

VILLAGE OF WEST LAFAYETTE, OHIO

**ORDINANCE NO. 2010-30**

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ORDINANCE RETAINING BOND ATTORNEYS IN CONNECTION WITH PROCEEDINGS TO SUBMIT A BOND ISSUE TO THE ELECTORS OF THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the village council has determined to consider proceedings to submit to the electors of this village at the election to be held on November 2, 2010, the question of issuing bonds of this village in the amount of \$600,000 for the purpose the construction, reconstruction and equipping of the Village's swimming pool, and the question of levying an annual direct tax on all of the taxable property in this village outside of the ten-mill limitation to pay the interest on and to retire said bonds, under authority of Chapter 133 of the Ohio Revised Code, particularly Section 133.18 thereof; and

WHEREAS, in connections with the preparation of such proceedings, this village council desires to retain the services of Peck, Shaffer & Williams LLP, bond attorneys;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of West Lafayette (hereinafter called the "Village"), County of Coshocton, Ohio:

SECTION 1. That the law firm of Peck, Shaffer & Williams LLP, bond attorneys, be and is hereby retained to prepare the necessary proceedings for submitting to the electors of the Village the question of issuing bonds and to prepare proceedings for the sale thereof and to render an approving legal opinion thereon, such sale or sales of bonds to occur at one time or in installments over a period of years based on the plan of finance developed by this village council.

SECTION 2. That said firm of attorneys shall be compensated by this Village for its services in accordance with the following schedule:

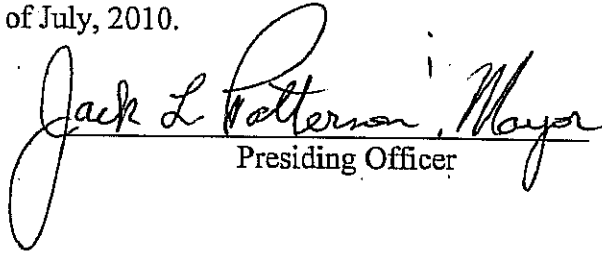
- (1) The fee for preparing the proceedings necessary for submitting the question to the electors shall be not to exceed \$500.00 plus out-of pocket expenses (such as photocopies, travel expenses, long-distance telephone charges and so forth) actually incurred, such fee to be payable upon the completion of the pre-election proceedings;
- (2) If the issue is approved by the electors of the Village and if this village council determines to issue such bonds, or notes in anticipation of such bonds, such firm shall be compensated in accordance with a written agreement to be entered into with the Village at the time such bonds or notes are issued.

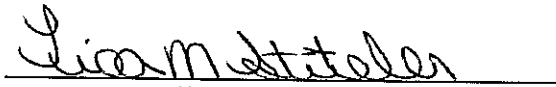
SECTION 3. That it is found and determined that all formal actions of this village council concerning and relating to the passage of this ordinance were passed in an open meeting of this village council; and that all deliberations of this village council and of any of its

committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village require retaining bond counsel immediately so that the submission of the question of issuing the bonds referred to herein may occur at the November 2, 2010 election and the citizens of the Village may enjoy the benefits of the improvements to be financed with such bonds at the earliest possible time, and therefore, this ordinance shall take effect immediately upon its passage.

CERTIFIED AS PASSED this 26th day of July, 2010.

  
Presiding Officer

  
Village Fiscal Officer

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No.2010-30 passed at a meeting held on July 26, 2010.

Jim M. Stetson  
Village Fiscal Officer

CERTIFICATE OF FISCAL OFFICER

The undersigned fiscal officer of the Village of West Lafayette, Ohio certifies that the moneys required to meet the obligations of such village during the current year under the foregoing ordinance have been lawfully appropriated by the village council of such village for such purposes and are in the treasury of such village or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Jim M. Stetson  
Village Fiscal Officer

EXTRACT FROM MINUTES OF MEETING

The Council of the Village of West Lafayette, Ohio, met in regular session at 7:00 p.m. on July 26, 2010, at 113 East Railroad Street, West Lafayette, Ohio, with the following members present:

Absent: Dean Wears

There was presented and read to Council Ordinance No. 2010-30, entitled:

ORDINANCE RETAINING BOND ATTORNEYS IN CONNECTION WITH PROCEEDINGS TO SUBMIT A BOND ISSUE TO THE ELECTORS OF THE VILLAGE, AND DECLARING AN EMERGENCY.

Ron Lusk moved the rule requiring an ordinance or resolution of a general or permanent nature to be read on three separate days be suspended as to Ordinance No. 2010-30. David Rogers seconded the motion, and the following was the result of a vote thereon (at least three-fourths of the members elected thereto concurring):

AYES: Rogers, Maurer, Gossett, Warner, Lusk

NAYS:

Ron Lusk then moved that Ordinance No. 2010-30 be passed as read. Kelly Gossett seconded the motion and, the roll being called upon the question, the vote resulted as follows (at least two-thirds of the members elected thereto concurring):

AYES: Rogers, Maurer, Gossett, Warner, Lusk

NAYS:

The ordinance was declared passed July 26, 2010.

CERTIFICATE

The undersigned, Village Fiscal Officer of the Village of West Lafayette, Ohio hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said Village, held on July 26, 2010 to the extent pertinent to consideration and passage of the above-entitled legislation.

Jim M. Stolten  
Village Fiscal Officer