

ORDINANCE 2005-31

AN ORDINANCE AMENDING ORDINANCE 2005-19 AND ORDINANCE 2005-27 PASSED BY THE VILLAGE COUNCIL ON JULY 25, 2005 AND ON SEPTEMBER 12, 2005 RESEPECTIVELY TO PROVIDE THAT THE VILLAGE'S BOND WILL BE A TERM BOND WITH MANDATORY SINKING FUND REDEMPTION REQUIREMENTS RATHER THAN A SERIAL MATURITY BOND, AUTHORIZING THE EXECUTION OF A CERTIFICATE OF AWARD, DETERMINING CERTAIN OTHER TERMS OF THE BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, section 2 of Ordinance 2005-19 passed by the Village Council on July 25, 2005 provides that the Bonds authorized by Ordinance 2005-19 are serial bonds maturing on June 1 in the years 2006 through 2010; and

WHEREAS, National City Bank, the purchaser of the Village's bonds, has determined that the bonds can best achieve the Village's cost savings interests by structuring the bonds as a term bond maturing on June 1, 2010 subject to mandatory sinking fund redemption requirements and not requiring serial maturities; and

WHEREAS, the principal repayment schedule on the Bonds will be the same if the Bonds are serial bonds or term bonds subject to mandatory sinking fund redemption requirements;

WHEREAS, this Ordinance amends Ordinance No. 2005-31 passed by the Village Council on September 12, 2005 by repealing that Ordinance in order to provide for final terms of the Bonds.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Buckeye Lake, Fairfield and Licking Counties, Ohio, that:

Section 1. Section 2 of Ordinance No. 2005-19 passed by Village Council on July 25, 2005, is hereby amended to read in full as follows:

“Section 2. The Bonds shall be issued in one lot and only as fully registered bonds, in the denomination of \$1,000 or any integral multiple thereof. The Bonds shall be dated as of their date of original delivery and shall mature on June 1, 2010. The Bonds shall bear interest at the rate or rates of interest per year as determined by the Clerk-Treasurer who is hereby authorized to determine said rate or rates of interest by and in the signing of a certificate of award. The Bonds shall bear interest (computed on a 360-day per year basis) payable on June 1 and December 1 (the Interest Payment Dates), commencing June 1, 2006, 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 their date of original delivery.

The Bonds shall be subject to redemption prior to stated maturity of June 1, 2010 as follows:

(a) Mandatory Sinking Fund Redemption. The Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory

sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on June 1, in the principal amounts and in the years specified as follows (the Mandatory Sinking Fund Requirements):

<u>Year</u>	<u>Principal Amount</u>
2006	\$35,000
2007	\$35,000
2008	\$35,000
2009	\$35,000

If retired only by mandatory sinking fund redemption prior to their stated maturity, there would remain \$ 35,000, principal amount of Bonds due on June 1, 2010, to be paid at maturity. The aggregate of the money to be deposited with the Bond Registrar for payment of principal of and interest on the Bonds shall include amounts sufficient to redeem the principal amount of the Bonds set forth opposite the respective dates in the table above.

(b) Partial Redemption. For so long as the Bond Registrar is the registered holder of the Bonds, this subsection (b) shall not be applicable to the Bond Registrar or the registered holder. If the Bond Registrar is not the registered holder of the Bonds, if fewer than all Bonds are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$1,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$1,000 are then outstanding, each \$1,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$1,000. If it is determined that one or more, but not all of the \$1,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$1,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$1,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(c) Notice of Redemption. For so long as the Bond Registrar is the registered holder of the Bonds, this subsection (c) shall not be applicable to the Bond Registrar or the registered holder. If the Bond Registrar is not the registered holder of the Bonds, the notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on

behalf of the Village by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(d) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.”

Section 2. Section 2 of Ordinance 2005-19 passed by the Village Council on July 25, 2005 and Ordinance No. 2005-31 passed by the Village Council on September 12, 2005 and any other provisions thereof which are inconsistent herewith are hereby repealed.

Section 3. The Clerk-Treasurer is directed to deliver a certified copy of this ordinance and the certificate of award signed pursuant to Section 1 of this Ordinance which amends Section 2 of Ordinance 2005-19 to the Licking and Fairfield County Auditors.

Section 4. This Council determines and confirms that all acts and conditions necessary to be performed by the Village or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the Village have been performed and have been met, or will at the time of delivery of the Bonds 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 Ordinance 2005-19) of the Village 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 5. 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 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to refund the Loan and preserve the credit of the Village; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: 10-27-05

Charlene P. Hayden
President of Council

Attest: Lauryn V. Palmer
Clerk Treasurer

Approved: 10-27-05

[Signature]
Mayor