

## ORDINANCE NO. 21-33

By Mr. G. L. Crippen.

Providing for the deposit of public funds.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. All public moneys coming into the hands of the Auditor of the City of Bexley, and belonging to the City, shall be deposited in a bank or banks situated in Franklin County, and duly incorporated under the laws of the United States, or of the State of Ohio, to be designated in the manner hereinafter provided, as the depository or depositaries of such money.

Section 2. That the Mayor, the Auditor and the City Solicitor, and their successors in office, shall constitute a Commission, which shall be known as the Bexley Depository Commission, and shall serve as members of such Commission without any additional compensation, but they shall be provided with the necessary books and stationery. The Mayor shall be chairman, and the Auditor shall be secretary of said Commission. The Commission shall meet upon call of the president or of the secretary, and shall keep a record of its proceedings and shall file all official papers received by it, which record and papers shall be open to public inspection at any session of the Commission.

Section 3. On the first day of December of each year, or at any time within ten days prior thereto, the Commission shall mail by registered letter to each of the aforesaid banks a notice inviting sealed proposals to be filed with the Mayor, which proposals shall state the rate of interest that will be paid for the use of the money aforesaid and as provided herein, for a period of one year, from January 1st next ensuing, and the name of the surety company, or a description and list of the collateral securities, as will be furnished by the bank filing the proposal in case said proposal is accepted. Such proposal shall also be accompanied by a sworn statement showing the financial condition of such bank.

Where security other than a Surety Company bond is offered, it shall be by depositing as collateral such bonds as are authorized by law to be deposited and received for such purposes, and no other security of any kind shall be accepted. Any and all security offered shall be subject to the approval of the Commission, and the form and correctness of any Surety Company bond shall be approved by the City Solicitor.

Section 4. On or before the 15th day of December following the mailing of said notice the Commission shall, in open session, open such sealed proposals and award the use of such money within the limitations as to the amount and on the conditions hereinafter prescribed, to the bank or banks offering the highest rate of interest therefor and satisfactory security, for a period of one year from the first day of January next ensuing. The Commission shall have the power to determine whether one or more banks shall be designated as depositaries, and shall designate a sufficient number to provide for all the funds of the City. The Commission may make awards in amounts greater than the amounts on hand at the time of such notice, such amounts, however, being estimated to come into said treasury on condition that if there are insufficient funds on hand at the time of such letting, to make deposit in all of the banks to which awards are made, such banks in which deposits are not immediately made will not be required to qualify under the terms of this ordinance until such funds for such deposits in such banks are available; and provided further that when all of the banks to which awards have been made have accepted deposits to the full amount thereof and additional funds come into the hands of the Auditor, he may temporarily deposit said surplus funds in any qualified bank at the best rate of interest obtainable until such time as said surplus funds may be awarded, as herein provided, after notice as provided herein. In case awards shall be made to more than one bank the Commission shall determine at the time of making the award the maximum amount that shall be deposited in any bank so designated. If but one bank shall be designated as such

depository the maximum amount that shall be deposited therein need not be determined by said Commission at that time. The total money deposited in any bank shall not exceed its paid-in capital and surplus.

Said Commission shall have the right to reject any and all proposals, and in any case when a new or additional depository is necessary, it may give notice in the manner hereinabove provided for bids for the un-awarded portion of said funds, and all awards shall be for the remaining portion of the one year period prescribed in this section.

Section 5. No deposit shall be made with any bank whose proposal has been accepted until such bank has furnished the security herein required in an amount equal at least to the amount deposited plus five per cent, in the case of a surety bond, or in an amount equal to the amount deposited plus ten per cent, in case of other security, and no such deposit shall be made until the form and correctness of such surety bond has been approved in writing by the City Solicitor, or until said other security has been accepted by the Commission. If any bank to which an award is made shall fail to execute and furnish the surety bond, or to transfer and deliver the collateral securities herein required to the acceptance of the Commission within fifteen days after such award is made, such Commission may then award the use of such money to any other bank or banks whose proposal has been received and which offer the next highest rate of interest, or in its discretion it may give notice of and receive other proposals. Any bank whose bid is satisfactory except as to the security offered may be granted further time, not exceeding ten days, to furnish other security to the satisfaction of the Commission, and if such satisfactory security shall not be furnished within said ten days said proposal shall be finally rejected. Any successful bidder may at any time, with the consent and approval of the City Solicitor and Commission as aforesaid, substitute other security for that first offered or given.

Section 6. When the deposits with any bank giving government or other like bonds as security is materially reduced and will probably remain so for a considerable period of time, the Auditor may permit the reduction of such securities to an amount ten per cent in excess of such reduced deposits upon the agreement of such bank to immediately re-deposit the same or other securities to the satisfaction of the Commission as soon as the deposit of city money is increased, otherwise such bank to reimburse the city for all loss of interest during the balance of the term, which it would have paid, and for the cost of re-awarding such funds.

Section 7. All money deposited pursuant to this ordinance with any bank shall bear interest at the rate stipulated in the proposal of such bank, which said interest shall be computed on the daily balances and paid monthly to the City, or at any time when the account may be closed. The monthly report shall be filed by such bank with the City Treasurer on or before the 5th day of the succeeding month at which time such interest payments shall be made.

Section 8. Each bank so designated as a depository shall be deemed bound, and every undertaking shall be conditioned, for the faithful compliance with all the duties and obligations imposed by the laws of the State of Ohio and by the provisions herein upon the depositories of such public money, and particularly for the receipt, safe-keeping and payment over, as provided herein, of all money which may come into the custody of such bank under and by virtue of the provisions of this ordinance, and of the award of said Commission, together with interest thereon at the rate specified in said proposal. Whenever bonds are hypothecated and accepted by the Commission as security, such hypothecation shall be by legal transfer as collateral which shall stipulate that such bonds shall be the property of the City in case of any default on the part of the bank as such depository, and that their negotiation or release

by the Commission shall require the signature of the secretary thereof. The Commission shall make provision for the safe keeping in a safety deposit box, of all bonds so hypothecated, and the interest thereon when paid shall be turned over to the bank so long as it is not in default.

Section 9. The Commission may from time to time, if it deems the same necessary, require new or additional security from any depositary bank, and if such bank refuse or neglect for a period of five days, after notice of such requirement, to give such new or additional security, the Commission may order the removal of the money therefrom forthwith. If the Commission at any time for any cause shall not have secured sufficient depositaries as herein provided, and in all cases where money has been removed from a depositary as above provided, and until sufficient depositaries shall have been provided, such moneys shall be and remain in the custody of the Auditor, the same as if no depositary has been created.

Section 10. Such a depositary bank or banks shall pay out money so deposited under the provisions of this ordinance only on the check of the City Auditor.

Section 11. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 11, 1933.

Attest: S. W. Roderick  
Clerk.

Approved July 11, 1933.

O. C. Manly  
President of Council.

S. E. Ludwig  
Mayor.

I, S. W. Roderick, Clerk of Council, City of Bexley Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said Corporation as determined by the Council as follows: Main Street and Parkview Avenue, Main Street and College Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and

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Parkview Avenue and Clifton Avenue, each for a period of fifteen days commencing on the 13th day of July, 1933.

*A. W. Rodenick*  
Clerk of Council, City of Bexley, Ohio.