OF TRAFFIC CONTROL DEVICES AS RECOMMENDED BY THE  
TRANSPORTATION DIVISION  
EFFECTIVE DATE: JUNE 24, 2010

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that certain traffic control devices must be authorized immediately in order to preserve the public health, peace, property, and safety; now, therefore,

Under the power vested in me by Chapters 2105 and 2155 of the Traffic Code of Columbus, Ohio, I hereby determine that based on studies conducted by and recommendations made by the Transportation Division, that the following traffic regulations are necessary and I hereby authorize on the effective date of this order, or as soon thereafter as practical, the installation and/or removal of appropriate traffic control devices as follows:

**PARKING REGULATIONS**

The parking regulations on the 487 foot long block face along the W side of CLARENDON AVE from PERVIENCE ST extending to FAIRFIELD PLACE shall be

Range in feet	Code Section	Regulation
0 - 162	2151.01	(STATUTORY RESTRICTIONS APPLY)
0 - 162	2151.01	(STATUTORY RESTRICTIONS APPLY)
162 - 192	2105.15	NO PARKING LOADING ZONE

The parking regulations on the 985 foot long block face along the N side of FRANKLIN AVE from KELTON AVE extending to MORRISON AVE shall be

Range in feet	Code Section	Regulation
0 - 42	2105.17	NO STOPPING ANYTIME
42 - 225	2151.01	(STATUTORY RESTRICTIONS APPLY)
225 - 243	2105.17	NO STOPPING ANYTIME
243 - 253		NAMELESS ALLEY
253 - 278	2105.17	NO STOPPING ANYTIME
278 - 418	2151.01	(STATUTORY RESTRICTIONS APPLY)
418 - 453	2105.17	NO STOPPING ANYTIME
453 - 463		NAMELESS ALLEY
463 - 498	2105.17	NO STOPPING ANYTIME
498 - 946	2151.01	(STATUTORY RESTRICTIONS APPLY)
946 - 985	2105.17	NO STOPPING ANYTIME

The parking regulations on the 985 foot long block face along the S side of FRANKLIN AVE from KELTON AVE extending to MORRISON AVE shall be

Range in feet	Code Section	Regulation
0 - 30	2105.17	NO STOPPING ANYTIME
30 - 223	2151.01	(STATUTORY RESTRICTIONS APPLY)
223 - 243	2105.17	NO STOPPING ANYTIME
243 - 253		NAMELESS ALLEY
253 - 267	2105.17	NO STOPPING ANYTIME
267 - 427	2151.01	(STATUTORY RESTRICTIONS APPLY)
427 - 453	2105.17	NO STOPPING ANYTIME
453 - 463		NAMELESS ALLEY
463 - 493	2105.17	NO STOPPING ANYTIME
493 - 775	2151.01	(STATUTORY RESTRICTIONS APPLY)
775 - 798	2105.03	HANDICAPPED PARKING ONLY
798 - 943	2151.01	(STATUTORY RESTRICTIONS APPLY)
943 - 985	2105.17	NO STOPPING ANYTIME

The parking regulations on the 355 foot long block face along the E side of OAKWOOD AVE from COLE ST extending to FULTON ST shall be

Range in feet	Code Section	Regulation
0 - 355	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 275 foot long block face along the E side of PARK ST from VINE ST extending to SPRUCE ST shall be

Range in feet	Code Section	Regulation
0 - 44	2105.17	NO STOPPING ANYTIME
44 - 223	2105.17	NO STOPPING 3AM - 7AM WEEKDAYS
44 - 89	2105.21	NO PARKING EXCEPT CITY PERMIT TW 8AM - 5PM MON - SAT
44 - 89	2105.17	TWO - WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
89 - 223	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
223 - 275	2105.17	NO STOPPING ANYTIME

The parking regulations on the 219 foot long block face along the N side of WHITTIER ST from THIRD ST extending to LAZELLE ST shall be

Range in feet	Code Section	Regulation
0 - 107	2105.14	BUS STOP ONLY
107 - 127	2105.03	HANDICAPPED PARKING ONLY
127 - 170	2151.01	(STATUTORY RESTRICTIONS APPLY)
170 - 190	2105.03	HANDICAPPED PARKING ONLY
190 - 219	2105.17	NO STOPPING ANYTIME

Any existing traffic restrictions, prohibitions or traffic control devices which conflict with these orders shall be declared null and void and shall be removed.

BY ORDER OF: MARK KELSEY, PUBLIC SERVICE DIRECTOR

PLACEMENT OF TRAFFIC CONTROL DEVICES AS RECOMMENDED  
 BY THE TRANSPORTATION DIVISION  
 EFFECTIVE DATE: JUNE 24, 2010

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that certain traffic control devices must be authorized immediately in order to preserve the public health, peace, property, and safety; now, therefore,

Under the power vested in me by Chapters 2105 and 2155 of the Traffic Code of Columbus, Ohio, I hereby determine that based on studies conducted by and recommendations made by the Transportation Division, that the following traffic regulations are necessary and I hereby authorize on the effective date of this order, or as soon thereafter as practical, the installation and/or removal of appropriate traffic control devices as follows:

**PARKING REGULATIONS**

The parking regulations on the 115 foot long block face along the E side of ARMSTRONG ST from WORDEN ALLEY extending to SPRUCE ST shall be

Range in feet	Code Section	Regulation
0 - 10	2105.17	NO STOPPING ANYTIME
10 - 73	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
73 - 115	2105.17	NO STOPPING ANYTIME

The parking regulations on the 203 foot long block face along the E side of ARMSTRONG ST from VINE ST extending to WORDEN ALLEY shall be

Range in feet	Code Section	Regulation
0 - 60	2105.17	NO STOPPING ANYTIME
60 - 189	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
189 - 203	2105.17	NO STOPPING ANYTIME

The parking regulations on the 326 foot long block face along the W side of ARMSTRONG ST from VINE ST extending to SPRUCE ST shall be

Range in feet	Code Section	Regulation
0 - 46	2105.17	NO STOPPING ANYTIME
46 - 203	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
203 - 326	2105.17	NO STOPPING ANYTIME

The parking regulations on the 189 foot long block face along the E side of FRONT ST from BECK ST extending to HOSTER ST shall be

Range in feet	Code Section	Regulation
0 - 20	2105.17	NO STOPPING ANYTIME
20 - 160	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
160 - 189	2105.17	NO STOPPING ANYTIME

the parking regulations on the 205 foot long block face along the E side of FRONT ST from HOSTER ST extending to BLENKNER ST shall be

Range in feet	Code Section	Regulation
0 - 30	2105.17	NO STOPPING ANYTIME
30 - 167	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
167 - 205	2105.17	NO STOPPING ANYTIME

The parking regulations on the 426 foot long block face along the E side of FRONT ST from BLENKNER ST extending to LIVINGSTON AVE shall be

Range in feet	Code Section	Regulation
0 - 226	2105.17	NO STOPPING ANYTIME
226 - 335	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
335 - 426	2105.17	NO STOPPING ANYTIME

The parking regulations on the 495 foot long block face along the E side of FRONT ST from SYCAMORE ST extending to BECK ST shall be

Range in feet	Code Section	Regulation
0 - 137	2105.14	BUS STOP ONLY
137 - 375	2105.17	NO STOPPING ANYTIME
375 - 465	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
465 - 495	2105.17	NO STOPPING ANYTIME

The parking regulations on the 547 foot long block face along the W side of FRONT ST from LIBERTY ST extending to LIVINGSTON AVE shall be

Range in feet	Code Section	Regulation
0 - 40	2105.17	NO STOPPING ANYTIME
40 - 128	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
128 - 328	2105.17	NO STOPPING ANYTIME
328 - 503	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
503 - 547	2105.17	NO STOPPING ANYTIME

The parking regulations on the 832 foot long block face along the W side of FRONT ST from SYCAMORE ST extending to LIBERTY ST shall be

Range in feet	Code Section	Regulation
0 - 230	2105.17	NO STOPPING ANYTIME
230 - 283	2155.03	30 MIN PARKING METERS 8AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
283 - 374	2105.17	NO STOPPING ANYTIME
374 - 479	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
479 - 540	2105.17	NO STOPPING ANYTIME
540 - 607	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
607 - 657	2105.17	NO STOPPING ANYTIME
657 - 798	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
798 - 832	2105.17	NO STOPPING ANYTIME

Any existing traffic restrictions, prohibitions or traffic control devices which conflict with these orders shall be declared null and void and shall be removed.

BY ORDER OF: MARK KELSEY, PUBLIC SERVICE DIRECTOR

PLACEMENT OF TRAFFIC CONTROL DEVICES AS RECOMMENDED BY THE  
TRANSPORTATION DIVISION  
EFFECTIVE DATE: JUNE 25, 2010

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that certain traffic control devices must be authorized immediately in order to preserve the public health, peace, property, and safety; now, therefore,

Under the power vested in me by Chapters 2105 and 2155 of the Traffic Code of Columbus, Ohio, I hereby determine that based on studies conducted by and recommendations made by the Transportation Division, that the following traffic regulations are necessary and I hereby authorize on the effective date of this order, or as soon thereafter as practical, the installation and/or removal of appropriate traffic control devices as follows:

**PARKING REGULATIONS**

The parking regulations on the 210 foot long block face along the S side of ELM ST from FRONT ST extending to WALL ST shall be

Range in feet	Code Section	Regulation
0 - 49	2105.17	NO STOPPING ANYTIME
49 - 180	2105.17	NO STOPPING 12AM - 6AM TUESDAYS FOR STREET SWEEPING
49 - 180	2155.03	3 HR PARKING METERS ONLY 8AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
180 - 210	2105.17	NO STOPPING ANYTIME

The parking regulations on the 212 foot long block face along the E side of FOURTH ST from LYNN ST extending to GAY ST shall be

Range in feet	Code Section	Regulation
0 - 25	2105.17	NO STOPPING ANYTIME
25 - 181	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
25 - 46	2105.17	NO STOPPING 3AM - 7AM 4PM - 6PM WEEKDAYS
46 - 133	2105.14	BUS STOP ONLY 7AM - 9AM, 4PM - 6PM WEEKDAYS
46 - 133	2105.15	LOADING ZONE OTHER TIMES
133 - 181	2105.17	NO STOPPING 3AM - 7AM 4PM - 6PM WEEKDAYS
133 - 181	2155.03	3 HR PARKING METERS 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
181 - 212	2105.17	NO STOPPING ANYTIME

The parking regulations on the 212 foot long block face along the W side of FOURTH ST from LYNN ST extending to GAY ST shall be

Range in feet	Code Section	Regulation
0 - 29	2105.17	NO STOPPING ANYTIME
29 - 93	2155.03	3 HR PARKING METERS 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
29 - 93	2105.17	NO STOPPING 12AM - 6AM TUESDAYS FOR STREET SWEEPING
29 - 93	2105.17	NO STOPPING 7AM - 9AM 4PM - 6PM WEEKDAYS
93 - 212	2105.14	BUS STOP ONLY

The parking regulations on the 216 foot long block face along the E side of FOURTH ST from GAY ST extending to ELM ST shall be

Range in feet	Code Section	Regulation
0 - 64	2105.17	NO STOPPING ANYTIME
64 - 90	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
64 - 90	2105.17	NO STOPPING 7AM - 9AM 4PM - 6PM WEEKDAYS
64 - 90	2155.03	3 HR PARKING METERS 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
90 - 148	2105.17	NO STOPPING ANYTIME
148 - 216	2105.14	BUS STOP ONLY

The parking regulations on the 216 foot long block face along the W side of FOURTH ST from GAY ST extending to ELM ST shall be

Range in feet	Code Section	Regulation
0 - 40	2105.17	NO STOPPING ANYTIME
40 - 194	2155.03	3 HR PARKING METERS 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
40 - 194	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
40 - 194	2105.17	NO STOPPING 7AM - 9AM 4PM - 6PM WEEKDAYS
194 - 216	2105.17	NO STOPPING ANYTIME

The parking regulations on the 208 foot long block face along the E side of FRONT ST from LYNN ST extending to GAY ST shall be

Range in feet	Code Section	Regulation
0 - 108	2105.17	NO STOPPING ANYTIME
108 - 175	2105.17	NO STOPPING 7AM - 9AM 4PM - 6PM WEEKDAYS
108 - 153	2155.03	3 HR PARKING METERS 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
108 - 175	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
153 - 175	2155.04	3 HR PARKING METERS HDCP ONLY 9AM- 10PM EXCEPT SUN, AND
175 - 208	2105.17	NO STOPPING ANYTIME

The parking regulations on the 137 foot long block face along the N side of GAY ST from SIXTH ST extending to MILTON ST shall be

Range in feet	Code Section	Regulation
0 - 30	2105.17	NO STOPPING ANYTIME
30 - 117	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
30 - 117	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
90 - 137	2105.17	NO STOPPING ANYTIME

The parking regulations on the 138 foot long block face along the N side of GAY ST from MILTON ST extending to GRANT ST shall be

Range in feet	Code Section	Regulation
0 - 21	2105.17	NO STOPPING ANYTIME
21 - 106	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
21 - 106	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
106 - 138	2105.17	NO STOPPING ANYTIME

The parking regulations on the 207 foot long block face along the S side of GAY ST from THIRD ST extending to LAZELLE ST shall be

Range in feet	Code Section	Regulation
0 - 30	2105.17	NO STOPPING ANYTIME
30 - 179	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
30 - 42	2105.21	NO PARKING EXCEPT CITY PERMIT TW 8AM - 5PM MON- SAT
30 - 42		TWO-WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
42 - 179	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
179 - 207	2105.17	NO STOPPING ANYTIME

The parking regulations on the 207 foot long block face along the S side of GAY ST from YOUNG ST extending to FIFTH ST shall be

Range in feet	Code Section	Regulation
0 - 37	2105.17	NO STOPPING ANYTIME
37 - 105	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
37 - 77	2105.15	LOADING ZONE OTHER TIMES
77 - 105	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
105 - 139	2105.17	NO STOPPING ANYTIME
139 - 166	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
139 - 166	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
166 - 207	2105.17	NO STOPPING ANYTIME
207 - 233	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
207 - 233	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
233 - 263	2105.17	NO STOPPING ANYTIME

The parking regulations on the 209 foot long block face along the N side of GAY ST from THIRD ST extending to LAZELLE ST shall be

Range in feet	Code Section	Regulation
0 - 109	2105.17	NO STOPPING ANYTIME
109 - 178	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
109 - 178	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
178 - 209	2105.17	NO STOPPING ANYTIME

The parking regulations on the 209 foot long block face along the S side of GAY ST from FRONT ST extending to WALL ST shall be

Range in feet	Code Section	Regulation
0 - 34	2105.17	NO STOPPING ANYTIME
34 - 54		TWO-WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
34 - 54	2105.21	NO PARKING EXCEPT CITY PERMIT TW 8AM - 5PM MON- SAT
34 - 54	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
54 - 91	2105.17	NO STOPPING ANYTIME
91 - 114	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
91 - 114	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
114 - 209	2105.17	NO STOPPING ANYTIME

The parking regulations on the 210 foot long block face along the N side of GAY ST from FRONT ST extending to WALL ST shall be

Range in feet	Code Section	Regulation
0 - 42	2105.17	NO STOPPING ANYTIME
42 - 172	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
42 - 77	2105.15	LOADING ZONE OTHER TIMES
77 - 125	2155.04	3 HR PARKING METER HDCP ONLY 8AM - 10PM EXCEPT SUN AND HOLIDAYS
125 - 172	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
172 - 210	2105.17	NO STOPPING ANYTIME

The parking regulations on the 210 foot long block face along the S side of GAY ST from LAZELLE ST extending to FOURTH ST shall be

Range in feet	Code Section	Regulation
0 - 26	2105.17	NO STOPPING ANYTIME
26 - 89	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
26 - 89	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
89 - 129	2105.17	NO STOPPING ANYTIME
129 - 156	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
129 - 156	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
156 - 210	2105.17	NO STOPPING ANYTIME

The parking regulations on the 214 foot long block face along the N side of GAY ST from WALL ST extending to HIGH ST shall be

Range in feet	Code Section	Regulation
0 - 39	2105.17	NO STOPPING ANYTIME
39 - 86	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
39 - 86	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
86 - 107	2105.17	NO STOPPING ANYTIME
107 - 174	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
107 - 174	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
174 - 214	2105.17	NO STOPPING ANYTIME

The parking regulations on the 214 foot long block face along the S side of GAY ST from FOURTH ST extending to YOUNG ST shall be

Range in feet	Code Section	Regulation
0 - 52	2105.17	NO STOPPING ANYTIME
52 - 124	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
52 - 124	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
124 - 169	2105.17	NO STOPPING ANYTIME
169 - 195	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
169 - 195	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
195 - 214	2105.17	NO STOPPING ANYTIME

The parking regulations on the 214 foot long block face along the S side of GAY ST from WALL ST extending to HIGH ST shall be

Range in feet	Code Section	Regulation
0 - 43	2105.17	NO STOPPING ANYTIME
43 - 160	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
43 - 160	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
160 - 214	2105.17	NO STOPPING ANYTIME

The parking regulations on the 215 foot long block face along the N side of GAY ST from HIGH ST extending to PEARL ST shall be

Range in feet	Code Section	Regulation
0 - 41	2105.17	NO STOPPING ANYTIME
41 - 57	2105.21	NO PARKING EXCEPT CITY PERMIT TW 8AM - 5PM MON- SAT
41 - 57		TWO-WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
41 - 177	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
57 - 177	2105.17	30 MIN PARKING METERS 8AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
177 - 215	2105.17	NO STOPPING ANYTIME

The parking regulations on the 219 foot long block face along the S side of GAY ST from HIGH ST extending to PEARL ST shall be

Range in feet	Code Section	Regulation
0 - 53	2105.17	NO STOPPING ANYTIME
53 - 193	2105.17	NO STOPPING 3AM-6AM TUESDAYS FOR STREET SWEEPING
53 - 193	2105.17	30 MIN PARKING METERS 8AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
193 - 219	2105.17	NO STOPPING ANYTIME

The parking regulations on the 284 foot long block face along the N side of GAY ST from NORMANDY AVE extending to SIXTH ST shall be

Range in feet	Code Section	Regulation
0 - 30	2105.17	NO STOPPING ANYTIME
30 - 122	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING



30 - 122	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
122 - 158	2105.17	NO STOPPING ANYTIME
158 - 258	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
158 - 258	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
258 - 284	2105.17	NO STOPPING ANYTIME

The parking regulations on the 287 foot long block face along the N side of GAY ST from FIFTH ST extending to NORMANDY AVE shall be

Range in feet	Code Section	Regulation
0 - 32	2105.17	NO STOPPING ANYTIME
32 - 90	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
32 - 90	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
90 - 126	2105.17	NO STOPPING ANYTIME
126 - 215	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
126 - 215	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
215 - 244	2105.17	NO STOPPING ANYTIME
244 - 265	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
244 - 265	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
265 - 287	2105.17	NO STOPPING ANYTIME

The parking regulations on the 461 foot long block face along the N side of GAY ST from PEARL ST extending to THIRD ST shall be

Range in feet	Code Section	Regulation
0 - 25	2105.17	NO STOPPING ANYTIME
25 - 91	2105.15	LOADING ZONE OTHER TIMES
25 - 295	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
91 - 295	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
295 - 339	2105.17	NO STOPPING ANYTIME
339 - 409	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
339 - 409	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
409 - 461	2105.17	NO STOPPING ANYTIME

The parking regulations on the 463 foot long block face along the S side of GAY ST from PEARL ST extending to THIRD ST shall be

Range in feet	Code Section	Regulation
0 - 46	2105.17	NO STOPPING ANYTIME
46 - 228	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
46 - 234	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
228 - 234	2105.21	NO PARKING EXCEPT CITY PERMIT TW 8AM - 5PM MON- SAT
228 - 234		TWO-WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
234 - 252	2105.17	NO STOPPING ANYTIME
252 - 308	2155.03	3 HR PARKING METER 8AM - 5PM EXCEPT SUNDAYS AND HOLIDAYS
252 - 308	2105.15	VALET PARKING 5PM - 2AM MON -SAT 10AM - 11PM SUNDAYS
252 - 424	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
308 - 424	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
409 - 424	2105.21	NO PARKING EXCEPT CITY PERMIT TW 8AM - 5PM MON- SAT
409 - 424		TWO-WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
424 - 463	2105.17	NO STOPPING ANYTIME

The parking regulations on the 490 foot long block face along the N side of GAY ST from FOURTH ST extending to FIFTH ST shall be

Range in feet	Code Section	Regulation
0 - 57	2105.17	NO STOPPING ANYTIME
57 - 98	2155.04	3 HR PARKING METER HDCP ONLY 8AM - 10PM EXCEPT SUN AND HOLIDAYS
57 - 98	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
98 - 146	2105.17	NO STOPPING ANYTIME
146 - 233	2155.04	3 HR PARKING METER HDCP ONLY 8AM - 10PM EXCEPT SUN AND HOLIDAYS
146 - 233	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
233 - 276	2105.17	NO STOPPING ANYTIME
276 - 346	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
276 - 346	2155.04	3 HR PARKING METER HDCP ONLY 8AM - 10PM EXCEPT SUN AND HOLIDAYS
346 - 360		TWO-WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
346 - 360	2105.21	NO PARKING EXCEPT CITY PERMIT TW 8AM - 5PM MON- SAT
360 - 405	2105.17	NO STOPPING ANYTIME
405 - 469	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
405 - 469	2155.04	3 HR PARKING METER HDCP ONLY 8AM - 10PM EXCEPT SUN AND HOLIDAYS
469 - 490	2105.17	NO STOPPING ANYTIME

The parking regulations on the 920 foot long block face along the S side of GAY ST from FIFTH ST extending to GRANT AVE shall be

Range in feet	Code Section	Regulation
0 - 33	2105.17	NO STOPPING ANYTIME
33 - 59	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
33 - 59	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
59 - 89	2105.17	NO STOPPING ANYTIME
89 - 198	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
89 - 198	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
198 - 348	2105.17	NO STOPPING ANYTIME
348 - 392	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
348 - 392	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
392 - 469	2105.17	NO STOPPING ANYTIME
469 - 562	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
469 - 562	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
562 - 662	2105.17	NO STOPPING ANYTIME
662 - 709	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
662 - 709	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
709 - 749	2105.17	NO STOPPING ANYTIME
749 - 861	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
749 - 861	2155.03	12 HR PARKING METERS 6AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
861 - 920	2105.17	NO STOPPING ANYTIME

The parking regulations on the 212 foot long block face along the E side of LAZELLE ST from GAY ST extending to ELM ST shall be

Range in feet	Code Section	Regulation
0 - 98	2105.17	NO STOPPING ANYTIME
98 - 166	2155.03	30 MIN PARKING METER 8AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
166 - 212	2105.17	NO STOPPING ANYTIME

The parking regulations on the 209 foot long block face along the N side of LYNN ST from FOURTH AVE extending to YOUNG ST shall be

Range in feet	Code Section	Regulation
0 - 32	2105.17	NO STOPPING ANYTIME
32 - 72	2155.03	30 MIN PARKING METER 8AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
72 - 114	2105.21	NO PARKING EXCEPT CITY PERMIT TW 8AM - 5PM MON- SAT
72 - 114		TWO-WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
114 - 209	2105.17	NO PARKING ANY TIME

The parking regulations on the 213 foot long block face along the W side of PEARL ST from GAY ST extending to ELM ST shall be

Range in feet	Code Section	Regulation
0 - 17	2105.17	NO STOPPING ANYTIME
17 - 36	2105.21	NO PARKING EXCEPT CITY PERMIT TW 8AM - 5PM MON- SAT
17 - 148	2105.17	NO STOPPING 3AM - 7AM WEEKDAYS
17 - 36		TWO-WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
36 - 148	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
148 - 195	2105.17	NO STOPPING ANYTIME

The parking regulations on the 213 foot long block face along the E side of THIRD ST from GAY ST extending to ELM ST shall be

Range in feet	Code Section	Regulation
0 - 51	2105.17	NO STOPPING ANYTIME
51 - 116	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
51 - 116	2105.17	NO STOPPING 7AM - 9AM 4PM - 6PM WEEKDAYS
51 - 116	2155.03	3 HR PARKING METERS 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
116 - 146	2105.17	NO STOPPING ANYTIME
146 - 170	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
146 - 170	2105.17	NO STOPPING 7AM - 9AM 4PM - 6PM WEEKDAYS
146 - 170	2155.03	3 HR PARKING METERS 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
170 - 210	2105.17	NO STOPPING ANYTIME

The parking regulations on the 201 foot long block face along the E side of WALL ST from LYNN ST extending to GAY ST shall be

Range in feet	Code Section	Regulation
0 - 26	2105.17	NO STOPPING ANYTIME
26 - 169	2105.17	NO STOPPING 12AM- 6AM TUESDAYS FOR STREET SWEEPING
26 - 129	2155.03	30 MIN PARKING METER 8AM - 10PM EXCEPT SUNDAYS AND HOLIDAYS
129 - 169	2105.15	LOADING ZONE OTHER TIMES
169 - 201	2105.17	NO STOPPING ANYTIME

The parking regulations on the 215 foot long block face along the E side of WALL ST from GAY ST extending to ELM ST shall be

Range in feet	Code Section	Regulation
0 - 30	2105.17	NO STOPPING ANYTIME
30 - 112	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
30 - 112	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
112 - 154	2105.17	NO STOPPING ANYTIME
154 - 195	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
154 - 195	2105.17	NO STOPPING 12AM - 6AM MONDAYS FOR STREET SWEEPING
195 - 215	2105.17	NO STOPPING ANYTIME

The parking regulations on the 219 foot long block face along the W side of YOUNG ST from LYNN ST extending to GAY ST shall be

Range in feet	Code Section	Regulation
0 - 12	2105.17	NO STOPPING ANYTIME
12 - 168	2105.17	NO STOPPING 3AM - 7AM WEEKDAYS
12 - 168	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
168 - 219	2105.17	NO STOPPING ANYTIME

Any existing traffic restrictions, prohibitions or traffic control devices which conflict with these orders shall be declared null and void and shall be removed.

BY ORDER OF:     **MARK KELSEY, PUBLIC SERVICE DIRECTOR**