1st Reading: 4-2-12
2nd Reading: 4-2-12
3rd Reading: 4-2-12

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 3501 Passed April 2, 2012

RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A CAPITAL PROJECT FUND ENTITLED "AQUATIC FACILITY CAPITAL IMPROVEMENT FUND" FOR THE CITY OF BOWLING GREEN, WOOD COUNTY, OHIO

WHEREAS, the voters of the City of Bowling Green, Ohio, have approved an additional tax for the benefit of the Bowling Green City for the purpose of constructing, maintaining and operating an aquatic facility at a rate not exceeding six-tenths (0.6) mill for each one dollar of valuation, which amounts to six cents ($0.06) for each one hundred dollars of valuation, for twenty (20) years, commencing in 2012, first due in calendar year 2013; and

WHEREAS, the City of Bowling Green will begin the demolition and construction of the aquatic facility in 2012; and

WHEREAS, the establishment of this fund is provided by ORC 5705.09 (D), and no additional permission from the Auditor of State is required.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, WOOD COUNTY, OHIO:

SECTION 1. That the Finance Director is hereby authorized and directed to establish the following capital project fund:

4055 Aquatic Facility Capital Improvement Fund

SECTION 2. This resolution shall become effective at the earliest period allowed by law.

Passed: April 2, 2012
Date

President of Council
JOHN ZANFARDINO

Attest: Kay D. Scherreik
Clerk of Council
KAY D. SCHERREIK

Approved: April 3, 2012
Date

Richard A. Edwards
Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Res. No. 3501 passed by the Council of the City of Bowling Green, Ohio.
April 2, 2012
Kay D. Scherreik
Clerk of City Council

1st Reading: 4-2-12
2nd Reading: 4-2-12
3rd Reading: 4-2-12

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.
Form No. 30043

Ordinance No. 8171 Passed _____, 20____

ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN AN AMOUNT NOT TO EXCEED $3,100,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING, RECONSTRUCTING, RENOVATING, ENLARGING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING THE MUNICIPAL SWIMMING POOL AND RELATED RECREATIONAL FACILITIES AND IMPROVING THE SITE THEREOF, AND TOGETHER WITH NECESSARY AND INCIDENTAL APPURTENANCES AND SUCH OTHER COSTS OF THOSE IMPROVEMENTS AS ARE PERMITTED BY REVISED CODE SECTION 133.15 TO BE FUNDED FROM THE PROCEEDS OF SECURITIES, AND DECLARING AN EMERGENCY

WHEREAS, the Finance Director, as fiscal officer of the City, certified to this Council that the estimated life of the improvement described in Section 1 is at least five years, the maximum maturity of bonds issued for that improvement is at least 20 years, and the maximum maturity of the notes to be issued in anticipation of the bonds is 240 months from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bowling Green, County of Wood, State of Ohio, that:

SECTION 1: Authorized Principal Amount of Anticipated Bonds; Purpose. It is declared necessary to issue bonds of the City of Bowling Green in the aggregate principal amount not to exceed $3,100,000 (the "Bonds") for the purpose of paying costs of constructing, reconstructing, renovating, enlarging, furnishing, equipping and otherwise improving the municipal swimming pool and related recreational facilities and improving the site thereof, and together with necessary and incidental appurtenances and such other costs of those improvements as are permitted by Revised Code Section 133.15 to be funded from the proceeds of securities.

SECTION 2: Estimated Bond Terms. The Bonds shall be dated approximately March 1, 2013; shall bear interest at the estimated rate of six percent (6%) per year, payable semi-annually until the principal is paid; and shall mature in 20 annual installments that are such that the principal and interest payments on the Bonds payable in each fiscal year in which principal of the Bonds is payable are substantially equal to the total payments on the Bonds in each other such year. The first interest payment of the Bonds is estimated to be December 1, 2013, and the first principal payment of the Bonds is estimated to be December 1, 2014.

SECTION 3: Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in an amount not to exceed $3,100,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate not to exceed six percent (6%) per year, payable at maturity, with the actual rate of interest to be fixed by the Finance Director in his certificate awarding the Notes at private sale in accordance with Section 6 (the "Certificate of Award"). The Notes shall be dated their date of issuance and shall mature March 14, 2013; however, the Finance Director may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is a date not later than one year from the date of issuance by setting forth that maturity date in the Certificate of Award.

SECTION 4: Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the principal corporate trust office of The Huntington National Bank, Columbus, Ohio, or at the principal corporate trust office or other office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser (the Paying Agent). If agreed to by the original purchaser, the Notes shall be prepayable without penalty or premium at the

option of the City at any time prior to maturity (the Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the original purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Finance Director may request the original purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

SECTION 5: Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Finance Director, provided that the entire principal amount may be represented by a single note. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Revised Code Chapter 133, the Charter of the City and this Ordinance.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Finance Director to be advantageous to the City, the Notes may be issued in book entry form for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Notes may be issued in the form of a single, fully registered typewritten Note and registered in the name of a depository or its nominee, as registered owner, and immobilized in the custody of a depository; (ii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the depository and its participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the depository and its participants subject to the terms of this Ordinance; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

SECTION 6: Award and Sale of the Notes. The Notes shall be awarded and sold by the Finance Director at private sale at not less than the par value thereof in accordance with law and the provisions of this Ordinance. The Finance Director shall designate the purchaser, fix the interest rate and make the other designations authorized in this Ordinance in a Certificate of Award, and cause the Notes to be prepared, signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Finance Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

The Finance Director is authorized to (i) engage the services of a financial advisor and (ii) request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to engage a financial advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7: Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8: Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9: Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent money from the municipal income tax is available for the payment of the debt charges on the Notes or Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the covenant hereinafter set forth. To the extent necessary, the debt charges on the Notes or Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City, and the City covenants, subject and pursuant to such authority, including particularly Revised Code Sections 133.05(B)(7) and 5705.51(A)(5) and (D), to appropriate annually from those municipal income taxes such amount as is necessary to meet such annual debt charges. Nothing in this Section in any way diminishes the pledge of the full faith and credit and property taxing power of the City to the prompt payment of the debt charges on the Notes or Bonds.

SECTION 10: Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

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

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

based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

SECTION 11: Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the County Auditor of Wood County.

SECTION 12: Retention of Bond Counsel. The legal services of Squire Sanders (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services, whether or not the Notes are ever issued. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 13: Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

SECTION 14: Compliance with Open Meeting Requirements. This Council finds and determines 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 committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 15: Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 16: Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the Notes can be delivered at the earliest possible date to enable the City to meet its obligations in connection with the construction of that improvement, which is needed to provide adequate recreational facilities for the City's residents and thereby protect their health and welfare; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: April 2, 2012

Attest: Kay D. Scherreik
Clerk of Council
KAY D. SCHERREIK

Approved: April 3, 2012

President of Council
JOHN ZANFARDINO

Richard A. Edwards
Mayor
RICHARD A. EDWARDS

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8171 passed by the Council of the City of Bowling Green, Ohio.
April 2, 2012
Kay D. Scherreik
Clerk of City Council

MICHAEL MARSH
CITY ATTORNEY
kds

1st Reading: 4-2-12
2nd Reading: 4-2-12
3rd Reading: 4-2-12

RECORD OF ORDINANCES

EMERGENCY CLAUSE ADOPTED 4/2/12

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 8173 *Passed* April 2, 20 12

ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO ENTER INTO A CONTRACT OR CONTRACTS WITH HURON LIME COMPANY OF HURON, OHIO, FOR THE SUPPLY OF HIGH CALCIUM QUICK LIME FOR THE WATER TREATMENT PLANT, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to enter into a contract or contracts without advertising or bidding with Huron Lime Company, of Huron, Ohio, for the supply of high calcium quick lime for use at the Water Treatment Plant.

SECTION 2: This ordinance shall take effect as an emergency measure. The reason for the emergency is that the current lime product being supplied for the Water Treatment is inconsistent and prone to plugging the City's lime feeders, thereby causing water treatment problems, and threatening the health and well-being of the citizens.

Passed: April 2, 2012
Date

President of Council
JOHN ZANFARDINO

Attest: Kay D. Scherreik
Clerk of Council
KAY D. SCHERREIK

Approved: April 3, 2012
Date

Richard A. Edwards
Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8173 passed by the Council of the City of Bowling Green, Ohio.
April 2, 20 12
Kay D. Scherreik
Clerk of City Council

1st Reading: 4-2-12
RECORD OF ORDINANCES 2nd Reading: 4-2-12
3rd Reading: 4-2-12

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 8176 Passed April 2, 2012

ORDINANCE AUTHORIZING THE UTILITIES DIRECTOR TO ENTER INTO A CONTRACT OR CONTRACTS WITH KALIDA TRUCK EQUIPMENT, INC. FOR THE PURCHASE OF TRUCK SERVICE BODIES WITHOUT ADVERTISING AND BIDDING

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Utilities Director is hereby authorized to enter into a contract or contracts with Kalida Truck Equipment, Inc., for the purchase of truck service bodies without advertising and bidding.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: April 2, 2012
Date

President of Council
JOHN ZANFARDINO

Attest: Kay D. Scherreik
Clerk of Council
KAY D. SCHERREIK

Approved: April 3, 2012
Date

Richard A. Edwards
Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8176 passed by the Council of the City of Bowling Green, Ohio.
April 2, 2012
Kay D. Scherreik
Clerk of City Council

1st Reading: 4-2-12
RECORD OF ORDINANCES 2nd Reading: 4-2-12
EMERGENCY CLAUSE ADOPTED 4/2/12 3rd Reading: 4-2-12

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 8177 Passed April 2, 2012

ORDINANCE AUTHORIZING THE PURCHASE OF THE FORMER BOWLING GREEN JUNIOR HIGH SCHOOL PROPERTY ON NORTH GROVE STREET AND WEST WOOSTER STREET, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Mayor of the City of Bowling Green, Ohio, is hereby authorized to enter into a contract or contracts with Wooster Street Properties, LLC, for the purchase of the former Bowling Green Junior High School property generally located at North Grove Street and West Wooster Street at North Church Street in the City of Bowling Green in substantial accordance with the exhibit attached hereto and made a part hereof, and to take all actions necessary in order to complete said purchase and restore the site for future public use and purposes as determined from time to time.

SECTION 2: This ordinance shall take effect as an emergency measure. The reason for the emergency is that the prompt effectiveness of this measure is necessary in order to acquire the site at the most economical price possible and in order to comply with the terms and conditions of the Seller who has listed the property for sale with a real estate broker, to obtain the site for municipal purposes as its location with respect to the perimeter of the downtown and the Bowling Green Police Station, and its possible municipal uses given that the existing structure will be torn down and removed from the site, will cause the property to be extremely desirable, and if the terms and conditions of the Seller are not met then, in that instance, the opportunity for acquisition of this site may be lost, being of great detriment to our citizens, and accordingly, in order to protect the public health, safety and especially the well-being of our citizens and future citizens, it is necessary for this measure to be effective immediately in order to meet all contractual terms and obligations desired by the Seller.

Passed: April 2, 2012
Date

President of Council
JOHN ZANFARDINO

Attest: Kay D. Scherreik
Clerk of Council
KAY D. SCHERREIK

Approved: April 3, 2012
Date

Richard A. Edwards
Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8177 passed by the Council of the City of Bowling Green, Ohio.
April 2, 2012
Kay D. Scherreik
Clerk of City Council