

ORDINANCE NO. 7525

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE A HIGH SPEED DIRECT DRIVE BLOWER FOR INSTALLATION AT THE WATER POLLUTION CONTROL TREATMENT WORKS AND DECLARING AN EMERGENCY

WHEREAS, Extensive studies have been undertaken to evaluate the feasibility of various proposals to reduce operational costs of the Water Pollution Control Treatment Plant; and,

WHEREAS, Replacement of a fixed speed blower used to supply air to the aeration tanks with a more energy efficient variable speed model that is appropriately sized to meet current treatment requirements has been determined to be the most cost effective investment option presently available; and,

WHEREAS, Specifications for the necessary equipment have been developed by the Engineer and HSi Blowers of Houston, Texas, has submitted the lowest responsive and responsible bid to manufacture the equipment;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to purchase one High Speed Direct Drive Blower conforming to the specifications on file and at a cost of \$121,600.00 from HSi Blowers of Houston, Texas.

Section 2: The Finance Director is authorized to pay the authorized purchase price from Line 590-540-5-2-980880 of the 2013 annual budget.

Section 3: It is found and determined that all legislative actions pertaining to adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that the desired equipment is projected to reduce Wastewater Treatment Plant operational costs by \$30,000 to \$60,000 per year necessitating that the order be promptly submitted to minimize wasteful consumption of electricity. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: August 27, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 27, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7526

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE ONE 3/4 TON PICK-UP TRUCK AND DECLARING AN EMERGENCY

WHEREAS, the 1995 Chevrolet pick-up truck currently assigned for use in Riverside Cemetery is no longer operable and cannot be cost effectively repaired; and,

WHEREAS, no suitable used pick-up truck was found in the local market; and,

WHEREAS, customary practice has been to equip the cemetery with vehicles retired from service in other divisions; and,

WHEREAS, a 2008 Ford F-350 pick-up truck currently designated for joint use by the Division of Streets and Division of Water has reached the age and mileage at which vehicles are customarily scheduled for replacement; and,

WHEREAS, proposals to supply a new 3/4th ton pick-up for the joint use by the Divisions of Streets and Water have been solicited and Mark Moats Ford, Inc. submitted the lowest cost proposal;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to purchase one Ford F-350 pick-up truck conforming to the specifications detailed in the August 14, 2013, proposal from Mark Moats Ford, Inc., of Defiance, Ohio, and at the quoted price of \$22,500.00.

Section 2: The Finance Director is authorized to pay the approved purchase price from legally available Capital Improvement and Water Funds in proportion to the anticipated use of the vehicle by the Divisions of Streets and Water.

Section 3: The City Administrator is directed to assign the 2008 Ford F-350 pick-up truck currently designated for shared use by the Divisions of Streets and Water to Riverside Cemetery. The disabled 1995 Chevrolet pick-up truck presently designated for cemetery use is declared to be municipal surplus and the City Administrator is authorized to dispose of the same in any manner permitted by Codified Ordinance 151.04(b).

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 5: This Ordinance is declared to be an emergency measure necessary to the preserve the health, safety and welfare of the community for the reason that a suitable vehicle must be provided to maintain cemetery operations and for the further reason that the order for purchase of the new vehicle authorized by this Ordinance must be promptly placed to take advantage of manufacturer incentives and secure delivery at the quoted price. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: August 27, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 27, 2013

Bob Armstrong
Mayor

Ordinance No. 7527

AN ORDINANCE ACCEPTING A GIFT OF LAND DONATED TO THE CITY OF DEFIANCE BY SENSORY EFFECTS POWDER SYSTEMS, INC., DIRECTING IMPROVEMENT THEREOF, AUTHORIZING CONVEYANCE OF A CONSERVATION EASEMENT PERTAINING THERETO AND DECLARING AN EMERGENCY

WHEREAS, Sensory Effects Powder Systems, Inc. has generously donated the former site of the Diehl Brewery for improvement and maintenance as a public park; and,

WHEREAS, The donation was made pursuant to an agreement obligating the City to install protective and decorative fencing on the parcel and within adjacent rights-of-ways for the benefit of the parcel, traveling public and adjacent lands; and,

WHEREAS, Plans and specifications for the fencing were approved in 2012 and funds were appropriated for payment of the anticipated cost by the 2013 annual budget; and,

WHEREAS, it is necessary to demonstrate that the land will be maintained for public use and enjoyment;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The Mayor is authorized to accept and record the received Deed conveying lands in the Williamstown Addition to the City of Defiance.

Section 2: The City Administrator is directed to isolate the parcel from adjacent properties and streets by installing fencing conforming to the plans and specifications on file in the office of the City Engineer.

Section 3: The Mayor is authorized to execute the proposed Conservation Easement on file in the office of the Law Director and deliver the same to the Defiance Soil and Water Conservation District.

Section 4: The Finance Director is directed to pay costs arising under such construction contracts as may be awarded by the City Administrator pursuant to the authority of Section 2 from moneys allocated to that purpose by Line 403.901.52.978.047 of the 2013 annual budget. The Finance Director is further authorized to expend such funds as may be reasonably required to pay all transactional expenses incurred by reason of the actions taken pursuant to this Ordinance including, without limitation, legal fees, title insurance premiums, pro-rated taxes and statutory fees due to the County Recorder from legally available funds. The Finance Director is further authorized to take all appropriate actions to exempt the premises from taxation.

Section 5: This It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 6: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that fencing is required to assure traffic safety at the north end of the Clinton Street bridge and immediate commencement of construction is required to complete the work before the onset of winter. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: August 27, 2013 Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 27, 2013 Bob Armstrong
Mayor

ORDINANCE NO. 7528

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR A GRANT OF STATE CAPITAL IMPROVEMENT PROGRAM FUNDS TO ASSIST THE MUNICIPALITY WITH THE COST OF WATER SYSTEM IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, The City Engineer has identified aged and deficient water distribution lines and prepared a schedule for replacement of those facilities over a period of 5 years at an estimated total cost of \$4,684,000.00; and,

WHEREAS, The replacement and repair work scheduled for 2014 is necessary to correct deficiencies that endanger public health and are expected to cost \$1,637,000.00; and,

WHEREAS, The City requires financial assistance to undertake the needed work and the proposed improvements are eligible for funding under guidelines established for the State Capital Improvement Program;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to make application to the Ohio Public Works Commission for a grant of State Capital Improvement Program (State Issue II) funds to offset a portion of the costs to be incurred to repair and replace deficient water distribution facilities identified by the "OPWC Five Year Capital Improvement/Maintenance of Effort Plan" and to execute and deliver such contracts, agreements, program compliance covenants and other documents as may be appropriate to secure such funding.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that the application authorized by this Ordinance must be submitted by September 6, 2013, to receive consideration by the Ohio Public Works Commission. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: August 27, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 27, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7529

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR A GRANT OF STATE CAPITAL IMPROVEMENT PROGRAM FUNDS TO ASSIST THE MUNICIPALITY WITH THE COST OF SEWER IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, The City Engineer has identified two sewage lift stations that must be replaced to correct collection system deficiencies that threaten environmental contamination caused by spillage resulting from age related equipment failures; and,

WHEREAS, The unreliability of the collection system endangers both public health and the safety of municipal employees; and,

WHEREAS, Replacement of the deficient lift stations and related repair work scheduled for 2014 is expected to cost \$600,000.00; and,

WHEREAS, The City requires financial assistance to undertake the needed work and the proposed improvements are eligible for funding under guidelines established for the State Capital Improvement Program;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to make application to the Ohio Public Works Commission for a grant of State Capital Improvement Program (State Issue II) funds to offset a portion of the costs to be incurred to replace deficient sewage lift stations identified by the "OPWC Five Year Capital Improvement/Maintenance of Effort Plan" and to execute and deliver such contracts, agreements, program compliance covenants and other documents as may be appropriate to secure such funding.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that the application authorized by this Ordinance must be submitted by September 6, 2013, to receive consideration by the Ohio Public Works Commission. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: August 27, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 27, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7530

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,275,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING AND EXPANDING THE MUNICIPAL SANITARY SEWERAGE SYSTEM BY CONSTRUCTING AND IMPROVING PUMP STATIONS, FORCE MAINS AND SANITARY SEWERS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 7188, enacted on September 7, 2010, there were issued \$1,500,000 of notes as part of a consolidated issue of \$6,150,000 Various Purpose Notes, Series 2010-2, in anticipation of bonds for the purpose stated in Section 1, which notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,425,000 Sanitary Sewerage System Improvement Notes, Series 2011, issued in anticipation of bonds pursuant to Ordinance No. 7300, enacted on September 6, 2011, which notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,350,000 Sanitary Sewerage System Improvement Notes, Series 2012-2 (the Outstanding Notes), issued in anticipation of bonds pursuant to Ordinance No. 7246, enacted on September 11, 2012, which Outstanding Notes mature on October 3, 2013; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Finance Director, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 30 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is October 5, 2030;

NOW, THEREFORE, BE it enacted by the Council of the Municipality of Defiance, that:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$1,275,000 (the Bonds) to pay costs of improving and expanding the municipal sanitary sewerage system by constructing and improving pump stations, force mains and sanitary sewers, together with all incidental work and related appurtenances thereto and acquiring any real estate or interests therein required therefor.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately September 1, 2014, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2015.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,275,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that 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 any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Finance Director in the Certificate of Award.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for

services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank or at the designated corporate trust office or other office of a bank or trust company designated by the Finance Director, 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 (as defined in Section 6) (the Paying Agent).

Section 5. 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 in the Certificate of Award, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the 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 this Ordinance. As used in this section and this Ordinance:

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

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

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

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the 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; 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.

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

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry

system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Finance Director in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award evidencing the sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the City Administrator, the Finance Director, the Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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 City's sanitary sewerage system or other sources is available for the payment of the debt charges on the Notes and Bonds, and is appropriated for that purpose, the tax shall be reduced by the amount of money so available and appropriated.

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 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of

compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment 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, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, 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.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to 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 Defiance County Auditor.

Section 12. 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 13. 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.

Section 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the enactment of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all 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 in order to sell the Notes at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment and approval by the Mayor.

Enacted: August 27, 2013

Tim Holtsberry
President of Council

Approved: August 27, 2013

Attest: Lisa Elders
Clerk of Council

Bob Armstrong
Mayor

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Defiance, Ohio:

As fiscal officer of the City of Defiance, Ohio, I certify in connection with your proposed issue of \$1,275,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), to pay costs of improving and expanding the municipal sanitary sewerage system by constructing and improving pump stations, force mains and sanitary sewers, together with all incidental work and related appurtenances thereto and acquiring any real estate or interests therein required therefor (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least 30 years, the Bonds allocable to each class of property included in the improvement having a maximum maturity of at least 30 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is October 5, 2030, which is 240 months from October 5, 2010, the date of issuance of the original notes issued for this purpose.

Dated: August 27, 2013

John Lehner
Finance Director
City of Defiance, Ohio

Abstract of
City of Defiance, Ohio
Ordinance No. 7530

This is a summary of Ordinance No. 7530 enacted by the Council of the City of Defiance on August 27, 2013, providing for the issuance and sale of \$1,275,000 of notes, in anticipation of the issuance of bonds, to pay costs of improving and expanding the municipal sanitary sewerage system by constructing and improving pump stations, force mains and sanitary sewers, together with all incidental work and related appurtenances thereto and acquiring any real estate or interests therein required therefor.

The bonds anticipated by the notes are to be dated the first day of the month in which the notes mature, and to bear interest at the estimated rate of 6% per year and to mature in 20 annual installments. The notes will bear interest at a rate not to exceed 4% per year, and will be dated the date of issuance and mature not later than 12 months from that date. The ordinance provides for sale of the notes to the original purchaser designated by the Finance Director in a certificate of award, at a purchase price of not less than par and authorizes the Finance Director to determine the principal amount of and interest rate (subject to the 4% maximum) on the notes. The ordinance provides for the manner of payment of the notes, their form and signing and the application of the proceeds, and provides assurances of the City relating to the federal income tax status of the interest on the notes. The ordinance also provides for the levy of a tax within the ten-mill limitation imposed by law on all the taxable property in the City while the notes are outstanding, and that the notes will be general obligations of the City, the full faith and credit and general property taxing power of which are pledged for the payment of principal and interest.

The complete text of the ordinance may be obtained or viewed at the office of the Clerk of Council. The ordinance was declared to be an emergency measure.

ORDINANCE No. 7531

AN ORDINANCE AMENDING ORDINANCE NO. 7469 PASSED DECEMBER 20, 2012 TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013.

WHEREAS, the City Finance Director has determined that additional appropriations are necessary to provide for expenditures; and

WHEREAS, that in addition to approving the expenditure of all public funds, Council must approve the appropriation of all public funds;

Now, therefore, be it enacted by the Council of the Municipality of Defiance, Defiance County, Ohio:

Section 1: That, to provide for expenses of the City of Defiance, State of Ohio, during the period of January 1, 2013 through December 31, 2013, Ordinance No. 7469 is hereby amended by appropriation changes to the following accounts:

101 - General Fund			
205 - County & State Charges			
Operating	\$	15,000.00	
TOTAL - County & State Charges			\$ 15,000.00
301 - Police Department			
Operating	\$	30,000.00	
TOTAL - Police Department			\$ 30,000.00
751 - Parks & Recreation			
Operating	\$	5,800.00	
TOTAL - Parks & Recreation			\$ 5,800.00
TOTAL - General Fund			\$ 50,800.00
249 - Probation Grant Fund			
Salary, Wages & Benefits	\$	28,098.17	
TOTAL - Probation Grant Fund			\$ 28,098.17
591 - Water Treatment Plant Fund			
537 - Water Plant			
Operating	\$	75,000.00	
TOTAL - Water Plant			\$ 75,000.00
793 - Fire Damage/Repair/Removal Fund			
Operating	\$	32,000.00	
TOTAL - Fire Damage/Repair/Removal Fund			\$ 32,000.00
GRAND TOTAL - ALL FUNDS			\$ 185,898.17

RECAPITULATION OF APPROPRIATIONS

101	General Fund	\$	50,800.00
249	Probation Grant Fund	\$	28,098.17
591	Water Treatment Plant Fund	\$	75,000.00
793	Fire Damage/Repair/Removal Fund	\$	32,000.00
GRAND TOTAL - ALL FUNDS		\$	185,898.17

Section 2: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

Section 3: This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Tim Holtsberry
President of Council

Passed: August 27, 2013

Attest: Lisa Elders, Clerk

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Approved: August 27, 2013

By: Bob Armstrong, Mayor