

RESOLUTION NO. \_\_\_\_\_

AUTHORIZING PAYMENT OF EXPENSES INCURRED IN PRIOR FISCAL YEAR

WHEREAS, expenses in excess of Three Thousand Dollars (\$3,000.00) for certain services and/or contracts were incurred in FY 2010 (“’10 Expenses”) and appropriations were made for said ’10 Expenses in FY 2010 and

WHEREAS, billing statements and/or requests for payment said ’10 Expenses have been received after the close of FY 2010 and

WHEREAS, payment of said ’10 Expenses must now be made from current fiscal year appropriations; and

WHEREAS, both at the time the contract for the ’10 Expenses was made or the purchase order issued, the amount of the order or contract was lawfully appropriated for the purpose of the order or contract and that the appropriation remains unencumbered and that the resources to pay the obligation when it came due were on hand or in the process of collection to the credit of an appropriate fund; and

WHEREAS, pursuant to R.C. 5705.41 (D)(1), Council must specifically authorize payment of the ’10 Expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That payment of the ’10 Expenses set forth below is hereby authorized.

635.360.5546	2010 CORF Remediation	\$ 12,972.04
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Section 2. That this resolution is hereby declared to be an emergency measure necessary to the preservation of the community’s health, safety, and welfare, such emergency arising out of the necessity to pay such expenses in a timely manner shall be in full force and effect immediately upon its passage.

Passed the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

CITY OF WILMINGTON, OHIO

ORDINANCE NO. \_\_\_\_\_

PROVIDING FOR THE ISSUANCE AND SALE OF VARIOUS PURPOSE NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,102,500, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF DISCHARGING AT MATURITY NOTES HERETOFORE ISSUED TO PAY PART OF THE COSTS OF CONSTRUCTING (I) LOWES ROAD (AKA LOWE'S DRIVE) AND RELATED IMPROVEMENTS, (II) AN EXTENSION TO DAVIDS DRIVE, AND (III) VERTICAL EXPANSION OF THE CITY'S LANDFILL, AND PAYING RELATED LAWFUL COSTS.

WHEREAS, pursuant to Ordinance No. 4924, passed by this Council on July 15, 2010, notes in anticipation of bonds in the aggregate principal amount of \$1,215,000, dated July 21, 2010 (the "*Outstanding Notes*"), were issued for the purpose stated in Section 1 of Ordinance No. 4924, and will mature July 20, 2011; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes on July 20, 2011, with the proceeds of the Notes described in Section 3, together with other funds lawfully available to the City; and

WHEREAS, Chapter 133 of the Ohio Revised Code, and particularly Section 133.30 thereof, provides authority for this Council to combine securities that are payable from property taxes and that are authorized for different permanent improvement purposes under separate legislation, each dealing with one purpose, into a single consolidated issue of securities for purposes of their sale as a single issue; and

WHEREAS, the Deputy City Auditor, acting on behalf of the City Auditor, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each component of the Improvements described in Section 1 is at least five years, and that the estimated maximum maturity, calculated in accordance with Section 133.20 of the Revised Code, (i) of \$187,500 of the Bonds to be used for the purpose described in clause (a)(i) of Section 1 is sixteen (16) years, and (ii) of \$415,000 of the Bonds to be used for the purpose described in clause (a)(ii) of Section 1 is twenty (20) years, and (iii) of \$500,000 of the Bonds to be used for the purpose described in clause (b) of Section 1 is thirty (30) years; and the maximum maturity of that portion of the Notes described in Section 3 to be issued in anticipation of the Bonds for the purpose described in clause (a)(i) of Section 1 has been reduced by the period in excess of five years from the original issuance of those notes; and that the maximum maturity of notes in anticipation of the Bonds is two hundred forty (240) months, less such number of months in which any prior bond anticipation notes for such purpose have been outstanding; and

WHEREAS, this Council deems it to be in the best interest of the City to sell the Notes hereinafter defined at private sale to PNC Bank, National Association, with a business address of 201 E. 5<sup>th</sup> St., Cincinnati, OH 45202;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wilmington (the "*City*"), County of Clinton, State of Ohio, that:

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,102,500 (the "*Bonds*") for the purpose of discharging at maturity on July 20, 2011, together with other lawfully available funds of the City, the City's outstanding \$1,215,000 Various Purpose General Obligation (Limited Tax) Bond Anticipation Notes issued on July 21, 2010, pursuant to Ordinance No. 4924 for the purpose of discharging at maturity (together with certain unspent proceeds of a prior issue of bond anticipation notes and with other lawfully available City funds) the City's bond anticipation notes described in clauses (a) and (b), below, heretofore issued by the City for the purposes of:

(a) with regard to the then outstanding Lowes Drive and Davids Drive Notes theretofore issued, discharging at maturity (together with other lawfully available City funds) bond anticipation notes issued pursuant to Ordinance No. 4858 for the purpose of discharging at

maturity bond anticipation notes issued pursuant to Ordinance No. 4772, which were issued for the purpose of discharging at maturity (together with unspent proceeds from the then prior issuance of bond anticipation notes, and with other lawfully available City funds) bond anticipation notes, which were issued pursuant to Ordinance No. 4689 for the purpose of discharging at maturity (together with other lawfully available City funds) bond anticipation notes which were issued for the purposes of

(i) discharging at maturity (together with available City funds) a bond anticipation note issued pursuant to Ordinance No. 4627 for the purpose of discharging at maturity (together with available City funds) a bond anticipation note issued pursuant to Ordinance No. 4549 for the purpose of discharging at maturity (together with available City funds) a bond anticipation note issued pursuant to Ordinance No. 4449 for the purpose of discharging at maturity (together with available City funds) a bond anticipation note issued pursuant to Ordinance No. 4350 for the purpose of discharging at maturity (together with available City funds) a bond anticipation note issued pursuant to Ordinance No. 4264 for the purpose of paying part of the cost of constructing Lowes Road (aka Lowes Drive), including related railroad grade crossing, utilities relocation, and sidewalks, and

(ii) discharging at maturity a bond anticipation note issued pursuant to Ordinance No. 4617 for the purpose of paying part of the cost of constructing the extension to Davids Drive; and

(b) with regard to the then outstanding Landfill Facility Expansion Notes theretofore issued, discharging at maturity (together with other lawfully available City funds) bond anticipation notes issued pursuant to Ordinance No. 4859 for the purpose of paying part of the cost of acquiring and constructing improvements constituting vertical expansion of the City's landfill facility, together with, in each case, paying costs authorized by Revised Code Section 133.15(B) incident thereto and to the issuance of the Bonds, or notes issued in anticipation thereof (collectively, the "*Improvements*"), and this Council proposes to issue notes in anticipation of the Bonds in the same principal amount.

Section 2. The Bonds shall be dated approximately July 1, 2011, shall bear interest at the now estimated rate of 5.50% per year, payable semiannually until the principal amount is paid, and are estimated to mature in sixteen (16) annual principal installments with respect to the \$187,500 of Bonds issued for the purpose described in clause (a)(i) of Section 1 of this Ordinance, in twenty (20) annual principal installments with respect to the \$415,000 of Bonds issued for the purpose described in clause (a)(ii) of Section 1 of this Ordinance, and in thirty (30) annual principal installments with respect to the \$500,000 of Bonds issued for the purpose described in clause (b) of Section 1 of this Ordinance, on July 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment of the Bonds is estimated to be July 1, 2012. Debt charges on the Bonds as they become due, and financing costs related to the Bonds, shall be payable from the same sources specified in Section 9 hereof for payment of debt charges on the Notes hereinafter defined, and this Council covenants to appropriate annually from such money such amount as is necessary to meet such debt charges and financing costs.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,102,500 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1. This Council further determines that the aggregate principal amount of the Notes constitutes that amount which, together with other lawfully available City funds, is necessary to retire the Outstanding Notes on July 20, 2011 and to pay any financing costs. The Notes shall be dated July 20, 2011, and shall mature July 19, 2012, and shall not be subject to prior redemption. The Notes shall bear interest at the rate of 1.49 percent (1.49%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, and shall be payable upon presentation at maturity at the office of the City Auditor (the "*Paying Agent*"), without deduction for services of the Paying Agent.

Section 5. The Notes shall be signed by the Mayor or President of Council and by the City Auditor or Deputy City Auditor in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in fully registered form and in the denominations and numbers as requested by the original purchaser and approved by the Mayor and City Auditor, provided that no Note shall be issued in a denomination less than \$100,000 (“*Authorized Denominations*”). This Council hereby covenants that it will not exchange or reissue the Notes in less than Authorized Denominations other than through a “primary offering”, as that term is defined in SEC Rule 15c2-12.

The Mayor and the City Auditor are hereby directed to withhold delivery of the Notes, and to refuse payment therefor, unless and until the original purchaser delivers to the City a certificate acknowledging that the original purchaser will sell the Notes to no more than 35 persons, each of whom the original purchaser believes: (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment, and (ii) is not purchasing for more than one account or with a view to distributing the Notes.

The City Auditor is hereby designated to act as the initial Note Registrar (the “*Note Registrar*”). No Note shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Note proceedings unless and until the certificate of authentication printed on the Note is signed by the City Auditor or Deputy City Auditor, as Note Registrar and authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Note proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Note Registrar or by any other person acting as an agent of the Note Registrar and approved by the City Auditor on behalf of the City. The same person need not sign the certificate of authentication on all of the Notes.

So long as the Notes remain outstanding, the Note Registrar shall maintain at its office all books and records necessary for registration, exchange and transfer of Notes (the “*Note Register*”). The person in whose name the Note is registered on the Note Register shall be regarded as the absolute owner thereof for all purposes of this Ordinance. Payment of or on account of the principal and interest on any Note shall be made only to or upon the order of that person; neither the City or the Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All such payments shall be valid and effectual to satisfy and discharge the City’s liability upon the Note, including interest, to the extent of the amount or amounts so paid.

The Notes may be exchanged for Notes of any authorized denomination, provided no Note shall be issued in a denomination less than the Authorized Denominations. The Notes may be so exchanged upon presentation and surrender of the Notes at the office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register, upon presentation and surrender thereof at the office of the Registrar, together with an assignment executed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer, the Registrar shall complete, authenticate and deliver a new Note or Notes of any Authorized Denomination(s) equal in the aggregate to the unmatured and unredeemed principal amount of the Note(s) surrendered, and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after new Notes are signed by the authorized signatories for the City. In all cases of exchanged or transferred Notes, the authorized signatories shall sign and the Registrar shall authenticate and deliver Note(s) in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the registered owner; except that the City and the Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure for requested exchange or transfer is begun. All Notes issued upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Notes surrendered for that transfer or exchange.

Section 6. The Notes are hereby sold at not less than par plus accrued interest (if any) at private sale to PNC Bank, National Association, with a business address of 201 E. 5<sup>th</sup> Street, Cincinnati, Ohio (the "*original purchaser*"). The Mayor and the City Auditor shall cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, City Auditor, Deputy City Auditor, Treasurer, Law Director, Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Mayor and the City Auditor are authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be apportioned, deposited and credited to the respective purposes and the proper fund or funds in accordance with the amount of the securities authorized for each one different purpose and those proceeds are appropriated and shall be used for the respective purposes for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, 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 of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

The amount of said tax to be levied or collected in any year shall be reduced by the amount to be available for the purpose of paying debt charges on the Notes from (a) any surplus in the City's Bond Retirement Fund, (b) the proceeds of sale of (i) the Notes, (ii) any bonds of the City issued for the purpose of retiring the Notes at maturity, or (iii) bond anticipation notes issued to retire the Notes at maturity, or (c) the amount of money to be applied to such debt charges in compliance with the covenant in Section 2 hereof.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "*Code*") or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of

those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City represents that the Outstanding Notes were either designated or treated as “qualified tax-exempt obligations” pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the Notes as “qualified tax exempt obligations” and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as “qualified tax exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The City Auditor, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. The legal services of the law firm of Squire, Sanders & Dempsey L.L.P. are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the City Auditor. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services.

Section 12. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance to the County Auditor of Clinton County, Ohio.

Section 13. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to

make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes 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 the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 14. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

Section 15. Should it be judicially determined by a court having jurisdiction, that any provision of this Ordinance is invalid, then such decision should in no way affect the validity of this Ordinance or the Notes or any proceedings related thereto, except as to particular matters found by such decision to be invalid.

Section 16. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Ordinance.

Section 17. This Ordinance shall be in full force and effect on the earliest date permitted by law. Pursuant to Revised Code Section 731.30, this Ordinance pertains to the financing of the Improvements heretofore approved by this Council by the prior ordinances recited in Section 1.

Section 18. The Clerk of Council is hereby directed to cause a succinct summary of this Ordinance to be published in accordance with Revised Code Section 731.21.

Passed: \_\_\_\_\_, 2011

\_\_\_\_\_  
Fred S. Ertel  
President of Council

Attest:

\_\_\_\_\_  
Laura A. Curliss  
Clerk of Council

Approved: \_\_\_\_\_, 2011

\_\_\_\_\_  
David L. Raizk  
Mayor

**CERTIFICATE**

The undersigned Clerk of Council of the City of Wilmington, Ohio, hereby certifies that the foregoing is a true copy of Ordinance No. \_\_\_\_ passed by the Council of the City on \_\_\_\_\_, 2011.

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Laura A. Curliss  
Clerk of Council

**RECEIPT OF COUNTY AUDITOR**

Received this \_\_\_\_ day of \_\_\_\_\_, 2011, a certified copy of the foregoing Ordinance No. \_\_\_\_ of the Council of the City of Wilmington, Ohio.

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Terrence R. Habermehl  
Clinton County Auditor

ORDINANCE NO. \_\_\_\_\_

AMENDING CODIFIED ORDINANCE 171.03(a)(1) TO INCLUDE IN THE DEFINITION OF INCOME SUBJECT TO THE IMPOSITION OF CITY INCOME TAX PURSUANT TO 171.03 ANY AMOUNT OVER \$5,000 THAT IS WON BY LOTTERY, GAMBLING, SPORTS WINNINGS OR OTHER GAMES OF CHANCE

WHEREAS, the Council of the City of Wilmington desires to amend Title Seven of the Codified Ordinances of the City of Wilmington, Section 171.03(a)(1) to add subsections (A)-(C) to include lottery winnings, gambling winnings, sports winnings or winnings from any other game of chance (hereinafter "winnings", either individually or collectively) in the definition of income for purposes of levying the city income tax upon said winnings; and

WHEREAS the Council does not intend to impose the income tax upon a certain amount of winnings of such winnings paid to the taxpayer during the calendar year, as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That Codified Ordinance 171.03(a)(1) shall be amended as follows [additions are in **bold** and deletions are ~~lined through~~ or otherwise noted below]:

**171.03(a)(1)**

- (A) **For further clarification, "income" includes, but is not limited to, lottery winnings, gambling and sports winnings, winnings from other games of chance (hereinafter "winnings," either individually or collectively).**
- (B) **If the taxpayer is considered a professional gambler for federal income tax purposes, related deductions as permitted by the Internal Revenue Code shall be allowed against said winnings.**
- (C) **If the taxpayer is not considered a professional gambler for federal income tax purposes, a deduction equal to the amount of up to \$5,000 of income combined from all said winnings, or a deduction of \$5,000, whichever is less, shall be allowed, provided that in no case shall the deduction exceed the amount of combined lottery, gambling, games of chance and sports winning income. If said income is payable to the taxpayer in more than one year, the deduction applies only in the first year in which the income is received.**

Section 2. That this ordinance shall take full force and effect from the earliest period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor