

AN ORDINANCE NO. \_\_\_\_\_

Providing for the issuance of bonds to pay the property owners' portion, in anticipation of the collection of special assessments heretofore levied of the cost of constructing sidewalks, curbs and gutters comprised in the 2023 Sidewalk, Curb and Gutter Program at various locations throughout the City; and declaring an emergency therein.

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WHEREAS, the City Commission of The City of Springfield, Ohio, has declared the necessity of improving various locations throughout the City by constructing sidewalks, curbs and gutters comprised in the 2023 Sidewalk, Curb and Gutter Program, and in order to finance such improvements, has authorized and issued in anticipation of the issuance of bonds and the levy and collection of special assessments, notes dated March 17, 2023 in the amount of \$268,500.00, which matured March 16, 2024 (collectively, the "Original Notes") and were refunded with notes dated March 15, 2024 (the "Interim Financing Notes") in the amount of \$278,600.00 which will be redeemed on August 30, 2024; and

WHEREAS, the City Commission finds and determines that the Interim Financing Notes should be retired with the proceeds of the bonds to be issued and other funds available to the City; and

WHEREAS, the Finance Director, as fiscal officer, has certified to this City Commission that the maximum maturity of the bonds proposed to be issued is twenty (20) years and the estimated life or period of usefulness of the improvements which have been constructed is at least ten (10) years, but that the maximum maturity may not exceed the ten (10) year period provided for the collecting of the assessments; and

WHEREAS, it is the determination of the City Commission that the sale and issuance of bonds as authorized by this Ordinance occur at the earliest possible moment to provide funds to enable the City to retire the Interim Financing Notes and thereby preserve its credit and mitigate further interest cost, which fact together with the necessity of providing for the immediate preservation of the public peace, property, health and safety cause an emergency to exist which requires that this Ordinance take effect and be in full force from and after the time hereinafter specified: NOW, THEREFORE:

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio, at least four of its members concurring:

Section 1. That it is necessary to issue bonds of The City of Springfield, Ohio

(the "City") in the maximum aggregate principal sum of Two Hundred Nine Thousand Seven Hundred Dollars (\$209,700.00) (the "Bonds") to pay the property owners' portion, in anticipation of the collection of special assessments heretofore levied, of the cost of constructing sidewalks, curbs and gutters comprised in the 2023 Sidewalk, Curb and Gutter Program at various locations throughout the City. It is necessary and determined to be in the best interest of the City to issue the Bonds in accordance with the terms of this Ordinance and Chapter 133 of the Revised Code.

Section 2. That the Bonds shall be issued in one lot and only as fully registered bonds in the denominations of \$100.00 or any integral multiple thereof, but no Bond shall be issued in a denomination exceeding the principal amount of the Bonds maturing on any one date; shall be numbered in the order of their authentication; shall be dated as of August 30, 2024; and shall be designated "The City of Springfield, Ohio, Sidewalk Improvement Bonds, Series 2024-2." The Bonds shall bear interest at the rate of three and twenty-five hundredths percent (3.25%) per annum (computed on a 360-day per year basis), payable on June 1 and December 1 of each year, commencing Dec 1, 2024 (the Interest Payment Dates) until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for, or, if no interest has been paid or provided for, from August 30, 2024. The Bonds shall mature as follows: Twenty Thousand Nine Hundred Seventy Dollars (\$20,970.00) in each of the years 2025 through 2034 which maturities are in substantially equal annual principal installments. The Bonds shall express on their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance, the Charter of the City and Chapter 133 of the Ohio Revised Code. The provisions of this Ordinance shall control with respect to the Bonds notwithstanding the provisions of Chapter 151 of the Codified Ordinances of the City. The Finance Director may adjust the principal amounts of the Bonds maturing in each of years stated herein if the aggregate principal amount of the Bonds issued is an amount less than \$209,700.00, as determined in accordance with Section 1 of this Ordinance. In the event such adjustment is necessary, the amount of principal maturing each year shall be in substantially equal annual installments.

If the City Treasurer shall accept for purchase in the Bond Retirement Fund or if the Treasury Investment Board of the City accepts the purchase of this issue, then a single temporary manuscript bond in the maximum amount of \$209,700.00 numbered SA-24-2 and dated August 30, 2024, shall be issued in lieu of the fully registered bonds described in the paragraph immediately above and such bond shall be payable to the Treasurer of The City of Springfield, Ohio in the installments equal to the amount of principal amount maturing each year, at the same rate of interest, and shall pay interest and principal as described in the paragraph immediately above. Whenever determined necessary by the officer in charge of the Bond Retirement Fund or by the Treasury Investment Board of the City of Springfield, the temporary manuscript bond shall be converted into fully registered bonds of the same maturity and rate of interest in accordance with this Section, and such registered bonds shall be issued in exchange

for the temporary manuscript bond.

Section 3. That the Bonds shall be signed by the Mayor and Finance Director in the name of the City and in their official capacities provided that either or both of those signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication printed on the Bond is signed by the Bond Registrar (as defined in Section 4 hereof), as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed 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 authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Finance Director on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 4. That the Treasurer of the City is appointed to act as the bond registrar, authenticating agent, transfer agent and paying agent (collectively, the Bond Registrar), for the Bonds.

Section 5. That the debt charges 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. Principal shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered at that person's address appearing on the Bond Register (as defined in Section 6 hereof) at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date.

Section 6. That so long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep at his office all books and records necessary for the registration, exchange and transfer of the Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5 above, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges 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 provided in this section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination 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 legally empowered to do so

in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of exchanged or transferred Bonds, the City shall sign and the Bond Registrar shall authenticate and deliver the 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 the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance as the Bonds surrendered upon that exchange or transfer.

Any Bond surrendered to the Bond Registrar for payment, retirement, exchange, replacement or transfer shall be cancelled by the Bond Registrar. The City may at any time deliver to the Bond Registrar for cancellation any previously authenticated and delivered Bonds that the City may have acquired in any manner whatsoever, and those Bonds shall be promptly cancelled by the Bond Registrar. Written reports of the surrender and cancellation of Bonds shall be made to the City Clerk by the Bond Registrar at least twice each calendar year. The cancelled Bonds shall be retained for a period of time and then returned to the City or destroyed by the Bond Registrar.

Section 7. That the Bonds are offered at par and any accrued interest to the City Treasurer, as officer in charge of the Bond Retirement Fund of the City. Bonds not purchased for the Bond Retirement Fund shall be offered to the Treasury Investment Board for purchase, and if any Bonds are not taken by the Bond Retirement Fund or the Treasury Investment Board for purchase, then the Bonds not so taken shall be advertised for public sale and sold in accordance with law and the provisions of this Ordinance. The Finance Director shall cause the Bonds to be prepared and, following their sale, shall have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the original purchaser upon payment of the purchase price.

Section 8. That the proceeds from the sale of the Bonds, 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 Bonds are issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund to be applied to the payment of the debt charges on the Bonds in the manner provided by law.

Section 9. That the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds 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 thereon will not be treated as a preference item under Section 57 of the Code.

The City further covenants (a) that it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) that it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of 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 Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted 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 Bonds 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 of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or deviating 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 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, 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 Bonds.

Section 10. That all special assessments collected for the improvement described in Section 1, and any unexpended balance remaining in the improvement fund after the cost and expenses of that improvement have been paid, shall be used for the payment of the debt charges on the Bonds until paid in full and shall be used for no other purpose. In the event and to the extent that those special assessments are not collected, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 Bonds when and as the same fall due. However, in each year to the extent the income from the levy of the special assessments for the improvement is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the income so available and appropriated.

Section 11. That the City Clerk is directed to deliver a certified copy of this Ordinance to the Auditor of Clark County, Ohio.

Section 12. That this City Commission determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have been performed and have been met, or at the time of delivery of the Bonds will have been performed and met, in regular and due form as required by law; that the full faith and credit and general taxing power (as described in Section 10) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 13. That it is found and determined that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 14. That by reason of the emergency set forth and defined in the preamble hereto, this Ordinance shall take effect and be in force immediately.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2024.

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PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun  
\_\_\_\_\_, 2024)

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published in the Springfield News-Sun on \_\_\_\_\_, \_\_\_\_\_, 2024.

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CLERK OF THE CITY COMMISSION