

FINDLAY CITY COUNCIL AGENDA

REGULAR SESSION

July 16, 2013

COUNCIL CHAMBERS

ROLL CALL of 2012-2013 Councilmembers

PLEDGE OF ALLEGIANCE

MOMENT OF PRAYER

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

- Acceptance or changes to the July 2, 2013 Public Hearing for fiscal year 2014 estimated revenues.
- Acceptance or changes to the July 2, 2013 Public Hearing for the rezoning of 201 West Hardin Street, 610 and 614 South Cory Street.
- Acceptance or changes to the July 2, 2013 Regular Session City Council meeting minutes.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA – none.

PROCLAMATION – none.

RECOGNITION/RETIREMENT RESOLUTIONS – none.

WRITTEN COMMUNICATIONS:

ORAL COMMUNICATIONS – none.

PETITIONS:

Rooney & Ranzau, Ltd Philip Rooney – Darway annexation

Mr. Rooney is the petitioner for the Darway annexation petition. He requests the City of Findlay annex the real property described in the petition and that upon annexation to the city, the property be zoned as C2 – General Commercial District. Needs to be referred to Planning & Zoning Committee.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Income Tax Monthly Collection Report – June 2013.

Findlay W.O.R.C. Program Charge Statistics – 01/1/2013 through 6/30/2013; Findlay Work Release Program Monthly Payment Statistics Summary – 01/01/2013 through 6/30/2013; Findlay W.O.R.C. Program Monthly Tally Sheet – 01/01/2013 through 6/30/2013; Findlay W.O.R.C. Financial Analysis – 01/1/2013 through 6/30/2013.

Findlay Police Department Activities Report – June 2013.

Service-Safety Director Paul Schmelzer – ODOPS grant

The Findlay Fire Department has been awarded a grant totaling one thousand five hundred dollars (\$1,500.00) by the Ohio Department of Public Safety. The grant monies will be used for the purchase of EMS supplies. The Fire Department anticipates the annual receipt of this funding and will need to replenish EMS supplies by the end of the year. In the past, the appropriation of funds from these grants was not referred to the Appropriations Committee. Legislation to appropriate funds is requested. Ordinance No. 2013-039 was created.

FROM:	General Fund	\$ 1,500.00
TO:	Fire Department #21014000-other	\$ 1,500.00

Service-Safety Director Paul Schmelzer – Byal Avenue improvements (phase II) CDBG FY2012 and OPWC project #32523000

By authorization of Ordinance No. 2013-022, bids were opened for this project on May 9, 2013. Bids were received from two (2) potential contractors with the contract being awarded to Helms & Sons Excavating. The project is included in the 2013 Capital Improvements Plan with funding from CDBG and OPWC. An additional amount of one thousand dollars (\$1,000.00) is needed to cover expenses that are not grant eligible (i.e. legal advertisement, EPA permit). The CDBG share (\$101,800.00) was previously appropriated. Legislation to appropriate funds is requested. Needs to be referred to the Appropriations Committee.

FROM:	OPWC	\$ 250,000.00
FROM:	CIT – Capital Improvements	\$ 1,000.00
TO:	Byal Avenue Improvements (Phase II) project #32523000	\$ 251,000.00

Budget Summary of Year-To-Date Information Report/Cash & Investments Report as of June 30, 2013.

Precipitation and Reservoir levels report – April-June 2013.

Parks and Recreation Board Minutes – June 17, 2013.

Traffic Commission Minutes – June 17, 2013.

Health Commissioner Stephen Mills:

Public Health Emergency Preparedness Grant and Child and Family Health Services Grant

The Findlay City Health Department received a Notice of Award from the Ohio Department of Health for grant funding for continued work to bolster the public health emergency preparedness within Findlay and Hancock County. This funding will enable the Findlay City Health Department to retain Chad Masters in a full time Emergency Response Coordinator/Epidemiologist role as well as to pay for MARCS radio service and pager service needed to help the Findlay City Health Department respond to disasters both natural and manmade. The approved funding level is eighty-three thousand four hundred eighty-seven thousand dollars (\$83,487.00) for the period of July 1, 2013 through June 30, 2014.

FROM:	Ohio Department of Health Grant	\$ 83,487.00
TO:	2012 ODH Emergency Preparedness Grant #31932900	\$ 83,487.00

Accreditation Readiness Grant

The Findlay City Health Department has been awarded a third year Child and Family Health Services grant in the amount of forty thousand seven hundred fifty dollars and no cents (\$40,750.00) that will enable them to continue the work begun with their 2011 Community Health Assessment. Funding from this project enabled them to introduce an evidence based recess activity program in many city schools, as well as during the summer lunch program. In addition, their health educator has been working on many other initiatives to address childhood obesity in our community. The funding period is July 1, 2013 through June 30, 2014.

FROM: Ohio Department of Health Grant \$ 40,750.00
TO: 2014 Child and Family Health Grant #31932800 \$ 40,750.00

An emergency appropriation of both grant fund awards is requested. Ordinance No. 2013-039 was created.

Service-Safety Director Schmelzer – natural gas aggregation program

The Service-Safety Director has reviewed the natural gas aggregation program with the City's consultant Mark Burs, IEC and has instructed the Law Director to prepare legislation for the next meeting that will allow the City to enter into a contract with Constellation. The emergency provision will be included, but it is not imperative it gets passed with the rules suspended. When it is passed, we can start to shop for rates, so the sooner it is passed, the larger winder we have to shop and possibly obtain a lower fixed rate.

Service-Safety Director Schmelzer – clearwell improvement at WTP

in the course of drilling geotechnical borings for the Clearwell improvement at the Water Treatment Plan, the 24" finished water line was drilled into and damaged. The 24" line has been taken out of service. There is an auxiliary 16" line that is being used to send water to the distribution system. The 24" line was to be replaced as part of the Clearwell project, however, the need to place this line back in service as soon as possible requires an accelerated contract. A 24" by-pass line was also added to the scope of the Clearwell project. It is located in the same general area as the finished water line. Due to the proximity and constructability issues, we are proposing both the lines be installed as one project. We have received two bids for the work and the Law Director has been instructed to prepare emergency legislation. The majority of this work was already reviewed as part of the 2013 capital improvement plan. The Service-Safety Director will provide Council with more information at an appropriation hearing and would like to discuss this prior to the mid-year budget review.

COMMITTEE REPORTS:

A COMMITTEE OF THE WHOLE was held on July 9, 2013 to discuss the Mayor's strategic plan.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 024-2013

First reading

A RESOLUTION APPROVING THE AMENDMENTS TO THE RENEWAL PETITION, SERVICES PLAN AND BUDGET OF THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 025-2013

First reading

A RESOLUTION DECLARING IT NECESSARY TO PROVIDE ENHANCED PUBLIC SERVICES IN THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

ORDINANCES

ORDINANCE NO. 2013-037 *(Read alley vacation)*

Second reading

AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS READ ALLEY VACATION) IN THE CITY OF FINDLAY, OHIO.

ORDINANCE NO. 2013-039

First reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2013-040

First reading

(Bond Counsel – 2003 & 2004 bond refund; 2013 Sewerage System Improvement Bonds)

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,350,000 FOR THE PURPOSE OF DESIGNING AND INSTALLING BAR SCREENS FOR THE OXIDATION DITCHES AT THE WASTEWATER TREATMENT PLANT AND MAKING RELATED IMPROVEMENTS TO THE MUNICIPAL SEWER SYSTEM, INCLUDING ALL APPURTENANCES THERETO; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY

ORDINANCE NO. 2013-041

First reading

(Bond Counsel – 2013 Waterworks System Improvement Bonds)

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$2,000,000 FOR THE PURPOSE OF MODIFYING, REPAIRING AND/OR REPLACING CLEAR WELLS AT THE WASTEWATER TREATMENT PLANT AND MAKING RELATED IMPROVEMENTS TO THE MUNICIPAL WATER SYSTEM, INCLUDING ALL APPURTENANCES THERETO; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

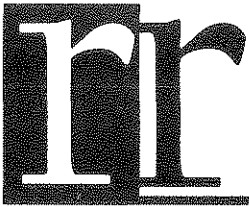
ORDINANCE NO. 2013-042 *(Bond Counsel – refunding bonds, series 2013)*

First reading

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$4,800,000 FOR THE PURPOSE OF REFUNDING (1) A PORTION OF BONDS ISSUED IN MAY 2003 FOR THE PURPOSE OF (A) CURRENTLY REFUNDING A PORTION OF THE CITY'S WATER SYSTEM IMPROVEMENT BONDS, SERIES 1993; (B) CURRENTLY REFUNDING A PORTION OF THE CITY'S SEWERAGE SYSTEM REFUNDING BONDS, SERIES 1993; AND (C) PROVIDING FUNDS TO REIMBURSE THE CITY'S GENERAL FUND FOR MONEYS USED TO PURCHASE LAND ADJACENT TO THE HANCOCK RECREATION CENTER, SUCH LAND TO BE USED FOR RECREATIONAL ACTIVITIES; AND (2) A PORTION OF BONDS ISSUED IN OCTOBER 2004 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF THE CITY'S VARIOUS PURPOSE LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 1996; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS

OLD BUSINESS
NEW BUSINESS



Philip L. Rooney
Christie L. Ranzau

rooney & ranzau, ltd.
attorneys at law
119 e. crawford st.
findlay, ohio 45840
419-425-3821
flagcitylaw.com

July 10, 2013

Denise Devore
Clerk of Council
City of Findlay, Ohio
Municipal Building
Findlay, Ohio 45840

RE: Darway Annexation

To the Clerk:

The undersigned is the agent for the petitioner in the above referenced annexation petition. Please accept this letter as the petitioner's request for the City of Findlay to annex the real property described in that petition and that upon annexation to the city that the property be zoned as C2 – General Commercial District property.

If you have any questions after your review of this information, please feel free to contact me.

Sincerely

ROONEY & RANZAU, LTD.

A handwritten signature in black ink, appearing to be 'P. Rooney', written over the typed name.

Philip L. Rooney

City of Findlay Income Tax Department

Post Office Box 862 Findlay, Ohio 45839-0862
318 Dorney Plaza, Municipal Building Room 115
Telephone: 419-424-7133 • Fax: 419-424-7410
www.findlaytaxforms.com

Lydia L. Mihalik
Mayor

Monthly Collection Report to Findlay Council

June 2013

Total collections for June 2013: \$1,478,569.26

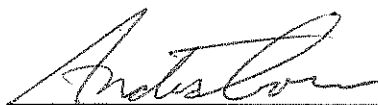
	2013	2012	
	<u>Year-to-date</u>	<u>Year-to-date</u>	<u>Variance</u>
Withholders	8,821,401.52	9,083,607.81	-262,206.29
Individuals	1,825,718.32	1,764,090.04	61,628.28
Businesses	<u>1,178,432.45</u>	<u>1,027,775.45</u>	<u>150,657.00</u>
Totals	11,825,552.29	11,875,473.30	-49,921.01
			-0.42%

Actual & Estimated Past-due Taxes

Withholders	446,779.48
Individuals	851,217.29
Businesses	<u>30,627.22</u>
Total	1,328,623.99

Refunds Paid

<u>Monthly</u>	<u>Year-to-date</u>
73	1,294
16,928.39	352,692.19



Andrew Thomas, Administrator

7-1-13

Date

Findlay Income Tax Department

Monthly Collections Report

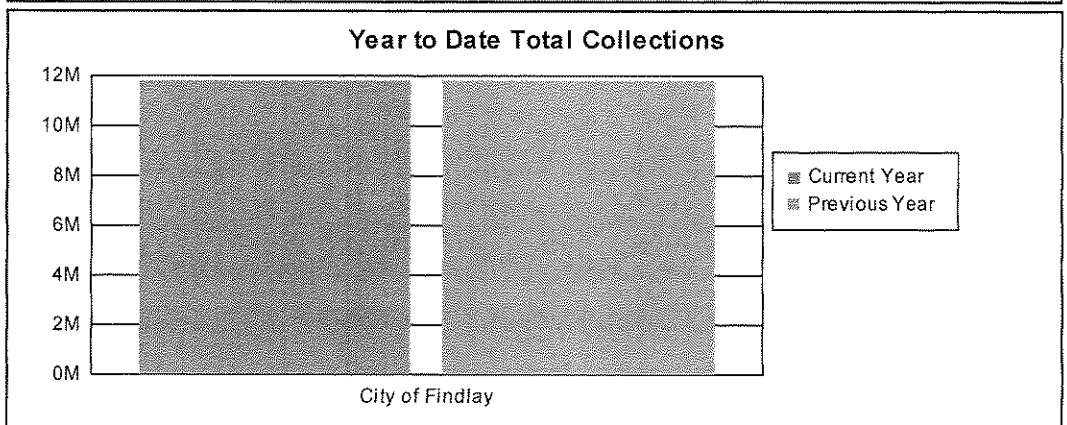
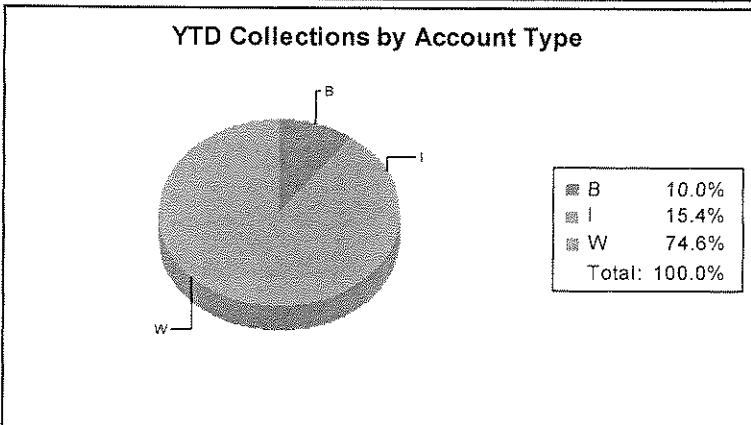
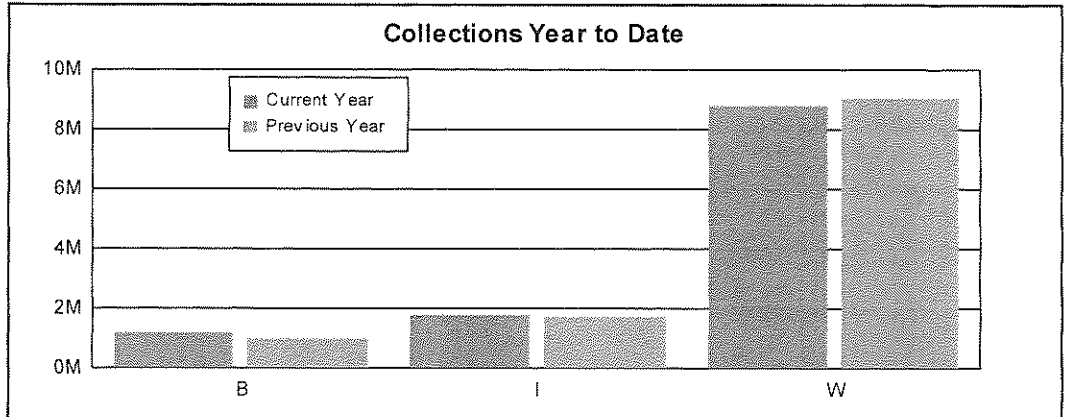
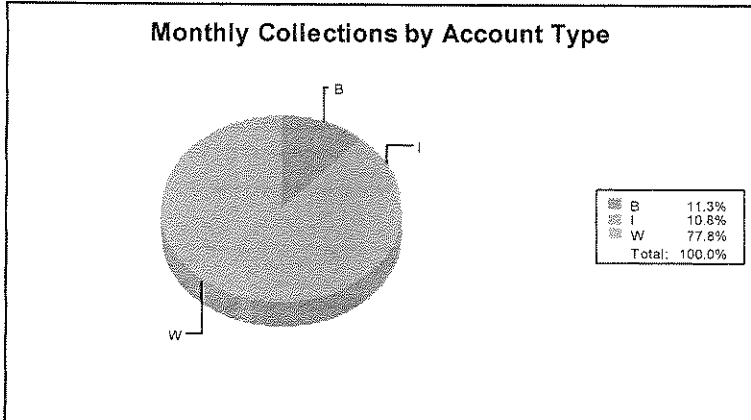
Monday, July 1, 2013

8:15:40AM

For Period June 1, 2013 through June 30, 2013

City of Findlay

Account Type	Monthly Total	2013 Year to Date	2012 Year to Date	Increase (Decrease)	% Change	2013 Month to Date	Previous Year(s) Month to Date
W	1,150,569.51	8,821,401.52	9,083,607.81	-262,206.29	-2.89	1,149,919.72	649.79
I	160,278.49	1,825,718.32	1,764,090.04	61,628.28	3.49	98,983.67	61,294.82
B	167,721.26	1,178,432.45	1,027,775.45	150,657.00	14.66	145,321.27	22,399.99
Totals:	1,478,569.26	11,825,552.29	11,875,473.30	-49,921.01	-0.42	1,394,224.66	84,344.60





Findlay WORC Program Charge Statistics 01/01/2013-06/30/2013

07/01/2013

Month	Amount Billed
January 2013	1,355.00
February 2013	2,453.00
March 2013	8,040.00
April 2013	9,750.00
May 2013	18,135.00
June 2013	0.00

Total: 39,733.00



Findlay Work Release Program Monthly Payment Statistics - Summary 01/01/2013-06/30/2013

	Day Charge A1	Replacement Charges	Drug Test Charges	Sub Total	Write-Off Amount	Net Total
Tuesday, June 18, 2013	350.00	0.00	0.00	350.00	0.00	350.00
Wednesday, June 19, 2013					0.00	
Monday, June 24, 2013	260.00	0.00	0.00	260.00	0.00	260.00

Summary:

Cash	43,065.00	18.00	10.00	43,128.00		43,128.00
Money Orders	1,490.00	0.00	0.00	1,525.00		1,525.00
Credit Cards	4,050.00	0.00	0.00	4,050.00		4,050.00
Total	48,605.00	18.00	10.00	48,703.00	750.00	48,703.00



Findlay WORC Program Monthly Tally Sheet 01/01/2013-06/30/2013

07/01/2013

	# of Residents	Days		Case Completion Status ⁴				
		Sentenced ¹	Served ²	Successful ³	Unsuccessful	No Show	Denied Entry	Reschedules ⁵
January 2013	16	380	192	10	2	3	2	2
February 2013	16	211	114	10	0	3	1	2
March 2013	39	590	343	19	1	12	6	5
April 2013	45	911	452	21	5	5	3	6
May 2013	48	1122	701	30	2	11	4	8
June 2013	13	386	96	4	0	6	0	3
Total	177	3600	1898	94	10	40	16	26

FINDLAY WORC FINANCIAL ANALYSIS

JANUARY 01, 2013 THRU JUNE 30, 2013

PLEASE NOTE: THE WORC WAS CLOSED FROM 2-22 THRU 2-28 = 7 DAYS & 4-24 THRU 4-30 = 7 DAYS & 6-24 THRU 6-30 = 7 DAYS

1	FiMC cases	Findlay City Ordinance cases, days served=	995
2	FiMC cases	State Code cases, days served =	625
3	FiMC cases	Total days served (combined City and State) =	1620

<u>Other Courts using WORC</u>	<u>Days Served</u>	<u>Additional Income to date</u>
Fostoria Municipal Court	0	\$0.00
Hancock County Common Pleas Court	210	\$5,250.00
Hancock County Juvenile Court	0	\$0.00
Upper Sandusky Municipal Court	15	\$375.00
Henry County Common Pleas Court	0	\$0.00
Fremont Municipal Court	53	\$1,325.00
Other Courts Usage Total Days:		Total Additional Income: \$6,950.00
	278	

5 Hancock Co. Justice Center Cost: 995 City Ordinance case days served x \$55 / day saved by not serving time at the Justice Center = \$54,725.00

6 Total fees collected at \$25 / day from all residents = \$47,450.00

7 Outstanding fees = \$948.00 (11 accounts)

8 Expenses = \$149,093.26

9 Charge Statistics = \$39,733.00 (charged upon entry for full stay) (JUNE MAY SHOW 0.00 CHARGE DUE TO CHARGE RECEIVED A CREDIT DUE TO FURLOUGH OR REFUNDS DUE TO EARLY RELEASE REFUNDS - THESE CREDITS ARE SUBTRACTED FROM THE BILLED AMOUNT.

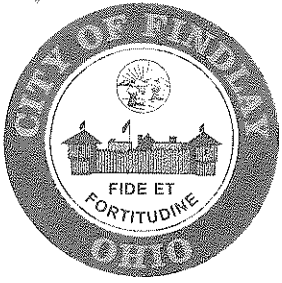
10 Payment Statistics = \$48,703.00 (this amount may be larger than the Charge Statistics at times, due to the fact that residents are charged upon entry for their full stay - i.e.: charged in May but made payments in following months). (This also includes Reimbursables).

11 Net Expense = \$100,390.26
(Expenses - Payments)

12 Program Savings: Net vs. Justice Center cost = (\$45,665.26) *
(Justice Center Cost - Net Expense)

13 Commissions Received from Securus Pay Phones = \$15.30

*** All information in this document was pulled from the WORC records.
* Programs savings does not account for factors associated with continued employment of participants.



City of Findlay

Lydia Mihalik, Mayor

POLICE DEPARTMENT

Gregory R. Horne, Chief of Police

318 Dorney Plaza, Room 207 • Findlay, OH 45840

Phone: 419-424-7194 • Fax: 419-424-7296

www.findlayohio.com

July 1, 2013

Honorable Council:

Attached are the Findlay Police Department activity stats for June 2013.

Sincerely,

Gregory R. Horne
Chief of Police



**CITY OF FINDLAY
POLICE DEPARTMENT
FINDLAY, OH 45840**



Phone: 419-424-7163
Fax: 419-424-7296

**Patrol Division
Monthly Activity Report
Month of: June 2013**

	<u>Month</u>	<u>Year to Date</u>
Traffic Stops:	558	3946
Citations:	215	1502
Operating Vehicle while Intoxicated:	12	96
Accidents (non injury):	54	367
Injury Accidents:	11	69
Accident Waivers:	16	109
Property Damage Complaints:	28	158
Theft Complaints:	86	481
Unlawful Entry Complaints:	15	120
Domestic Dispute Complaints:	70	344
Assault Complaints:	23	108
Sex Offense Complaints:	12	41
Alcohol/Drug Complaints:	27	166
Warrants Served:	48	359
Arrests :	158	921
Total Reports Generated:	1115	6914

Detective Division

June, 2013 Activity

Cases Submitted for Prosecution

	Month	Year to Date
Law Director:	126	576
County Prosecutor:	29	145
Juvenile Prosecutor:	32	145

There were a total of 13 new cases assigned for investigation during the month of June.



**CITY of FINDLAY
POLICE DEPARTMENT
FINDLAY, OH 45840**



Phone: 419-424-7194

Fax: 419-424-7891

Vice Narcotics Unit/METRICH Unit

Activity Report

June 2013

The following is the activity report for the Vice Narcotics Unit/METRICH Unit for the month of June 2013:

Narcotics Investigations: 20

Felony Arrests: 7 (19 charges)

Misdemeanor Arrests: 0

Drug Talks: 1

Sgt. Justin Hendren 818

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

July 9, 2013

Honorable City Council
City of Findlay, Ohio

Dear Council Members:

The Findlay Fire Department has been awarded a grant totaling \$1,500.00 by the Ohio Department of Public Safety. The grant monies will be used for the purchase of EMS supplies. The Fire Department anticipates the annual receipt of this funding and will need to replenish EMS supplies by the end of the year.

In the past, the appropriation of funds from these grants was not referred to the Appropriations Committee.

An appropriation is respectfully requested as follows:

FROM:	General Fund	\$1,500.00
TO:	Fire Department 21014000-other	\$1,500.00

By copy of this letter, I am requesting the Director of Law prepare the necessary legislation.

Thank you for your consideration.

Sincerely,



Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

cc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
Chief Tom Lonyo, Fire Department
File

Flag City, USA

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

July 10, 2013

Honorable City Council
Findlay, Ohio

RE: Byal Avenue Improvements (Phase II) – CDBG FY2012 & OPWC
Project #32523000

Dear Council Members:

By authorization of Ordinance 2013-22, bids were opened for the above-referenced project on May 9, 2013. Bids were received from two potential contractors, and the contract has been awarded to Helms & Sons Excavating.

The project is included in the 2013 Capital Improvements Plan with funding from CDBG and OPWC. An additional amount of \$1,000 is needed to cover expenses that are not grant eligible (i.e., legal advertisement, EPA permit). The CDBG share (\$101,800) was previously appropriated.

By copy of this letter, the Director of Law is requested to prepare the necessary legislation to appropriate the funds as follows:

FROM:	OPWC	\$250,000
	CIT – Cap. Imp.	\$1,000
TO:	Byal Ave Improvements (Phase II) Project #32523000	\$251,000

Thank you for consideration in this matter.

Sincerely,



Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

pc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
Engineering Department

Flag City, USA

CITY OF FINDLAY
SUMMARY OF YEAR-TO-DATE INFORMATION AS OF JUNE 30, 2013

	EXPENDITURE BUDGET	Y-T-D EXPENSED	Y-T-D %	ANNUAL REVENUE BUDGET	Y-T-D RECEIVED	Y-T-D %
COUNCIL	136,333	71,742		1,100	1,898	
MAYOR'S OFFICE	218,005	105,734		1,200	670	
AUDITOR'S OFFICE	543,185	269,920		344,733	394	
TREASURER'S OFFICE	10,596	6,254		-	-	
LAW DIRECTOR	608,295	311,765		120,000	66,563	
MUNICIPAL COURT	1,507,800	728,812		1,249,380	680,976	
CIVIL SERVICE OFFICE	88,015	38,126		25,000	24,357	
PLANNING & ZONING	102,640	102,456		-	-	
COMPUTER SERVICES	375,385	178,444		349,267	349,657	
GENERAL EXPENSE	4,077,646	3,014,303		-	-	
GENERAL REVENUE	-	-		19,102,181	10,768,127	
POLICE DEPARTMENT	7,066,558	3,210,707		581,887	257,237	
DISASTER SERVICES	41,858	2,947		-	-	
FIRE DEPARTMENT	6,803,608	3,441,655		321,287	29,223	
DISPATCH CENTER	956,970	475,708		36,617	36,617	
N.E.A.T.	108,696	46,844		6,055	3,500	
HUMAN RESOURCES	177,963	39,765		-	-	
W.O.R.C.	331,553	149,093		130,000	48,158	
SERVICE SAFETY DIRECTOR	210,890	108,660		-	-	
ENGINEERING OFFICE	831,331	319,102		124,800	65,581	
PUBLIC BUILDING	365,747	126,791		29,150	25,307	
HEALTH DEPARTMENT	1,401,376	620,310		782,300	519,643	
ZONING	116,778	61,287		43,350	22,240	
PARK MAINTENANCE	438,806	203,403		70,300	66,264	
RESERVOIR RECREATION	3,911	1,311		-	-	
RECREATION FUNCTIONS	912,401	316,639		772,550	444,446	
CEMETERY DEPARTMENT	290,837	124,965		105,850	73,258	
TOTAL GENERAL FUND	27,727,183	14,076,741	50.8%	24,197,007	13,484,117	55.7%

CONTINUED ON REVERSE

	EXPENDITURE BUDGET	Y-T-D EXPENSED	Y-T-D %	ANNUAL REVENUE BUDGET	Y-T-D RECEIVED	Y-T-D %
SCM&R STREETS	2,429,718	1,022,815		2,234,459	1,221,299	
TRAFFIC-SIGNALS	293,415	145,421		70,000	70,409	
TOTAL SCM&R FUND	2,723,133	1,168,235	42.9%	2,304,459	1,291,708	56.1%
SCM&R HIWAYS	92,520	22,210		141,700	69,023	
TOTAL SCM&R HIWAYS FUND	92,520	22,210	24.0%	141,700	69,023	48.7%
AIRPORT OPERATIONS	1,208,254	564,739		1,034,986	598,945	
TOTAL AIRPORT FUND	1,208,254	564,739	46.7%	1,034,986	598,945	57.9%
WATER TREATMENT	2,159,008	902,981		17,000	106,505	
WATER DISTRIBUTION	1,496,007	643,949		60,000	91,867	
UTILITY BILLING	1,272,711	516,482		8,018,621	4,058,221	
SUPPLY RESERVOIR	598,013	200,868		17,664	3,514	
TOTAL WATER FUND	5,525,739	2,264,280	41.0%	8,113,285	4,260,107	52.5%
SANITARY SEWER MAINT	1,069,440	459,557		2,000	4,142	
STORMWATER MAINT	257,489	99,520		765,350	381,049	
WATER POLLUTION CONTROL	3,114,867	1,433,728		8,577,716	4,210,944	
TOTAL SEWER FUND	4,441,796	1,992,804	44.9%	9,345,066	4,596,135	49.2%
PARKING	101,741	50,158		94,600	63,903	
TOTAL PARKING FUND	101,741	50,158	49.3%	94,600	63,903	67.6%
SWIMMING POOL	72,008	18,799		60,000	60,000	
TOTAL SWIMMING POOL FUND	72,008	18,799	26.1%	60,000	60,000	100.0%
CIT ADMINISTRATION	15,720,641	8,994,174		18,653,500	11,839,396	
TOTAL CIT FUND	15,720,641	8,994,174	57.2%	18,653,500	11,839,396	63.5%

CITY OF FINDLAY
CASH & INVESTMENTS AS OF JUNE 30, 2013

<u>AMOUNT</u>	<u>DESCRIPTION AND RATE</u>	<u>BANK/FIRM</u>
\$ 300,900.00	STAR OHIO* @ 0.04%	
300.00	STAR OHIO* @ 0.04%	
3,500.00	STAR OHIO* @ 0.04%	
68,925.00	STAR OHIO* @ 0.04%	
13,015,000.00	SAVINGS ACCOUNT	FIFTH THIRD BANK
850,000.00	SAVINGS ACCOUNT	CHASE BANK
120,247.00	SAVINGS ACCOUNT	CHASE BANK
1,175,026.75	SAVINGS ACCOUNT	CHASE BANK
500,000.00	SAVINGS ACCOUNT	CHASE BANK
5,500,000.00	SAVINGS ACCOUNT	CHASE BANK
5,000,000.00	SAVINGS ACCOUNT	CHASE BANK
10,000,000.00	SAVINGS ACCOUNT	KEY BANK
245,000.00	CERTIFICATE OF DEPOSIT @ 0.470%	TRI STATE BANK
245,000.00	CERTIFICATE OF DEPOSIT @ 0.500%	WATERFORD BANK
250,607.00	FHLMC @ 0.210%	MORGAN STANLEY
250,195.00	FFCB @ 0.260%	MORGAN STANLEY
253,272.00	FFCB @ 0.190%	MORGAN STANLEY
254,236.34	FHLB @ 0.230%	FIFTH THIRD BANK
250,397.42	FNMA @ 0.295%	FIFTH THIRD BANK
506,940.00	FHLB @ 0.200%	MORGAN STANLEY
504,254.37	FNMA @ 0.260%	FIFTH THIRD BANK
245,000.00	CERTIFICATE OF DEPOSIT @ 0.300%	FIRST FEDERAL
500,050.00	FHLMC @ 0.320%	HUNTINGTON BANK
499,378.72	FHLB @ 0.250%	FIFTH THIRD BANK
1,001,367.29	FHLB @ 0.500%	FIFTH THIRD BANK
<hr/>		
\$41,539,596.89	INVESTMENT TOTAL	
3,912,258.50	5/3 BANK ACCOUNT BALANCE	
843.58	ACCRUED INVESTMENT INTEREST	
<hr/>		
\$45,452,698.97	TOTAL CASH & INVESTMENTS	

* Denotes State Treasury Asset Reserve of Ohio, managed through State Treasurer's Office

UNAPPROPRIATED FUND BALANCES

GENERAL	\$ 4,703,219
SCM&R	8,278
SCM&R HIWAY	145,892
SEVERANCE PAYOUT RESERVE	721,330
AIRPORT	154,268
WATER	5,875,364
SEWER	3,988,977
STORMWATER	2,622,106
PARKING	4,562
CIT ADMINISTRATION	568,443
CIT CAPITAL IMPROVEMENT	4,055,285
CIT FLOOD IMPROVEMENT	-

*Only major funds listed

CITY OF FINDLAY
BREAKDOWN OF TOTAL CASH & INVESTMENTS BY FUND AS OF JUNE 30, 2013

\$10,950,624.73	General Fund
1,000,000.00	General Fund Restricted Rainy Day
1,206,302.32	General Fund Projects
882,623.39	SCM&R Fund
1,743,543.67	SCM&R Fund Projects
-	County Permissive License Fund
148,000.70	State Highway Fund
714.57	Law Enforcement Trust Fund
581.28	Drug Law Enforcement Trust Fund
254,220.55	ID Alcohol Treatment Fund
58,184.99	Enforcement & Education Fund
207,838.48	Court Special Projects Fund
52,973.00	Court Computerization Fund
2,718.37	METRICH Drug Law Enforcement Trust Fund
58,013.44	Alcohol Monitoring Fund
33,186.91	Mediation Fund
65,925.63	Electronic Imaging Fund
20,228.39	Legal Research Fund
728,309.25	Severance Payout Fund
791,294.04	Debt Service Fund
36,470.71	CR 236 TIF Fund
526,995.39	Municipal Court Improvement Fund
412,567.05	Airport Fund
922.50	Airport Fund Projects
7,252,224.03	Water Fund
729,907.07	Water Fund Restricted
389,958.24	Water Fund Projects
4,437,155.52	Sewer Fund
5,199,668.48	Sewer Fund Restricted
414,956.03	Sewer Fund Projects
36,050.16	Parking Fund
-	Parking Fund Projects
57,541.33	Swimming Pool Fund
8,589.92	Swimming Pool Fund Projects
28,312.90	Internal Service Central Stores Fund
821,227.97	Internal Service Workers Comp Fund
1,259,241.92	Internal Service Self Insurance Fund
1,982,220.06	CIT Fund
1,878,212.26	CIT Fund- Restricted Capital Improvements
-	CIT Fund-Restricted Flood Mitigation
126,396.43	Police Pension Fund
126,396.43	Fire Pension Fund
14,291.22	Tax Collection Agency Fund
1,251,259.56	Cemetery Trust Fund
163,407.12	Private Trust Fund
68,728.53	Guaranteed Deposits
7,723.45	Special Assessments Pavements Fund
4,408.32	Special Assessments Sidewalks Fund
82.82	Special Assessments Sidewalks Fund Projects
12,499.84	Special Assessments Storm Fund
<u>\$45,452,698.97</u>	TOTAL CASH & INVESTMENTS

City of Findlay

Lydia L. Mihalik, Mayor

WATER TREATMENT DEPARTMENT
Jeff Newcomer, Superintendent
110 North Blanchard Street • Findlay, OH 45840
Phone: 419-424-7193 • Fax: 419-424-7892
www.findlayohio.com

JUNE, 2013

NEWS RELEASE

PRECIPITATION & RESERVOIR LEVELS

Total precipitation recorded at the City of Findlay Water Pollution Control Center was 11.51 inches of rain for the second quarter (Apr-Jun) of 2013.

At the end of June, the Findlay reservoirs stood at 89% of capacity. This reservoir level represents a 940 day water supply at the city's current use.

Water treated at the plant totaled 550.45 million gallons for the second quarter (Apr-Jun) of 2013. Water treated per day at the City of Findlay Water Treatment Plant averaged 6.05 million gallons (MG).

Thank you,



Jeff Newcomer
Superintendent
Water Treatment Plant

EC: City Council
Department Supervisors
File

PARKS AND RECREATION BOARD

City of Findlay

June 17, 2013

MINUTES

ATTENDANCE

Members Present: Mayor Lydia Mihalik, Chair, Matt Cordonnier, Dennis McPheron, Greg Meyers, Bob Nichols, Gary Pruitt, Mike Slough.

Staff Present: Lu Draper, Matt Stoffel, and Kathy Launder.

APPROVAL OF MINUTES

Motion to accept revised minutes of the April 15, 2013, meeting, by Nichols, second by McPheron. Motion passed 7-0. Motion to accept minutes of the May 20, 2013, meeting, by Meyers, second by McPheron. Motion passed 7-0.

OLD BUSINESS

Hancock Soccer: The City cannot increase the area of maintenance that Hancock Soccer Association performs in exchange for water consumption. HSA will be required to pay the water bills as invoiced and will maintain the same agreement until further notice.

Sale of City property south of Emory Adams Park: Nichols suggested having the City allow Warnimont to rent the property as long as needed rather than sell property. Meyers asked if an easement would be better. Motion to negotiate an easement with Rod Warnimont by Nichols, second by Cordonnier. Motion passed 7-0.

Operation of Trackless Train in Riverside Park: The Board stated to allow vendor of trackless train to operate in Riverside Park in open areas. Draper suggested that a separate agreement be drawn up to define where he is allowed to run, the fee charged, and the length of the season. The Law Director, Service-Safety Director and Mr. Romick will work out details.

NEW BUSINESS

Sherman Park – Memorial Bench: City Council forwarded a request from Rebecca Brewer Mitchell to place a bench in Sherman Park to honor the mothers who lived in Sherman Park neighborhood from 1950-1965. The cost and materials will be fully paid by the “kids” of Sherman Park. Draper stated that the City should recommend the type of bench to be placed. It should be laid out by the Parks Department. Stoffel stated that a concrete bench works best. Motion to approve request to place memorial bench in Sherman Park with costs incurred by requestee by Nichols, second by Slough. Motion passed 7-0.

DEPARTMENT REPORTS

Recreation Department Report: Draper reported Learn To Skate clinic started today with 12 participants. May have one over Christmas break. Cleaning up terrace and Diamonds. Effort in concession stand Lines have been painted on the football field, scoreboards are up, games are going on, goal posts to be installed next week, concessions out of Cube or a Coca Cola trailer, games are played on Saturdays and Sundays between 12 teams. NFL sponsored Punt Pass Kick for Youth Football will be held at the CUBE this year.

Parks Maintenance Department Report: Stoffel reported that parks are being mowed. ADA chairs are up and running at the pool and two umbrellas have been ordered for the pool. The City is applying for the grant through the Hancock Parks Foundation. If awarded, the grant monies will be used to replace shelterhouse roofs at Riverside Park. The Green Waste Site is going well and busy. Having an employee dedicated to the site with restricted hours has kept it cleaner and cut down on non-site related debris dumped at the site.

OTHER REPORTS

Hancock Park District Report: Pruitt reported that the schedule changed for the Parks Foundation grants. Applications are due in September, review October, award November, checks in December.

OTHER BUSINESS

Next Meeting: The next meeting of the Parks and Recreation Board is scheduled for July 15, at 4:00pm in the third floor conference room of the Municipal Building.

Being no further business, the meeting adjourned.

Respectfully submitted,



Kathy Launder
City Clerk

TRAFFIC COMMISSION

City of Findlay
June 17, 2013

MINUTES

ATTENDANCE:

MEMBERS PRESENT: Steve Wilson, Engineering Department, Police Captain Sean Young, Fire Chief Tom Lonyo, Councilman Ron Monday.

STAFF PRESENT: Mayor Lydia Mihalik; Law Director Don Rasmussen; Dave Honse, Public Works Department; Kathy Launder, City Clerk.

GUESTS PRESENT: Tom and Jan Corbin.

OLD BUSINESS

1. Request of Jim Brooks, Blanchard Valley Health System, to install a pedestrian crossing on Highland Drive from the hospital employee parking lot to the main hospital campus buildings.

ITEM TABLED UNTIL FURTHER NOTICE

2. Request of Tom and Jan Corbin, 750 Central Avenue, for a "No Through Trucks, "No Truck Outlet," or "No Semi Traffic Allowed" sign to be posted in the neighborhood.

05/20/2013

Mr. Corbin stated that for the past three years he has had to redo his front yard due to semi-trucks cutting the corner of his yard. The large trucks cannot get around the telephone pole and they go through his yard instead. The last time this happened they ran over the water meter lid and broke it. The Water Distribution Department had to replace the cover. Chief Lonyo suggested that signs be placed at Tiffin and Balsley and Tiffin and McManness stating "No Truck Outlet." Motion to refer issue to Street Department to review and bring back suggestion for placement of signs at the June Traffic Commission meeting, by Chief Lonyo, second by Director Schmelzer. Motion passed 4-0.

06/17/2013

The Street Department recommends placing the following signage: At State Route 12/Tiffin Avenue and McManness Avenue, post a "State Route 12" sign and a straight arrow sign; post a "No Trucks" sign at the northeast corner of the intersection of State Route 12/Tiffin Avenue and McManness Avenue; post a "State Route 12" sign and left arrow sign on the cross arm between McManness Avenue and the State Route 12 and State Route 224 split.

Motion to accept Street Department's recommendation for signage as follows: At State Route 12/Tiffin Avenue and McManness Avenue, post a "State Route 12" sign and a straight arrow sign; post a "No Trucks" sign at the northeast corner of the intersection of State Route 12/Tiffin Avenue and McManness Avenue; post a "State Route 12" sign and left arrow sign on the cross arm between McManness Avenue and the State Route 12 and State Route 224 split, by Chief Lonyo, second by Captain Young. Motion passed 4-0.

3. Request of Deb Seem, 715 Franklin Avenue, to make one parking space on the street in front of 715 Franklin Avenue a handicapped parking space as well as posting a sign in the area noting that a person is blind and deaf.

05/20/2013

Mrs. Seem stated that the area they live in is mainly rental houses for university students. The students take up most of the on street parking. Mrs. Seem's disability does not enable her to walk a distance. She sometimes has to park a block down the street. Stoffel stated that in the past the City has allowed a handicapped parking space in residential areas in a few instances, and then has had to remove the handicapped parking space because the person requesting the space no longer lives at that location. Chief Lonyo stated that the City needs to develop a standard for handling handicapped parking space requests. Mrs. Seem stated that St. Marys, Ohio, and Toledo, Ohio, have such standards. Motion to table request for further study, by Chief Lonyo, second by Chief Horne. Motion passed 4-0.

06/17/2013

Motion to lift item from table by Captain Young, second by Chief Lonyo. Motion passed 4-0.

ADA does not require handicap parking spaces on residential streets. Discussion to consider whether resident can create parking availability on their own property to accommodate their handicap, consider usable parking availability on property, and if it is a heavily parked street.

Motion to recommend that Traffic Commission not implement a Standard Operating Procedure for requests for handicap spaces on residential streets and decide on a case by case basis by Chief Lonyo, second by Captain Young. Motion passed 4-0.

Motion to approve request for a handicap space on the street directly in front of 715 Franklin Avenue by Chief Lonyo. Motion died for lack of second.

4. Request of Angela Crist, Hancock County Convention and Visitors Bureau, for six signs to be added to existing signage at the entrances to the City for Findlay's designation as one of Ohio's "Best Hometowns."

05/20/2013

Crist stated that Findlay has been named one of Ohio's Best Hometowns for 2012-2013 by Ohio Magazine. The Convention and Visitors Bureau will bear the expense of the purchase of the signs and installing the signs. Crist requested specifications from City for size of sign allowed. Motion to explore the possibility of posting signage on existing signage by Director Schmelzer, second by Chief Horne. Motion passed 4-0.

06/21/2013

Honse stated that the Street Department recommends an 18"x18" sign. The Street Department further recommends that the Hancock County Convention and Visitors Bureau provide the signs and posts, if needed, at their cost and the Street Department will install the signs at the City's cost.

Motion to approve the request to post "Ohio's Best Hometown" signs no larger than 18"x18", the Hancock County Convention and Visitors Bureau provide the signs and posts, if needed, at their cost, and the Street Department will install the signs at the City's cost by Chief Lonyo, second by Captain Young. Motion passed 4-0.

5. Request of Jeff Wieggers, to update crosswalk signals at the intersections of College Street and Broad Avenue and Trenton Avenue and Broad Avenue to include sound signals for the visually impaired to signal the pole as well as signal for safe crossing.

05/20/2013

Director Schmelzer stated that the upgrade to these signals will cost \$6,000-\$17,000 for all three intersections (College Street and Broad Avenue, Foulke Avenue and Broad Avenue, and Trenton Avenue and Broad Avenue). Need to check with the Law Director to determine if the City is required by law to comply with this request. Motion to table request until a determination is made by the Law Director of the City's requirements to upgrade crosswalk signals by Director Schmelzer, second by Chief Lonyo. Motion passed 4-0.

06/17/2013

Law Director Rasmussen stated that he could not find ADA guidelines for requirements for municipalities to install audible crosswalk signals. Honse stated that there is currently an audible crosswalk signal installed at Howard Street and Broad Avenue where Mr. Wieggers place of business is. Honse further confirmed that it will cost \$16,000 total to upgrade signals at College Street and Broad Avenue, Foulke Avenue and Broad Avenue, and Trenton Avenue and Broad Avenue. Councilman Monday suggested that this request be forwarded to the Appropriations Committee of City Council for their consideration.

Motion to forward request to City Council with the recommendation that it be forwarded to the Appropriations Committee for consideration by Councilman Monday, second by Chief Lonyo. Motion passed 4-0.

6. Presentation by DGL Consulting Engineers of findings for mid block crossing at the intersection of West Main Cross Street and Broadway.

05/20/2013

Barb Jones, P.E., PTOE, and Tom Brown of DGL Consulting Engineers presented their findings for improved safety at the mid block crossing at the intersection of West Main Cross Street and Broadway.

There are two types of crosswalk alert systems that are available. The pedestrian activated Rectangular Rapid Flashing Beacons (RRFB) is a flashing signal as well as the crosswalk sign. This device draws driver's eye. It is very popular due to its effectiveness and cost. It has good compliance rates. The Hawk operates similar to a traffic signal. It is a flashing light mounted to a traffic signal arm with appropriate signage. The signal flashes yellow then solid red. This is generally used in high speed and high volume areas.

Jones reported that a tree is obstructing the crosswalk signs both eastbound and westbound on West Main Cross Street. It is suggested to replace the current signs with RRFB signs.

Also they presented a draft policy for the City of Findlay to put into place when requests are made for mid block crossings. The proposed policy requires an application to be completed. The applicant must meet detailed specifications for the request to be considered. If the applicant meets the specifications, a complete evaluation will then need completed by a Professional Engineer at the expense of the applicant. Discussion ensued regarding if overlay districts should be exempt from policy. A timeframe of one year between requests is suggested for repetitive requests unless something substantial occurs.

06/17/2013

Discussion regarding exempting schools, parks, university overlay, hospital overlay.

The following are Director Schmelzer's comments by email:

Limit marked crosswalks to streets posted at 30 mph or higher, except in the CBD; exception if there is a very large pedestrian generator during a peak time; put in a caveat for schools.

Suggest a two year time period between applications for reconsideration for the same crossing unless there has been a significant change to traffic patterns.

The applicant has six months to complete the study after preapproval, and one year to complete construction.

Will you require any application fee or construction permit fee? Do not charge a permit fee, but if they move ahead with the project, a bond should be placed for any work in the right of way. This should be able to be handled in the Engineering Department.

Motion to continue discussion on the mid-block crossing policy at the next Traffic Commission meeting by Chief Lonyo, second by Captain Young. Motion passed 4-0.

Motion to accept report of the Pedestrian Crossing Treatment for West Main Cross and Broadway/Dorney Plaza submitted by DGL Consulting Engineers; implementing the "Quick-Hit Improvements" by having the Street Department remove the tree, relocate signs, upgrade signs, and upgrade crosswalk markings on street; and request Service-Safety Director contact DGL Consulting Engineers to obtain quotes for "Short-Term Improvements" including installation of two Rectangular Rapid Flashing Beacons (RRFB) and thermoplastic or heat tape materials to mark the crosswalks on the street; by Chief Lonyo, second by Councilman Monday. Motion passed 4-0.

NEW BUSINESS

1. Request of William Bickmyer, 636 Lawn Avenue, to make one parking space on the street in front of 636 Lawn Avenue a handicapped parking space.

Motion to deny request by Captain Young, second by Councilman Monday. Motion passed 4-0.

2. Request of Carolee Faxon, 717 H Street, for a "No Outlet" or "Dead End" sign on H Street at McConnell Street.

Motion to approve request for a "No Outlet" sign on H Street at McConnell Street by Chief Lonyo, second by Captain Young. Motion passed 4-0.

3. Request of Todd West, 434 Eben Avenue, for a "No Trucks Allowed" sign to be posted on the corner of North Blanchard Street and Eben Avenue, West.

Motion to approve request for a "No Trucks Allowed" sign to be posted on the northwest corner of North Blanchard Street and Eben Avenue by Captain Young, second by Chief Lonyo. Motion passed 4-0.

With no further business to discuss, the meeting adjourned. The next meeting of the City of Findlay Traffic Commission will be held on July 15, 2013, at 2:30 p.m. in the third floor conference room of the Municipal Building.

Respectfully submitted,


Kathy K. Launder
City Clerk



CITY HEALTH DEPARTMENT

1644 Tiffin Avenue, Suite A
Findlay OH 45840

(419) 424 . 7105 Telephone
(419) 424 . 7420 Plumbing
(419) 424 . 7189 FAX

(419) 424 . 7441 Nursing
(419) 424 . 7188 Environmental Health
(419) 424 . 7106 Vital Statistics



Public Health
Prevent. Promote. Protect.

Stephen D. Mills, DO
Health Commissioner

BOARD OF HEALTH

- Lydia L. Mihalik, Mayor
-President Ex Officio
- Gregory W. Cline, R PH
-President Pro Tempore
- William S. Alge, Jr
- Robert E. McEvoy, MD
- James Niemeyer
- B. Joan Work, RN

July 9, 2013

Honorable City Council
City of Findlay, Ohio

RE: Grant Appropriations; Public Health Emergency Preparedness Grant and
Child and Family Health Services Grant

Dear Council Members,

I am pleased to report that the Findlay City Health Department has once again received a Notice of Award from the Ohio Department of Health for grant funding for continued work to bolster public health emergency preparedness within Findlay and Hancock County. This funding will enable the Findlay City Health Department to retain Chad Masters in a full time Emergency Response Coordinator/Epidemiologist role as well as to pay for MARCS radio service and pager service needed to help the Findlay City Health Department respond to disasters both natural and manmade. The approved funding level is \$83,487 for the period July 1, 2013 through June 30, 2014.

In addition, the Findlay City Health Department is pleased to announce that we have been awarded a third year Child and Family Health Services grant for \$40,750 that will enable us to continue the work begun with our 2011 Community Health Assessment. Funding from this project has enabled us to introduce an evidence based recess activity program in many city schools as well as during the summer lunch program. In addition our health educator has been working on many other initiatives to address childhood obesity in our community. The funding period is July 1, 2013 through June 30, 2014.

We would appreciate emergency appropriation of this grant money; **\$83,487 to Project #31932900 2014 Health Emergency Preparedness Grant and \$40,750 to Project #31932800 Child and Family Health Grant**, so that we may begin activity as soon as possible. The Notices of Award are attached as verification.

If you have any questions please contact Barbara Wilhelm Deputy Health Commissioner and Project Director for these grants at 419-424-7105.

Sincerely,


Stephen Mills D.O.
Health Commissioner

XC: Don Rasmussen, James Staschiak

Ohio Department of Health

Notice of Award

246 North High Street, Columbus Oh, 43215

1. Date Issued: 7/2/2013	2. Program Title: PUBLIC HEALTH EMERGENCY PREPAREDNESS												
3. Revision: Initial X													
4. Project: 03220012PH0514	6. Project Director , Agency Name, Agency Address Barbara J Wilhelm Findlay City Health Department 1644 Tiffin Ave #A Findlay OH 45840												
5. EIN: 346400448													
7. Budget Period: 7/1/2013 to 6/30/2014													
8. The OHIO DEPARTMENT OF HEALTH will pay 100.00 % of all allowable program expenditures not to exceed line 9(c).	9. ODH Award computation for grant: a. Amount of current ODH funding: \$0.00 b. Amount of ODH funding this action: \$83,487.00 c. Total ODH funding (from 10-a): \$83,487.00												
10. Source of Financial Assistance:													
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">(a).ODH Funding:</td> <td style="width: 30%;">Source</td> <td style="width: 20%;">Authorization</td> <td style="width: 20%;">Grant Funds</td> </tr> <tr> <td></td> <td style="text-align: center;">3920</td> <td style="text-align: center;">C.F.D.A.93.074</td> <td style="text-align: right;">\$83,487.00</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Total ODH Funding:</td> <td style="text-align: right;">\$83,487.00</td> </tr> </table>		(a).ODH Funding:	Source	Authorization	Grant Funds		3920	C.F.D.A.93.074	\$83,487.00			Total ODH Funding:	\$83,487.00
(a).ODH Funding:	Source	Authorization	Grant Funds										
	3920	C.F.D.A.93.074	\$83,487.00										
		Total ODH Funding:	\$83,487.00										
(b.) The Ohio Department of Health authorizes Findlay City Health Department to expend the following funding sources at the stated percentage (%) of the total approved budget Funding sources: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; text-align: center;">Total Subgrantee Funding Sources</td> <td style="width: 20%;"></td> <td style="width: 20%; text-align: right;">Total Approved Budget</td> </tr> <tr> <td></td> <td></td> <td style="text-align: right;">\$83,487.00</td> </tr> </table>		Total Subgrantee Funding Sources		Total Approved Budget			\$83,487.00						
Total Subgrantee Funding Sources		Total Approved Budget											
		\$83,487.00											
11. Program Income will be used in accordance with: <input type="checkbox"/> Deductive Alternative: Used to reduce the amount budgeted for grant funds and applicant share proportionately. <input checked="" type="checkbox"/> Additive Alternative: Used to further the objectives of the legislation under which the grant was made and increase the total budget. All expenditures of such funds must have prior written approval in the form of a budget revision. <input type="checkbox"/> Matching Alternative: Used to finance part or all of the cost sharing requirement and will reduce the amount of applicant share. Any Program Income generated in excess of 10b (Program Income) must be treated in accordance with the Deductive Alternative.													
12. This Award is subject to the terms and conditions incorporated directly in the following: a. The Program legislation cited in the Authorization Section above. b. The Ohio Department of Health " Grants Administration Policy and Procedures". c. The Ohio Department of Health Request for Proposals (RFP) and Subgrantee Program Application. d. The notice of award agreement including terms and conditions, if any, noted below in Section 13, Remarks.													
13. Remarks: Other terms and conditions attached. GRANT AWARD IS CONTINGENT UPON THE AVAILABILITY OF FUNDS. In compliance with ODH Grants Administration Policy, your initial payment will be issued. When payment is issued, specific information will be viewable through your GMIS account's Payments link. At the same time, if any conditions have been assigned to the grant, a Special conditions link will become available. All special conditions must be responded to, or a plan submitted detailing how and when those conditions will be met within the 30 days of the appearance of the special conditions link. You will not receive subsequent payment until all assigned special conditions have been satisfied. ODH hereby awards to subgrantee named in section 6 above, funds as specified in section 9 above, subject to and in consideration of the subgrantees compliance with the terms and conditions set forth in section 10, 11, 12, and 13 above. This award is subject to the availability of federal or state funds (whichever is applicable) and may be terminated by the Ohio Department of Health of the Subgrantee agency in writing at any time prior to the end of the budget period as stated in section 7 above. This Award, signed by the Director of the Department of Health, is effective for the Budget Period dates in section 7 above. Acceptance of the grant items and conditions is acknowledged by the subgrantee upon receipt and expenditure of funds through the grant system. <div style="text-align: center;"> Theodore E. Wymyslo, M.D. <hr style="width: 50%; margin: auto;"/> DIRECTOR OF HEALTH </div>													

Project 31932900 2014 Health
Emergency Preparedness
Grant

Ohio Department of Health

Notice of Award

246 North High Street, Columbus Oh, 43215

1. Date Issued: 7/5/2013	2. Program Title:												
3. Revision: Initial X	CFHSP												
4. Project: 03220011MC0314	6. Project Director , Agency Name, Agency Address Barbara J Wilhelm Findlay City Health Department 1644 Tiffin Ave #A Findlay OH 45840												
5. EIN: 346400448													
7. Budget Period: 7/1/2013 to 6/30/2014													
8. The OHIO DEPARTMENT OF HEALTH will pay 100.00 % of all allowable program expenditures not to exceed line 9(c).	9. ODH Award computation for grant: a. Amount of current ODH funding: \$0.00 b. Amount of ODH funding this action: \$40,750.00 c. Total ODH funding (from 10-a): \$40,750.00												
10. Source of Financial Assistance:													
(a).ODH Funding:	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Source</th> <th style="text-align: left;">Authorization</th> <th style="text-align: left;">Grant Funds</th> </tr> </thead> <tbody> <tr> <td>3200</td> <td>C.F.D.A 93.994</td> <td style="text-align: right;">\$32,600.00</td> </tr> <tr> <td>GRF</td> <td>Am. Sub. H.B. 59</td> <td style="text-align: right;">\$8,150.00</td> </tr> <tr> <td></td> <td>Total ODH Funding:</td> <td style="text-align: right;">\$40,750.00</td> </tr> </tbody> </table>	Source	Authorization	Grant Funds	3200	C.F.D.A 93.994	\$32,600.00	GRF	Am. Sub. H.B. 59	\$8,150.00		Total ODH Funding:	\$40,750.00
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	Total ODH Funding:	\$40,750.00											
(b.) The Ohio Department of Health authorizes Findlay City Health Department to expend the following funding sources at the stated percentage (%) of the total approved budget Funding sources:													
Total Subgrantee Funding Sources	Total Approved Budget \$40,750.00												
11. Program Income will be used in accordance with:													
<input type="checkbox"/> Deductive Alternative: Used to reduce the amount budgeted for grant funds and applicant share proportionately. <input checked="" type="checkbox"/> Additive Alternative: Used to further the objectives of the legislation under which the grant was made and increase the total budget. All expenditures of such funds must have prior written approval in the form of a budget revision. <input type="checkbox"/> Matching Alternative: Used to finance part or all of the cost sharing requirement and will reduce the amount of applicant share. Any Program Income generated in excess of 10b (Program Income) must be treated in accordance with the Deductive Alternative.													
12. This Award is subject to the terms and conditions incorporated directly in the following:													
a. The Program legislation cited in the Authorization Section above. b. The Ohio Department of Health " Grants Administration Policy and Procedures". c. The Ohio Department of Health Request for Proposals (RFP) and Subgrantee Program Application. d. The notice of award agreement including terms and conditions, if any, noted below in Section 13, Remarks.													
13. Remarks: Other terms and conditions attached.													
<p>GRANT AWARD IS CONTINGENT UPON THE AVAILABILITY OF FUNDS. In compliance with ODH Grants Administration Policy, your initial payment will be issued. When payment is issued, specific information will be viewable through your GMIS account's Payments link. At the same time, if any conditions have been assigned to the grant, a Special conditions link will become available. All special conditions must be responded to, or a plan submitted detailing how and when those conditions will be met within the 30 days of the appearance of the special conditions link. You will not receive subsequent payment until all assigned special conditions have been satisfied.</p> <p>ODH hereby awards to subgrantee named in section 6 above, funds as specified in section 9 above, subject to and in consideration of the subgrantees compliance with the terms and conditions set forth in section 10, 11, 12, and 13 above. This award is subject to the availability of federal or state funds (whichever is applicable) and may be terminated by the Ohio Department of Health of the Subgrantee agency in writing at any time prior to the end of the budget period as stated in section 7 above. This Award, signed by the Director of the Department of Health, is effective for the Budget Period dates in section 7 above. Acceptance of the grant items and conditions is acknowledged by the subgrantee upon receipt and expenditure of funds through the grant system.</p>													
<p>Theodore E. Wymyslo, M.D</p> <hr style="width: 50%; margin: auto;"/> <p>DIRECTOR OF HEALTH</p>													

Project 31932800 Child and Family Health Grant

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310
Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245
www.findlayohio.com

Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

July 12, 2013

Honorable City Council
Findlay, Ohio 45840

RE: natural gas aggregation program

Dear Council Members:

I have reviewed the natural gas aggregation program with our consultant Mark Burns, IEC. I am instructing the Law Director to prepare legislation for the next meeting that will allow the City to enter into a contract with Constellation. I will include the emergency provision, however, it is not imperative that this get passed with the rules suspended. When it is passed we can officially start to shop for rates, so the sooner it is passed, the larger window we have to shop and possibly obtain a lower fixed rate.

Thank you for your consideration in this matter.

Sincerely,



Paul Schmelzer, PE, PS
Service-Safety Director

Office of the Mayor

Lydia L. Mihalik

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Findlay, OH 45840
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Paul E. Schmelzer, P.E., P.S.
Service-Safety Director

July 12, 2013

Honorable City Council
Findlay, Ohio 45840

RE: clearwell improvement at WTP

Dear Council Members:

In the course of drilling geotechnical borings for the Clearwell Improvement at the Water Treatment Plant, the 24" finished water line was drilled into and damaged. The 24" line has been taken out of service. There is an auxiliary 16" line that is being used to send water to the distribution system. The 24" line was to be replaced as part of the Clearwell project, however, the need to place this line back in service as soon as possible requires an accelerated contract. A 24" by-pass line was also added to the scope of the Clearwell project. It is located in the same general area as the finished water line. Due to the proximity and constructability issues, we are proposing both the lines be installed as one project.

We have received bids for the work and I have instructed the Law Director to prepare emergency legislation. The majority of this work was already reviewed as part of the 2013 capital improvement plan. I will provide Council with more information at an appropriation hearing. I would like to discuss this prior to the mid-year budget review.

Thank you for your consideration in this matter.

Sincerely,


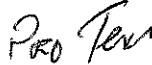


Paul Schmelzer, PE, PS
Service-Safety Director

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

A **COMMITTEE OF THE WHOLE** was held on July 9, 2013 to discuss the Mayor's strategic plan.

James Slough, President of Council

COMMITTEE OF THE WHOLE

DATED: July 9, 2013

**FINDLAY CITY COUNCIL
CARRY-OVER LEGISLATION
July 16, 2013**

2013-037
(Read alley vacation)

Second reading

AN ORDINANCE VACATING A CERTAIN ALLEY
(HEREINAFTER REFERED TO AS READ ALLEY
VACATION) IN THE CITY OF FINDLAY, OHIO.

City of Findlay

Office of the Director of Law

318 Dorney Plaza, Room 310
Findlay, OH 45840
Telephone: 419-429-7338 • Fax: 419-424-7245

Donald J. Rasmussen
Director of Law

JULY 16, 2013

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, JULY 16, 2013 MEETING.

RESOLUTIONS

- 024-2013 A RESOLUTION APPROVING THE AMENDMENTS TO THE RENEWAL PETITION, SERVICES PLAN AND BUDGET OF THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.
- 025-2013 A RESOLUTION DECLARING IT NECESSARY TO PROVIDE ENHANCED PUBLIC SERVICES IN THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

ORDINANCES

- 2013-039 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
- 2013-040 AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,350,000 FOR THE PURPOSE OF DESIGNING AND INSTALLING BAR SCREENS FOR THE OXIDATION DITCHES AT THE WASTEWATER TREATMENT PLANT AND MAKING RELATED IMPROVEMENTS TO THE MUNICIPAL SEWER SYSTEM, INCLUDING ALL APPURTENANCES THERETO; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY
- 2013-041 AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$2,000,000 FOR THE PURPOSE OF MODIFYING, REPAIRING AND/OR REPLACING CLEAR WELLS AT THE WASTEWATER TREATMENT PLANT AND MAKING RELATED IMPROVEMENTS TO THE MUNICIPAL WATER SYSTEM, INCLUDING ALL APPURTENANCES THERETO; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.
- 2013-042 AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$4,800,000 FOR THE PURPOSE OF REFUNDING (1) A PORTION OF BONDS ISSUED IN MAY 2003 FOR THE PURPOSE OF (A) CURRENTLY REFUNDING A PORTION OF THE CITY'S WATER SYSTEM IMPROVEMENT BONDS, SERIES 1993; (B) CURRENTLY REFUNDING A PORTION OF THE CITY'S SEWERAGE SYSTEM REFUNDING BONDS, SERIES 1993; AND (C) PROVIDING FUNDS TO REIMBURSE THE CITY'S GENERAL FUND FOR MONEYS USED TO PURCHASE LAND ADJACENT TO THE HANCOCK RECREATION CENTER, SUCH LAND TO BE USED FOR RECREATIONAL ACTIVITIES; AND (2) A PORTION OF BONDS ISSUED IN OCTOBER 2004 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF THE CITY'S VARIOUS PURPOSE LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 1996; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

RESOLUTION NO. 024-2013

A RESOLUTION APPROVING THE AMENDMENTS TO THE RENEWAL PETITION, SERVICES PLAN AND BUDGET OF THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECARLING AN EMERGENCY.

WHEREAS, on March 19, 2013, this Council adopted Resolution No. 009-2013 approving the Renewal Petition, Services Plan and Budget of the Downtown Findlay Improvement District (hereinafter referred to as "DISTRICT"); and,

WHEREAS, the Board of Directors of the Downtown Findlay Improvement District Inc. has requested that this Council approve certain amendments to the Renewal Petition, Services Plan and Budget which has been submitted to Council, which amendments have been placed on file with the Mayor and Council; and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That this Council hereby approves the Renewal Petition, Services Plan and Budget, as amended, of the Downtown Findlay Improvement District Inc. as submitted to this Council and finds that the public services and improvements of said Plan will benefit the DISTRICT.

SECTION 2: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public, in compliance with the law.

SECTION 3: That this Resolution is hereby declared to be an emergency measure and shall be in force and effect from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Resolution must be immediately effective in order to cause enhanced public services to be provided in the DISTRICT, which services are urgently needed to maintain and improve the DISTRICT as a business, cultural, residential and recreational community.

SECTION 4: This Resolution shall be in full force and effect from and immediately after its adoption by the required number of votes, otherwise, at the earliest time permitted by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

RESOLUTION NO. 025-2013

A RESOLUTION DECLARING IT NECESSARY TO PROVIDE ENHANCED PUBLIC SERVICES IN THE DOWNTOWN FINDLAY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, On March 19, 2013, this Council adopted Resolution No. 009-2013 approving the renewal petition, services plan and budget of the Downtown Findlay Improvement District (hereinafter referred to as "DISTRICT"), all in accordance with a renewal petition signed by the owners of at least seventy-five percent (75%) of the area of lots and lands located within the DISTRICT that abuts upon any street, alley, public road, place, boulevard, park entrance, easement or other existing public improvement (excluding property owned by the United States of America and the State of Ohio and property owned by a church, Hancock County or the City, unless that church, the County or the City, as applicable has requested the inclusion of that property) that was submitted to and accepted by this Council on that date (hereinafter referred to as "THE PETITION"); and,

WHEREAS, this council adopted Resolution 024-2013 approving the renewal petition, services plan and budget, as amended, to conform to the actual DISTRICT: and

WHEREAS, THE PETITION, as amended, requests that this Council levy special assessments against the benefited properties in the DISTRICT to pay costs of the enhanced public services described in the initial plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That this Council hereby confirms its approval of the RENEWAL PETITION, the services plan and budget for services filed with THE RENEWAL PETITION, as amended, on February 4, 2013 (hereinafter referred to as "THE COMPREHENSIVE PLAN"), each of which is now on file in the office of the Clerk of Council, and creation of the DISTRICT pursuant to THE PETITION and Chapter 1710 of the Revised Code.

SECTION 2: It is hereby declared necessary to provide in the DISTRICT the enhanced public services described in THE COMPREHENSIVE PLAN.

SECTION 3: The plan, specifications and estimate of cost for the enhanced public services set forth in THE COMPREHENSIVE PLAN now on file in the office of the Clerk of Council are approved. The enhanced public services shall be made in accordance with those plans and specifications for those enhanced public services.

SECTION 4: This Council finds and determines that (i) those enhanced public services are conducive to the public health, convenience and welfare of the DISTRICT and the inhabitants thereof, (ii) the lots and lands to be assessed as described in Section 5

hereof are specially benefited by the enhanced public services and (iii) the enhanced public services have been petitioned for by the owners of seventy-five percent (75%) or more of the area of lots and lands in the area to be assessed for the enhanced public services.

SECTION 5: In accordance with THE RENEWAL PETITION and Section 1710.06(C) of the Revised Code, the whole cost of the enhanced public services shall be assessed upon all lots and lands in the DISTRICT except property owned by the United States of America and the State of Ohio and property owned by a church, Hancock County or the City, unless that church, the County or the City, as applicable has requested the inclusion of that property, by the methods set forth in Section 727.01 of the Revised Code as follows: one hundred percent (100%) of the costs shall be assessed in proportion to the benefits that may result in the improvement (i.e. total square footage of each lot and land).

SECTION 6: The cost of the enhanced public services shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the enhanced public services and the interest thereon any costs incurred in connection with the preparation, levy and collection of the special assessments, expenses of legal services, the cost of labor and material, and interest on any securities issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures, including those provided for in Section 1710.07 of the Revised Code.

SECTION 7: The estimated special assessments of the cost of the enhanced public services described in this resolution heretofore filed in the office of the Clerk of Council and as amended and approved by the City Auditor are hereby approved. The Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 8: The special assessments to be levied shall be paid according to the following payment schedule: over a period of five (5) years in ten (10) semi-annual installments, with interest on the unpaid principal amount of each special assessment at the same rate or rates of interest as shall be borne by any securities issued in anticipation of the collection of the total of the unpaid special assessments; provided that the owner of any property assessed may pay the special assessment in cash within thirty (30) days after passage of the assessing ordinance.

SECTION 9: Neither the Downtown Findlay Improvement District, Inc. nor the City presently intend to issue securities or obtain a loan in anticipation of the levy of the special assessments or to issue securities or obtain a loan in anticipation of the collection of the special assessments in installments and in an amount equal to the total of the unpaid special assessments.

SECTION 10: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public, in compliance with the law.

SECTION 11: That this Resolution is hereby declared to be an emergency measure and shall be in force and effect from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Resolution must be immediately effective in order to cause enhanced public services to be provided in the DISTRICT, which services are urgently needed to maintain and improve the DISTRICT as a business, cultural, residential and recreational community.

SECTION 12: This Resolution shall be in full force and effect from and immediately after its adoption by the required number of votes, otherwise, at the earliest time permitted by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2013-039

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	General Fund (ODPS grant)	\$ 1,500.00
TO:	Fire Department #21014000-other	\$ 1,500.00
FROM:	Ohio Department of Health grant	\$ 124,237.00
TO:	2014 ODH Emergency Preparedness Grant #31932900	\$ 83,487.00
TO:	2014 Child and Family Health Grant #31932800	\$ 40,750.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that the Fire Department may purchase EMS supplies from funds received from the Ohio Department of Public Safety, and so that contributions to the City Health Department may be utilized,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____



Bricker & Eckler
ATTORNEYS AT LAW

COLUMBUS | CLEVELAND
CINCINNATI-DAYTON

BRICKER & ECKLER LLP

100 South Third Street
Columbus, Ohio 43215-4291
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FAX: 614.227.2390

www.bricker.com
info@bricker.com

Paul S. Rutter
614.227.2372
prutter@bricker.com

July 2, 2013

VIA EMAIL

Donald J. Rasmussen, Esq., Law Director
James D. Staschiak II, City Auditor
City of Findlay
318 Dorney Plaza
Findlay, Ohio 45840

Re: City of Findlay, Ohio
Sewerage System Improvement Bonds, Series 2013

Dear Don and Jim:

Please find enclosed the following documents with respect to the above-referenced bond issue for the City Council's July 16, 2013 meeting.

1. Certificate of Estimated Life and Maximum Maturity. To be signed by you, as the City Auditor, prior to passage of the Ordinance on July 16, 2013.
2. Bond Ordinance. To be adopted by the City Council at its July 16, 2013 meeting. One copy of the Bond Ordinance must be certified to the County Auditor of Hancock County.
3. County Auditor's Receipt for Certified Copy of Bond Ordinance. To be signed by the Hancock County Auditor upon receipt of the Bond Ordinance.

After the Bond Ordinance has been adopted, please return one original signed set of the above-referenced documents to our office as soon as possible. If you have any questions regarding any of these documents, please do not hesitate to call me at (614) 227-2372.

Very truly yours,

Paul S. Rutter, Esq.

Enclosures

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Findlay, Ohio

The undersigned City Auditor of the City of Findlay, Ohio, as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

designing and installing bar screens for the oxidation ditches at the Wastewater Treatment Plant and making related improvements to the municipal sewer system, including acquiring all necessary appurtenances thereto.

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Ohio Revised Code Section 133.20, is 40 years.

Dated: July 16, 2013

City Auditor
City of Findlay, Ohio

ORDINANCE NO. 2013-040

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,350,000 FOR THE PURPOSE OF DESIGNING AND INSTALLING BAR SCREENS FOR THE OXIDATION DITCHES AT THE WASTEWATER TREATMENT PLANT AND MAKING RELATED IMPROVEMENTS TO THE MUNICIPAL SEWER SYSTEM, INCLUDING ALL APPURTENANCES THERETO; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY

WHEREAS, the City Auditor (the "Fiscal Officer") has certified to this Council that the estimated life of the improvement stated in the title of this Ordinance (the "Project") that is to be financed with the proceeds of the bonds herein described (the "Bonds") exceeds five years and the maximum maturity of said bonds is 40 years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$1,350,000 of the Bonds for the purpose described in the title of this Ordinance under authority of the general laws of the State of Ohio, including Ohio Revised Code Chapter 133.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, that:

SECTION 1. It is hereby declared necessary to issue bonds of the City in the principal sum of not to exceed \$1,350,000, or such lesser amount as shall be determined by the Fiscal Officer and certified to this Council, which bonds shall be designated "City of Findlay, Ohio Sewerage System Improvement Bonds, Series 2013" (the "Bonds"), or as otherwise designated by the Fiscal Officer, for the purpose described in the title of this Ordinance. The Bonds may be issued in one or more series.

SECTION 2. It is hereby determined, that for the purposes of issuance and sale, it is in the best interest of the City to combine the Bonds with general obligation bonds of the City authorized by separate ordinance of this Council. The Bonds and such other bonds shall be jointly referred to herein as the "Combined Bonds." As used in this Ordinance, the term "Bonds" shall also mean the Combined Bonds, where appropriate.

SECTION 3. The Bonds shall be issued as fully registered bonds and may be issued in book entry form only, in such denominations as shall be determined by the Fiscal Officer, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the Fiscal Officer; and shall have such final terms as shall be determined by the Fiscal Officer and set forth in the Certificate of Fiscal Officer provided for in Section 4 below.

SECTION 4. The Fiscal Officer is hereby authorized and directed to execute on behalf of the City a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, shall be as determined by the Fiscal Officer. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Dates"), the purchase price for the Bonds (which shall be not less than 97% of the aggregate principal amount thereof), the maturity schedule for the Bonds (provided that the maximum maturity date of the Bonds shall not exceed 40 years), the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 6.00% per annum), the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Ordinance as the Fiscal Officer shall deem appropriate.

SECTION 5. The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor (the "Current Interest Bonds") or with interest compounded on each Interest Payment Date but payable only at maturity (the "Capital Appreciation Bonds") in such proportions as shall be set forth in the Certificate of Fiscal Officer. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months unless specified otherwise in the Certificate of Fiscal Officer. Unless otherwise determined by the Fiscal Officer, the Current Interest Bonds shall be in the denominations of \$5,000 or any integral multiple thereof, and the Capital Appreciation Bonds shall be in the denominations on the date of their issuance and delivery equal to the principal amount which, when interest is accrued and compounded thereon, beginning on the date of delivery to the Original Purchaser (as defined hereinbelow), and each Interest Payment Date thereafter, will equal \$5,000 or any integral multiple thereof at maturity.

SECTION 6. The Current Interest Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Current Interest Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Current Interest Bonds of the same maturity will take place, the Current Interest Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Current Interest Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select a Current Interest Bond or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Current Interest Bond so selected shall be in the amount of \$5,000 or any integral multiple thereof (unless otherwise determined by the Fiscal Officer).

The notice of the call for redemption of Current Interest Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Current Interest Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of the Current Interest Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice or any defect therein shall not affect the validity of the proceedings for the redemption of any Current Interest Bond.

SECTION 7. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. The Bonds shall be executed by the Mayor of the City (the "Mayor") and by the Fiscal Officer in their official capacities, provided that either or both of their 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 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. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Fiscal Officer on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

SECTION 8. The principal of 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 principal office of the Bond Registrar. Each 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 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 Bondholder, at such Bondholder's 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, 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 9. The Fiscal Officer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent (collectively, the "Bond Registrar") for the Bonds or to execute on behalf of the Council a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Fiscal Officer and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Fiscal Officer in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Fiscal Officer may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall 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 hereof, the person in whose name any Bond 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 interest on any Bond shall be made only to or upon the order of that person. Neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as 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 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 the same form and 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 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 City and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the City 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 City and the Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before 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 City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

SECTION 10. 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" in 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.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Bond of each maturity, (ii) those 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 Bonds in the form of physical securities or certificates; (iv) 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 (v) 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 City. Bond service charges 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 (i) in the case of interest, on each Interest Payment Date, and (ii) 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, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal 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 City. That payment in any event shall be made to the person who is the registered owner of that 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 shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the Mayor, the Fiscal Officer, or any other officer of this Council, is authorized to execute, acknowledge and deliver, in the name of and on behalf of the City, an agreement among the City, the Bond Registrar and a Depository to be delivered in connection with the issuance of the Bonds to such Depository for use in a book entry system.

If any Depository determines not to continue to act as the Depository for the Bonds for use in a book entry system, the City and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the City and the Bond Registrar do not or are unable to do so, the City 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 City or the Bond Registrar, of those persons requesting such issuance.

SECTION 11. There shall be and is hereby levied annually on all the taxable property in the City, 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 12. 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 fall due. Notwithstanding the foregoing, if the City 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 City shall appropriate such funds to the payment of the Bonds in accordance with law.

SECTION 13. The Bonds shall be sold to such purchaser or purchasers (collectively, the "Original Purchaser") as the Fiscal Officer shall designate in the Certificate of Fiscal Officer, at the purchase price set forth in the Certificate of Fiscal Officer. The Fiscal Officer and the Mayor of the City, or either of them individually, are authorized to execute on behalf of the City a bond purchase agreement or term sheet with the Original Purchaser setting forth the conditions under which the Bonds are to be

sold and delivered, which agreement or term sheet shall be in such form, not inconsistent with the terms of this Ordinance, as the Fiscal Officer shall determine.

The proceeds from the sale of the Bonds, except the premium and accrued interest thereon, shall be used for the purpose aforesaid and for no other purpose. Any accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the City, as permitted by law. Any premium from the sale of the Bonds shall be deposited into the fund or funds specified in the Certificate of Fiscal Officer and shall be used for the proper purposes of such fund or funds.

SECTION 14. The Council 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 Council 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 Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Fiscal Officer, the Mayor, or any other officer of the City is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Council 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 Fiscal Officer, which action shall be in writing and signed by the Fiscal Officer, the Mayor, or any other officer of the City on behalf of the Council; (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 Council, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Council, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Council pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Council regarding compliance by the Council with Sections 141 through 150 of the Code and the Regulations.

The Fiscal Officer 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 City to comply with any federal law or regulation now or hereafter having applicability to the Bonds that relates to the use of such proceeds, which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Fiscal Officer is hereby authorized and directed to file such reports with, and rebate arbitrage profits 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.

SECTION 15. The Fiscal Officer is authorized to make appropriate arrangements, if such officer deems it in the best interest of the City, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Council for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Fiscal Officer.

SECTION 16. The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized if the Fiscal Officer determines that it is necessary or advisable to prepare and distribute an Official Statement in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer, the Mayor and any other officer of this Council are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are 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 Bonds as they deem necessary or appropriate to protect the interests of the City. The Fiscal Officer, the Mayor and any other officer of this Council are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of an Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

SECTION 17. The obtaining or updating of a rating or ratings on the Bonds and the City is hereby authorized if the Fiscal Officer determines that it is necessary or advisable in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer, Mayor, and this Council are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

SECTION 18. The Fiscal Officer, on behalf of this Council, is hereby authorized to appoint PRISM Municipal Advisors, LLC to serve as financial advisor to the City for the Bonds. The fees to be paid to such firm shall be subject to review and approval of the Fiscal Officer.

SECTION 19. This Council hereby declares that the Bonds are "obligations" within the meaning of Section 127.01 of the City's Codified Ordinances. If the Fiscal Officer determines that the Bonds are subject to the Rule (as defined in said Section 127.01), then the Certificate of Fiscal Officer or a continuing disclosure agreement shall identify the annual financial information and operating data which will constitute the "Annual information" for purposes of said Section 127.01.

SECTION 20. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Fiscal Officer and a no-litigation certificate of the Mayor and the Fiscal Officer, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Fiscal Officer, Mayor, Law Director, and any other officer of the City or of the Council are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

SECTION 21. 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 City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City 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 22. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

SECTION 23. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor of Hancock County, Ohio.

SECTION 24. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City, and for the further reason it is immediately necessary to take advantage of favorable interest rates.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of an ordinance duly adopted by the Council of the City of Findlay, Ohio on July 16, 2013 and that a true copy thereof was certified to the County Auditor of Hancock County, Ohio.

Clerk of Council
City of Findlay, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS

I, Charity Rauschenberg, the duly elected, qualified, and acting County Auditor in and for Hancock County, Ohio hereby certify that a certified copy of an ordinance duly adopted by the City Council of the City of Findlay, Ohio on July 16, 2013 providing for the issuance of general obligation bonds designated "City of Findlay, Ohio Sewerage System Improvement Bonds, Series 2013," or as otherwise designated by the City Auditor of said City, in the amount of not to exceed \$1,350,000 was filed in this office on _____, 2013.

WITNESS my hand and official seal at Findlay, Ohio this _____, 2013.

[SEAL]

County Auditor
Hancock County, Ohio



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Paul S. Rutter
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July 2, 2013

VIA EMAIL

Donald J. Rasmussen, Esq., Law Director
James D. Staschiak II, City Auditor
City of Findlay
318 Dorney Plaza
Findlay, Ohio 45840

Re: City of Findlay, Ohio
Waterworks System Improvement Bonds, Series 2013

Dear Don and Jim:

Please find enclosed the following documents with respect to the above-referenced bond issue for the City Council's July 16, 2013 meeting.

1. Certificate of Estimated Life and Maximum Maturity. To be signed by you, as the City Auditor, prior to passage of the Ordinance on July 16, 2013.
2. Bond Ordinance. To be adopted by the City Council at its July 16, 2013 meeting. One copy of the Bond Ordinance must be certified to the County Auditor of Hancock County.
3. County Auditor's Receipt for Certified Copy of Bond Ordinance. To be signed by the Hancock County Auditor upon receipt of the Bond Ordinance.

After the Bond Ordinance has been adopted, please return one original signed set of the above-referenced documents to our office as soon as possible. If you have any questions regarding any of these documents, please do not hesitate to call me at (614) 227-2372.

Very truly yours,

Paul S. Rutter, Esq.

Enclosures

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Findlay, Ohio

The undersigned City Auditor of the City of Findlay, Ohio, as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

modifying, repairing and/or replacing clear wells at the Wastewater Treatment Plant and making related improvements to the municipal water system, including all appurtenances thereto.

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Ohio Revised Code Section 133.20, is 40 years.

Dated: July 16, 2013

City Auditor
City of Findlay, Ohio

ORDINANCE NO. 2013-041

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$2,000,000 FOR THE PURPOSE OF MODIFYING, REPAIRING AND/OR REPLACING CLEAR WELLS AT THE WASTEWATER TREATMENT PLANT AND MAKING RELATED IMPROVEMENTS TO THE MUNICIPAL WATER SYSTEM, INCLUDING ALL APPURTENANCES THERETO; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

WHEREAS, the City Auditor (the "Fiscal Officer") has certified to this Council that the estimated life of the improvement stated in the title of this Ordinance (the "Project") that is to be financed with the proceeds of the bonds herein described (the "Bonds") exceeds five years and the maximum maturity of said bonds is 40 years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$2,000,000 of the Bonds for the purpose described in the title of this Ordinance under authority of the general laws of the State of Ohio, including Ohio Revised Code Chapter 133.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, that:

SECTION 1. It is hereby declared necessary to issue bonds of the City in the principal sum of not to exceed \$2,000,000, or such lesser amount as shall be determined by the Fiscal Officer and certified to this Council, which bonds shall be designated "City of Findlay, Ohio Waterworks System Improvement Bonds, Series 2013" (the "Bonds"), or as otherwise designated by the Fiscal Officer, for the purpose described in the title of this Ordinance. The Bonds may be issued in one or more series.

SECTION 2. It is hereby determined, that for the purposes of issuance and sale, it is in the best interest of the City to combine the Bonds with general obligation bonds of the City authorized by separate ordinance of this Council. The Bonds and such other bonds shall be jointly referred to herein as the "Combined Bonds." As used in this Ordinance, the term "Bonds" shall also mean the Combined Bonds, where appropriate.

SECTION 3. The Bonds shall be issued as fully registered bonds and may be issued in book entry form only, in such denominations as shall be determined by the Fiscal Officer, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the Fiscal Officer; and shall have such final terms as shall be determined by the Fiscal Officer and set forth in the Certificate of Fiscal Officer provided for in Section 4 below.

SECTION 4. The Fiscal Officer is hereby authorized and directed to execute on behalf of the City a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, shall be as determined by the Fiscal Officer. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Dates"), the purchase price for the Bonds (which shall be not less than 97% of the aggregate principal amount thereof), the maturity schedule for the Bonds (provided that the maximum maturity date of the Bonds shall not exceed 40 years), the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 6.00% per annum), the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Ordinance as the Fiscal Officer shall deem appropriate.

SECTION 5. The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor (the "Current Interest Bonds") or with interest compounded on each Interest Payment Date but payable only at maturity (the "Capital Appreciation Bonds") in such proportions as shall be set forth in the Certificate of Fiscal Officer. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months unless specified otherwise in the Certificate of Fiscal Officer. Unless otherwise determined by the Fiscal Officer, the Current Interest Bonds shall be in the denominations of \$5,000 or any integral multiple thereof, and the Capital Appreciation Bonds shall be in the denominations on the date of their issuance and delivery equal to the principal amount which, when interest is accrued and compounded thereon, beginning on the date of delivery to the Original Purchaser (as defined hereinbelow), and each Interest Payment Date thereafter, will equal \$5,000 or any integral multiple thereof at maturity.

SECTION 6. The Current Interest Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Current Interest Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Current Interest Bonds of the same maturity will take place, the Current Interest Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Current Interest Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select a Current Interest Bond or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Current Interest Bond so selected shall be in the amount of \$5,000 or any integral multiple thereof (unless otherwise determined by the Fiscal Officer).

The notice of the call for redemption of Current Interest Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Current Interest Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of the Current Interest Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice or any defect therein shall not affect the validity of the proceedings for the redemption of any Current Interest Bond.

SECTION 7. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. The Bonds shall be executed by the Mayor of the City (the "Mayor") and by the Fiscal Officer in their official capacities, provided that either or both of their 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 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. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Fiscal Officer on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

SECTION 8. The principal of 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 principal office of the Bond Registrar. Each 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 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 Bondholder, at such Bondholder's 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, 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 9. The Fiscal Officer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent (collectively, the "Bond Registrar") for the Bonds or to execute on behalf of the Council a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Fiscal Officer and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Fiscal Officer in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Fiscal Officer may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall 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 hereof, the person in whose name any Bond 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 interest on any Bond shall be made only to or upon the order of that person. Neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as 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 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 the same form and 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 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 City and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the City 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 City and the Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before 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 City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

SECTION 10. 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" in 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.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Bond of each maturity, (ii) those 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 Bonds in the form of physical securities or certificates; (iv) 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 (v) 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 City. Bond service charges 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 (i) in the case of interest, on each Interest Payment Date, and (ii) 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, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal 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 City. That payment in any event shall be made to the person who is the registered owner of that 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 shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the Mayor, the Fiscal Officer, or any other officer of this Council, is authorized to execute, acknowledge and deliver, in the name of and on behalf of the City, an agreement among the City, the Bond Registrar and a Depository to be delivered in connection with the issuance of the Bonds to such Depository for use in a book entry system.

If any Depository determines not to continue to act as the Depository for the Bonds for use in a book entry system, the City and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the City and the Bond Registrar do not or are unable to do so, the City 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 City or the Bond Registrar, of those persons requesting such issuance.

SECTION 11. There shall be and is hereby levied annually on all the taxable property in the City, 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 12. 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 fall due. Notwithstanding the foregoing, if the City 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 City shall appropriate such funds to the payment of the Bonds in accordance with law.

SECTION 13. The Bonds shall be sold to such purchaser or purchasers (collectively, the "Original Purchaser") as the Fiscal Officer shall designate in the Certificate of Fiscal Officer, at the purchase price set forth in the Certificate of Fiscal Officer. The Fiscal Officer and the Mayor of the City, or either of them individually, are authorized to execute on behalf of the City a bond purchase agreement or term sheet with the Original Purchaser setting forth the conditions under which the Bonds are to be

sold and delivered, which agreement or term sheet shall be in such form, not inconsistent with the terms of this Ordinance, as the Fiscal Officer shall determine.

The proceeds from the sale of the Bonds, except the premium and accrued interest thereon, shall be used for the purpose aforesaid and for no other purpose. Any accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the City, as permitted by law. Any premium from the sale of the Bonds shall be deposited into the fund or funds specified in the Certificate of Fiscal Officer and shall be used for the proper purposes of such fund or funds.

SECTION 14. The Council 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 Council 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 Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Fiscal Officer, the Mayor, or any other officer of the City is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Council 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 Fiscal Officer, which action shall be in writing and signed by the Fiscal Officer, the Mayor, or any other officer of the City on behalf of the Council; (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 Council, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Council, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Council pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Council regarding compliance by the Council with Sections 141 through 150 of the Code and the Regulations.

The Fiscal Officer 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 City to comply with any federal law or regulation now or hereafter having applicability to the Bonds that relates to the use of such proceeds, which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Fiscal Officer is hereby authorized and directed to file such reports with, and rebate arbitrage profits 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.

SECTION 15. The Fiscal Officer is authorized to make appropriate arrangements, if such officer deems it in the best interest of the City, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Council for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Fiscal Officer.

SECTION 16. The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized if the Fiscal Officer determines that it is necessary or advisable to prepare and distribute an Official Statement in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer, the Mayor and any other officer of this Council are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are 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 Bonds as they deem necessary or appropriate to protect the interests of the City. The Fiscal Officer, the Mayor and any other officer of this Council are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of an Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

SECTION 17. The obtaining or updating of a rating or ratings on the Bonds and the City is hereby authorized if the Fiscal Officer determines that it is necessary or advisable in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer, Mayor, and this Council are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

SECTION 18. The Fiscal Officer, on behalf of this Council, is hereby authorized to appoint PRISM Municipal Advisors, LLC to serve as financial advisor to the City for the Bonds. The fees to be paid to such firm shall be subject to review and approval of the Fiscal Officer.

SECTION 19. This Council hereby declares that the Bonds are "obligations" within the meaning of Section 127.01 of the City's Codified Ordinances. If the Fiscal Officer determines that the Bonds are subject to the Rule (as defined in said Section 127.01), then the Certificate of Fiscal Officer or a continuing disclosure agreement shall identify the annual financial information and operating data which will constitute the "Annual information" for purposes of said Section 127.01.

SECTION 20. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Fiscal Officer and a no-litigation certificate of the Mayor and the Fiscal Officer, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Fiscal Officer, Mayor, Law Director, and any other officer of the City or of the Council are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

SECTION 21. 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 City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City 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 22. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

SECTION 23. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor of Hancock County, Ohio.

SECTION 24. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City, and for the further reason it is immediately necessary to take advantage of favorable interest rates.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of an ordinance duly adopted by the Council of the City of Findlay, Ohio on July 16, 2013 and that a true copy thereof was certified to the County Auditor of Hancock County, Ohio.

Clerk of Council
City of Findlay, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS

I, Charity Rauschenberg, the duly elected, qualified, and acting County Auditor in and for Hancock County, Ohio hereby certify that a certified copy of an ordinance duly adopted by the City Council of the City of Findlay, Ohio on July 16, 2013 providing for the issuance of general obligation bonds designated "City of Findlay, Ohio Waterworks System Improvement Bonds, Series 2013," or as otherwise designated by the City Auditor of said City, in the amount of not to exceed \$2,000,000 was filed in this office on _____, 2013.

WITNESS my hand and official seal at Findlay, Ohio this _____, 2013.

[SEAL]

County Auditor
Hancock County, Ohio



Bricker & Eckler
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Paul S. Rutter
614.227.2372
prutter@bricker.com

July 2, 2013

VIA EMAIL

Donald J. Rasmussen, Esq., Law Director
James D. Staschiak II, City Auditor
City of Findlay
318 Dorney Plaza
Findlay, Ohio 45840

Re: City of Findlay, Ohio
Refunding Bonds, Series 2013

Dear Don and Jim:

Please find enclosed the following documents with respect to the above-referenced bond issue for the City Council's July 16, 2013 meeting.

1. Certificate of Maximum Maturity. To be signed by you, as City Auditor, prior to passage of the Ordinance on July 16, 2013.
2. Bond Ordinance. To be adopted by the City Council at its July 16, 2013 meeting. One copy of the Bond Ordinance must be certified to the County Auditor of Hancock County.
3. County Auditor's Receipt for Certified Copy of Bond Ordinance. To be signed by the Hancock County Auditor upon receipt of the Bond Ordinance.

After the Bond Ordinance has been adopted, please return one original signed set of the above-referenced documents to our office as soon as possible. If you have any questions regarding any of these documents, please do not hesitate to call me at (614) 227-2372.

Very truly yours,

Paul S. Rutter, Esq.

Enclosures

CERTIFICATE OF MAXIMUM MATURITY

To: The City Council of the
City of Findlay, Ohio

The undersigned City Auditor of the City of Findlay, Ohio (the "City"), as the fiscal officer of the City, hereby certifies as follows with respect to the Refunding Bonds, Series 2013 of the City, in the aggregate principal amount of not to exceed \$4,800,000 (the "Bonds"), that are to be used to refund a portion of the bonds of the City as described below, and the maximum maturity of the Bonds cannot exceed the last maturity permitted by law for the bonds to be refunded, in accordance with Ohio Revised Code Section 133.34, to wit:

1. Various Purpose Limited Tax General Obligation Bonds, Series 2003-1, dated May 22, 2003, originally issued in the aggregate principal amount of \$9,820,000 for the purpose of (A) currently refunding a portion of the City's Water System Improvement Bonds, Series 1993; (B) currently refunding a portion of the City's Sewerage System Refunding Bonds, Series 1993; and (C) providing funds to reimburse the City's general fund for moneys used to purchase land adjacent to the Hancock Recreation Center, such land to be used for recreational activities; and the last maturity of which is July 1, 2018; and
2. Various Purpose Limited Tax General Obligation Refunding Bonds, Series 2004, dated October 20, 2004, originally issued in the aggregate principal amount of \$10,560,000 for the purpose of advance refunding a portion of the City's Various Purpose Limited Tax General Obligation Bonds, Series 1996; and the last maturity of which is July 1, 2017.

Therefore, the maximum maturity of the portion of the Bonds issued to refund each respective prior issue cannot be later than December 31 of the year of the final maturity of each such issue.

Dated: July 16, 2013

City Auditor
City of Findlay, Ohio

ORDINANCE NO. 2013-042

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$4,800,000 FOR THE PURPOSE OF REFUNDING (1) A PORTION OF BONDS ISSUED IN MAY 2003 FOR THE PURPOSE OF (A) CURRENTLY REFUNDING A PORTION OF THE CITY'S WATER SYSTEM IMPROVEMENT BONDS, SERIES 1993; (B) CURRENTLY REFUNDING A PORTION OF THE CITY'S SEWERAGE SYSTEM REFUNDING BONDS, SERIES 1993; AND (C) PROVIDING FUNDS TO REIMBURSE THE CITY'S GENERAL FUND FOR MONEYS USED TO PURCHASE LAND ADJACENT TO THE HANCOCK RECREATION CENTER, SUCH LAND TO BE USED FOR RECREATIONAL ACTIVITIES; AND (2) A PORTION OF BONDS ISSUED IN OCTOBER 2004 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF THE CITY'S VARIOUS PURPOSE LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 1996; AND AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Findlay, Ohio (the "City") issued its \$9,820,000 Various Purpose Limited Tax General Obligation Bonds, Series 2003-1, dated May 22, 2003 (the "Series 2003 Bonds"), for the purposes set forth in part (1) of the title of this Ordinance; and

WHEREAS, the City of Findlay, Ohio (the "City") issued its \$16,420,000 Various Purpose Limited Tax General Obligation Bonds, Series 1996, dated as of July 1, 1996 (the "Series 1996 Bonds"); and

WHEREAS, the City of Findlay, Ohio (the "City") issued its \$10,560,000 Various Purpose Limited Tax General Obligation Refunding Bonds, Series 2004, dated October 20, 2004 (the "Series 2004 Bonds," and together with the Series 2003 Bonds, the "Outstanding Bonds"), for the purpose of advance refunding the a portion of the Series 1996 Bonds; and

WHEREAS, in view of currently prevailing lower interest rates, this Council of the City (the "Council") has determined that it is advisable and in the best interest of the City to issue the Bonds (as defined hereinbelow) to refund certain portions of the Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, because (a) the Series 2004 Bonds were issued to advance refund the Series 1996 Bonds, and (b) the Internal Revenue Code of 1986, as amended, and the regulations prescribed thereunder permit only one tax-exempt advance refunding of tax-exempt bonds, any portion of the Bonds issued to advance refund the Series 2004 Bonds (the "Taxable Bonds") must be issued as bonds that the interest thereon is not excluded from gross income for federal income tax purposes; and

WHEREAS, the City Auditor (the "Fiscal Officer") has certified to this Council that the maximum maturity and principal amount of the Bonds cannot exceed the maximum maturity of the Refunded Bonds; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$4,800,000 of the Bonds for the purpose described in the title of this Ordinance under authority of the general laws of the State of Ohio, including Ohio Revised Code Chapter 133, and in particular Section 133.34 thereof.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, that:

SECTION 1. It is hereby declared necessary to issue bonds of the City in the principal sum of not to exceed \$4,800,000, or such lesser amount as shall be determined by the Fiscal Officer and certified to this Council, which bonds shall be designated "City of Findlay, Ohio Refunding Bonds, Series 2013" (the "Bonds"), or as otherwise designated by the Fiscal Officer, for the purpose described in the title of this Ordinance. The Bonds may be issued in one or more series, and any Taxable Bonds shall be issued in a separate series from Bonds that the interest thereon is excluded from gross income for federal income tax purposes pursuant to Section 16 herein (the "Tax-Exempt Bonds").

SECTION 2. It is hereby determined, that for the purposes of issuance and sale, it is in the best interest of the City to combine the Bonds with general obligation bonds of the City authorized by separate ordinance of this Council. The Bonds and such other bonds shall be jointly referred to herein as the "Combined Bonds." As used in this Ordinance, the term "Bonds" shall also mean the Combined Bonds, where appropriate.

SECTION 3. The Bonds shall be issued as fully registered bonds and may be issued in book entry form only, in such denominations as shall be determined by the Fiscal Officer, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the Fiscal Officer; and shall have such final terms as shall be determined by the Fiscal Officer and set forth in the Certificate of Fiscal Officer provided for in Section 4 below.

SECTION 4. The Fiscal Officer is hereby authorized and directed to execute on behalf of the City a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, shall be as determined by the Fiscal Officer. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Dates"), the purchase price for the Bonds (which shall be not less than 97% of the aggregate principal amount thereof), the maturity schedule for the Bonds (provided that the maximum maturity date of the portion of the Bonds issued to refund each respective issue of the Refunded Bonds shall not be later than December 31 of the year of final maturity of each respective issue), the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 6.00% per annum), the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Ordinance as the Fiscal Officer shall deem appropriate.

SECTION 5. The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor (the "Current Interest Bonds") or with interest compounded on each Interest Payment Date but payable only at maturity (the "Capital Appreciation Bonds") in such proportions as shall be set forth in the Certificate of Fiscal Officer. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months unless specified otherwise in the Certificate of Fiscal Officer. Unless otherwise determined by the Fiscal Officer, the Current Interest Bonds shall be in the denominations of \$5,000 or any integral multiple thereof, and the Capital Appreciation Bonds shall be in the denominations on the date of their issuance and delivery equal to the principal amount which, when interest is accrued and compounded thereon, beginning on the date of delivery to the Original Purchaser (as defined hereinbelow), and each Interest Payment Date thereafter, will equal \$5,000 or any integral multiple thereof at maturity.

SECTION 6. The Current Interest Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Current Interest Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Current Interest Bonds of the same maturity will take place, the Current Interest Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Current Interest Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select a Current Interest Bond or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Current Interest Bond so selected shall be in the amount of \$5,000 or any integral multiple thereof (unless otherwise determined by the Fiscal Officer).

The notice of the call for redemption of Current Interest Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Current Interest Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of the Current Interest Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice or any defect therein shall not affect the validity of the proceedings for the redemption of any Current Interest Bond.

SECTION 7. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. The Bonds shall be executed by the Mayor of the City (the "Mayor") and by the Fiscal Officer in their official capacities, provided that either or both of their 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 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. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Fiscal Officer on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

SECTION 8. The principal of 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 principal office of the Bond Registrar. Each 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 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 Bondholder, at such Bondholder's 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, 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 9. The Fiscal Officer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent (collectively, the "Bond Registrar") for the Bonds or to execute on behalf of the Council a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Fiscal Officer and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Fiscal Officer in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Fiscal Officer may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall 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 hereof, the person in whose name any Bond 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 interest on any Bond shall be made only to or upon the order of that person. Neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as 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 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 the same form and 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 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 City and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the City 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 City and the Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before 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 City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

SECTION 10. 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" in 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.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Bond of each maturity, (ii) those 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 Bonds in the form of physical securities or certificates; (iv) 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 (v) 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 City. Bond service charges 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 (i) in the case of interest, on each Interest Payment Date, and (ii) 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, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal 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 City. That payment in any event shall be made to the person who is the registered owner of that 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 shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the Mayor, the Fiscal Officer, or any other officer of this Council, is authorized to execute, acknowledge and deliver, in the name of and on behalf of the City, an agreement among the City, the Bond Registrar and a Depository to be delivered in connection with the issuance of the Bonds to such Depository for use in a book entry system.

If any Depository determines not to continue to act as the Depository for the Bonds for use in a book entry system, the City and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the City and the Bond Registrar do not or are unable to do so, the City 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 City or the Bond Registrar, of those persons requesting such issuance.

SECTION 11. There shall be and is hereby levied annually on all the taxable property in the City, 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 12. 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 fall due. Notwithstanding the foregoing, if the City 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 City shall appropriate such funds to the payment of the Bonds in accordance with law.

SECTION 13. The City hereby covenants, pursuant to Ohio Revised Code Section 133.05(B)(7), to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges on the Bonds in each year until full payment is made.

SECTION 14. The Bonds shall be sold to such purchaser or purchasers (collectively, the "Original Purchaser") as the Fiscal Officer shall designate in the Certificate of Fiscal Officer, at the purchase price set forth in the Certificate of Fiscal Officer. The Fiscal Officer and the Mayor of the City, or either of them individually, are authorized to execute on behalf of the City a bond purchase agreement or term sheet with the Original Purchaser setting forth the conditions under which the Bonds are to be sold and delivered, which agreement or term sheet shall be in such form, not inconsistent with the terms of this Ordinance, as the Fiscal Officer shall determine.

SECTION 15. There is hereby created and established, as an account within the Bond Retirement Fund of the City, a trust fund to be designated "City of Findlay, Ohio - 2013 Refunding Bonds Escrow Fund" (the "Escrow Fund"), or as otherwise designated by the Fiscal Officer, which account may be in the custody of a bank or trust company as an escrow trustee, if desired. The proceeds from the sale of the Bonds, except the accrued interest and premium thereon (if any), shall be deposited in the Escrow Fund along with such funds, if any, as the Fiscal Officer may transfer from the bond retirement fund. Such moneys deposited in the Escrow Fund may be (i) held as cash or (ii) used to purchase direct obligations of or obligations guaranteed as to payment by the United States of America of such maturities and interest payment dates and bearing interest at such rates as will, as certified by such independent public accounting firm as shall be acceptable to the Fiscal Officer and the Original Purchaser without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, be sufficient to pay the interest on, and the redemption price (including and redemption premium) of, the Refunded Bonds on the earliest optional redemption date for the Refunded Bonds. The Fiscal Officer is also authorized, if necessary or desirable to facilitate the refunding of the Refunded Bonds, to engage a consultant to verify the sufficiency of the cash or other obligations held in the Escrow Fund to refund the Refunded Bonds on such redemption date.

Any accrued interest received from the sale of the Bonds shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Bonds in the manner provided by law. Any premium from the sale of the Bonds shall be deposited into the fund or funds specified in the Certificate of Fiscal Officer and used for the proper purposes of such fund or funds.

The Fiscal Officer is hereby authorized to execute on behalf of the City an Escrow Agreement (the "Escrow Agreement") with a bank or trust company to be selected by the Fiscal Officer (the "Escrow Trustee"), setting forth the terms by which the Escrow Fund shall be held and disbursed, if the Fiscal Officer determines that an Escrow Agreement is necessary or beneficial to facilitate the refunding of the Refunded Bonds. Such an Escrow Agreement shall be in such form, not inconsistent with this Ordinance, as the Fiscal Officer shall determine.

SECTION 16. The Council 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 Tax-Exempt 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 Tax-Exempt Bonds so that the Tax-Exempt 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 Council further covenants that it will restrict the use of the proceeds of the Tax-Exempt Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Tax-Exempt Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Fiscal Officer, the Mayor, or any other officer of the City is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Council with respect to the Tax-Exempt 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 Tax-Exempt 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 Fiscal Officer, which action shall be in writing and signed by the Fiscal Officer, the Mayor, or any other officer of the City on behalf of the Council; (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 Council, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Bonds; and (c) to give an appropriate certificate on behalf of the Council, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Council pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Council regarding compliance by the Council with Sections 141 through 150 of the Code and the Regulations.

The Fiscal Officer shall keep and maintain adequate records pertaining to investment of all proceeds of the Tax-Exempt Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Tax-Exempt Bonds that relates to the use of such proceeds, which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Fiscal Officer is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Tax-Exempt Bonds requires any such reports or rebates.

SECTION 17. The Fiscal Officer is authorized to make appropriate arrangements, if such officer deems it in the best interest of the City, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Council for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Fiscal Officer.

SECTION 18. The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized if the Fiscal Officer determines that it is necessary or advisable to prepare and distribute an Official Statement in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer, the Mayor and any other officer of this Council are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are 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 Bonds as they deem necessary or appropriate to protect the interests of the City. The Fiscal Officer, the Mayor and any other officer of this Council are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of an Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

SECTION 19. The obtaining or updating of a rating or ratings on the Bonds and the City is hereby authorized if the Fiscal Officer determines that it is necessary or advisable in connection with the original issuance of the Bonds. If the Fiscal Officer so determines, then the Fiscal Officer, Mayor, and this Council are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

SECTION 20. The Fiscal Officer, on behalf of this Council, is hereby authorized to appoint PRISM Municipal Advisors, LLC to serve as financial advisor to the City for the Bonds. The fees to be paid to such firm shall be subject to review and approval of the Fiscal Officer.

SECTION 21. This Council hereby declares that the Bonds are "obligations" within the meaning of Section 127.01 of the City's Codified Ordinances. If the Fiscal Officer determines that the Bonds are subject to the Rule (as defined in said Section 127.01), then the Certificate of Fiscal Officer or a continuing disclosure agreement shall identify the annual financial information and operating data which will constitute the "Annual information" for purposes of said Section 127.01.

SECTION 22. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Fiscal Officer and a no-litigation certificate of the Mayor and the Fiscal Officer, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Fiscal Officer, Mayor, Law Director, and any other officer of the City or of the Council are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

SECTION 23. 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 City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City 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 24. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

SECTION 25. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor of Hancock County, Ohio.

SECTION 26. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City, and for the further reason it is immediately necessary to make immediate provision for the refunding of the Refunded Bonds in order to take advantage of favorable interest rates.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of an ordinance duly adopted by the Council of the City of Findlay, Ohio on July 16, 2013 and that a true copy thereof was certified to the County Auditor of Hancock County, Ohio.

Clerk of Council
City of Findlay, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS

I, Charity Rauschenberg, the duly elected, qualified, and acting County Auditor in and for Hancock County, Ohio hereby certify that a certified copy of an ordinance duly adopted by the City Council of the City of Findlay, Ohio on July 16, 2013 providing for the issuance of general obligation bonds designated "City of Findlay, Ohio Refunding Bonds, Series 2013," or as otherwise designated by the City Auditor of said City, in the amount of not to exceed \$4,800,000 was filed in this office on _____, 2013.

WITNESS my hand and official seal at Findlay, Ohio this _____, 2013.

[SEAL]

County Auditor
Hancock County, Ohio