

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$6,000,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is twenty years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$6,000,000 for the purpose of providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, paving, repaving, resurfacing, and constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and appurtenances, traffic lights, and traffic control equipment and boulevard lights; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$6,000,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated “Street Improvements Bond Anticipation Notes”; and shall be payable as to both principal and interest at the City Treasurer’s Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall

bear the facsimile or manual impression of the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installments shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax 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 year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain memorandum of understanding between the City and the Board of Trustees of the Cincinnati Southern Railway (the "Board") regarding certain funds received by the Board and generated from tax credit agreements entered into between the Board and the lessee of the CSR, the Cincinnati, New Orleans, and Texas Pacific Railway is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder.

These notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City have happened, have been done and performed in regular and due form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk