

## RECORD OF ORDINANCES

Dayton Legal Blank Co.

ORDINANCE NO. 08-75-92

Form No. 30043

Ordinance No. \_\_\_\_\_

*Passed*19

~~ORDINANCE PROVIDING FOR RETAINING SQUIRE, SANDERS & DEMPSEY TO PROVIDE CERTAIN LEGAL SERVICES IN CONNECTION WITH THE PROCEEDINGS FOR \$1,125,000 WATERWORKS SYSTEM IMPROVEMENT NOTES, AND DECLARING AN EMERGENCY.~~

BE IT ORDAINED by the Council of the City of Circleville, Pickaway County, Ohio, that:

Section 1. The City retains the law firm of Squire, Sanders & Dempsey to provide legal services relating to the authorization, sale, issuance and delivery by the City of its \$1,125,000 Waterworks System Improvement Notes. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings and rendering at delivery a related legal opinion including an opinion relating to the treatment of interest for federal and state income tax purposes. In providing those legal services, as an independent contractor and in an attorney-client relationship, that Firm shall not exercise any administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State or any political subdivision, or the execution of public trusts.

Section 2. For those legal services rendered through delivery of the Notes that Firm shall be paid a fee now estimated at approximately \$2,310, and in addition shall be paid a reasonable fee for legal services relating to any disclosure document, and for legal services rendered after delivery upon the request of the City and relating to the treatment of interest for federal income tax purposes. That Firm shall also be reimbursed for actual out-of-pocket expenses (including, but not limited to, travel, long-distance telephone, duplicating and note preparation expenses) incurred in providing those legal services. The amount necessary to make those payments is hereby appropriated from the Water Plant Rehabilitation Fund, and the Auditor is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that Firm.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council 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 4. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety to enable the City to timely retire the Outstanding Notes and thereby preserve its credit of this City, and for the further reason that this ordinance is required to be immediately effective so that legal counsel can timely prepare the proceedings for the issuance and sale of the Notes, which is necessary; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: August 18, 1992

*Patricia Radabaugh*  
President of Council

Attest: *Mary Ellen Kline*  
Clerk of Council

Approved: *August 18, 1992*  
*Thomas R. Ragsdale*  
Mayor