

Rick Huddle, Chair Robert Landon, Member Josh Daniels, Member
---

Marion City Council  
**Finance Committee Agenda**  
April 17, 2018 @ 6:30 PM

Roll Call

Minutes

Old Business:  
NONE

New Business

Item 1. REQUEST FOR TRANSFER OF FUNDS WITHIN (STREETS) CAPITAL EQUIPMENT (Scott Kurz, Superintendent)

Item 2. ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO APPLY FOR OHIO AIRPORT GRANT PROGRAM FY 2019 GRANT FUNDS, ADVERTISE FOR BIDS FOR AND ENTER INTO CONTRACT FOR CERTIFICATION OF GRASS RUNWAYS AND DECLARED AN EMERGENCY AT THE MARION MUNICIPAL AIRPORT (Audrey Wagner, Director of Aviation)

Item 3. ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE LEASE/PURCHASE OF FIVE (5) POLICE VEHICLES, AND DECLARING AN EMERGENCY (Chief Collins)

Items not on the Agenda

April 2, 2018 at 6:30 PM

Members present: Mr. Landon, Mr. Daniels

Members absent: Mr. Huddle

Note: Letter of resignation from Finance Committee received from Mr. Norris, effective immediately.

With a quorum present, the meeting was called to order.

Minutes reviewed from 03/20/2018. Mr. Daniels moved to approve, Mr. Landon 2<sup>nd</sup>.

Roll Call: Ayes: Mr. Daniels, Mr. Landon; Nays: NONE. Minutes approved 2-0.

**New Business:**

**Item 1.** ORDINANCE MAKING AN ADDITIONAL APPROPRIATIONS TO THE SENIOR CENTER FROM THE SENIOR CENTER ASSOCIATION FUND AND THE SENIOR CENTER TRANSPORTATION FUND FOR THE YEAR ENDING DECEMBER 31, 2018.

Steve Badertscher, Senior Center Director, addressed committee. These funds are not general fund dollars. The request is for two larger items. They had a sprinkler inspection at end of year in December that identified some issues. They were able to correct some things in the 2017 budget. There is a significant portion that needs to be done this year. There is sediment in the main lines that needs to be flushed out. \$5,200 is the current estimate for that job. A craft room has a tile floor that is really brittle and it is coming up in chunks and becoming a safety hazard for the elderly. They've run out of the replacement tiles and are taping it around the corners. All of these funds are coming from the Senior Association Fund.

The second request is from transportation fund. The Center is currently looking to get some units put on each van in their transportation fleet that would allow them to do tracking with GPS. In real time, they could tell where buses are, if they are running but not moving, and if they are shut down. It will also help with government reporting, better check point for mileage, as well as allow the Center to have planned service come up when the vans are due for oil changes or other maintenance service. It's all trackable through a software program called Network Fleet. It is not high end, but it is better than the paper and pencil they have now. It will cost \$110 a month as an ongoing monthly fee. They will pay from transportation funds going forward and that would be budgeted for in each year.

Mr. Daniels had some additional questions. Mr. Badertscher explained that their budget is typically close to \$1 million. Funding is made up of transportation funding, from the grants that they get from the federal government and from the Area Agency on Aging, Senior levy, and some general fund money from the City. General fund goes mainly to staffing and grants fund other programming. City's contribution to annual overall budget is about 25-33% (approximately per mayor and auditor). The difference is made up from federal grants, property taxes, etc. They provide transportation to city resident, but also residents of county. Presently, there is no financial support from the County

April 2, 2018 at 6:30 PM

Commissioners, other than senior levy in the county. In the past, they have helped with special projects like ADA compliant doors and roof repair. Other than support on CDBG funding, no other hard dollars.

There is 60/40 split on city/county residents actively utilizing services.

Mr. Daniels moved to approve, Mr. Landon 2<sup>nd</sup>. Roll Call: Ayes: Mr. Daniels, Mr. Landon; Nays: NONE. Motion passed.

**LEGISLATION GOES TO COUNCIL WITH A 2-0 RECOMMENDATION.**

**Item 2** ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE LAW ENFORCEMENT TRUST FUND FOR TRUST EXPENSES FOR THE YEAR ENDING DECEMBER 31, 2018.

Chief Collins addressed committee. These two ordinances are to take in \$20,000 donation by Donald Byrnes. \$15,000 towards canine fund, \$5,000 for Mpact.

Mr. Daniels moved to approve, Mr. Landon 2<sup>nd</sup>. Roll Call: Ayes: Mr. Daniels, Mr. Landon; Nays: NONE. Motion passed.

**LEGISLATION GOES TO COUNCIL WITH A 2-0 RECOMMENDATION.**

**Item 3** ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE LAW ENFORCEMENT TRUST FUND FOR TRUST EXPENSES FOR THE YEAR ENDING DECEMBER 31, 2018.

Mr. Daniels moved to approve, Mr. Landon 2<sup>nd</sup>. Roll Call: Ayes: Mr. Daniels, Mr. Landon; Nays: NONE. Motion passed.

**LEGISLATION GOES TO COUNCIL WITH A 2-0 RECOMMENDATION.**

**Items not on the Agenda**

With no further business to come before the Finance Committee, Mr. Landon adjourned the meeting.

---

Acting Chairman Landon

---

Clerk of Council

REQUEST FOR TRANSFER OF FUNDS  
WITHIN DEPARTMENT APPROPRIATIONS

REQUEST NO. 2018-03

DATE: 4/15/2018

I, SCOTT KURZ  
(Name)

SUPERINTENDENT  
(Title)

hereby request that \$ 4,000 be transferred within the (STREETS) Capital Equipment  
Supplies (Name of Fund and Department)

\$ 4,000 from: 202.2006.5502 to: 202.2006.5304 \$ 4,000  
Fund No. Fund No.

\$ \_\_\_\_\_ from: \_\_\_\_\_ to: \_\_\_\_\_ \$ \_\_\_\_\_  
Fund No. Fund No.

\$ \_\_\_\_\_ from: \_\_\_\_\_ to: \_\_\_\_\_ \$ \_\_\_\_\_  
Fund No. Fund No.

\$ \_\_\_\_\_ from: \_\_\_\_\_ to: \_\_\_\_\_ \$ \_\_\_\_\_  
Fund No. Fund No.

\$ \_\_\_\_\_ from: \_\_\_\_\_ to: \_\_\_\_\_ \$ \_\_\_\_\_  
Fund No. Fund No.

Reason for request: Purchasing Used International Dump Truck  
From ODOT Municipal Sale lot to City of Marion

Signed: Scott Kurz

Date: 4/15/2018

[Signature]  
Director ☒ Approve ☐ Disapprove

Date: 4/5/18

[Signature]  
Mayor Scott Schertzer ☒ Approved ☐ Disapproved

Date: 4-5-18

[Signature]  
Auditor Kelly Carr ☒ Approved ☐ Disapproved

Date: 4/5/18

FINANCE COMMITTEE

Chair \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved

Date: \_\_\_\_\_

Member \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved

Date: \_\_\_\_\_

Member \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved

Date: \_\_\_\_\_

**ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO  
APPLY FOR OHIO AIRPORT GRANT PROGRAM FY 2019 GRANT FUNDS,  
ADVERTISE FOR BIDS FOR AND ENTER INTO CONTRACT FOR  
CERTIFICATION OF GRASS RUNWAYS AND DECLARED AN EMERGENCY AT  
THE MARION MUNICIPAL AIRPORT.**

**WHEREAS,** The City of Marion has been given the opportunity to apply for Fiscal year 2018 Ohio Airports Grant Program.

**WHEREAS,** This ODOT Fiscal Year 2019 Grant Program will be issued in July of 2018.

**WHEREAS,** The grant application and final grant award is offered because of these bids.

**BE IT ORDAINED** by the Council of the City of Marion, Marion, County, Ohio:

Section 1. That the Service Director is hereby authorized to apply for Ohio Grant Program FY 2019 Grant Program. Total estimate maximum Cost \$ 50,000.00.

ODOT 95% maximum estimated share \$ 47,500.00 and City of Marion's 5% Maximum estimated share \$ 2,500.00.

Section 2. That the Service Director is hereby authorized and directed to advertise for bids and enter into contract if bids received are less than the total estimate of the consultant and the funds are available, the Safety Director is hereby authorized to enter into contract with the lowest and best bidder.

Section 3. The specifications were prepared by GA Consultants of Maumee, Ohio, who was selected per FAA guidelines and authorized by Ordinance 2014-13.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

---

Todd Schneider  
PRESIDENT OF MARION CITY COUNCIL

---

MAYOR

ATTEST:

---

CLERK

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO  
PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
THE LEASE/PURCHASE OF FIVE (5) POLICE VEHICLES, AND  
DECLARING AN EMERGENCY

WHEREAS, the Marion Police Department is in dire need of new police vehicles.

WHEREAS, Currently Five (5) police vehicles have or exceed 150,000 miles, and three (3) exceed 100,000 miles, three (3) other police vehicles have already been taken out of service due to major mechanical failures.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety Director is hereby authorized to prepare specifications and advertise for bids for the lease/purchase of five (5) police vehicles.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants thereof: Due to the real and present need to move forward without delay given the failing condition of the vehicles these will replace; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmation vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

---

Todd Schneider  
President of Council

Approved:

---

Mayor Scott Schertzer

Attest;

---

Clerk of Council

## Tarina Rose

---

**From:** Kevin Norris <norriscitycouncil@yahoo.com>  
**Sent:** Monday, April 02, 2018 6:36 PM  
**To:** Tarina Rose; Jason Schaber

I am resigning from the finance committee.

Kevin Norris

Sent from my iPhone

Rick Huddle, Chair Jason Schaber, Member Beckie Gustin, Member
--

Marion City Council  
**Airport Lands and Buildings Agenda**  
April 17, 2018 @ 6:40 PM

Roll Call

Minutes

Old Business:  
NONE

New Business

Item 1. ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPDATING THE JOB DESCRIPTION AS TO THE DIRECTOR OF AVIATION AND DECLARING AN EMERGENCY

Items not on the Agenda



## Minutes of Airport, Lands & Buildings

---

March 27, 2017

Members present: Mr. Ratliff, Mr. Cumston; Mr. Huddle. Minutes of February 27, 2017 Mr. Cumston moved to approve, Mr. Huddle 2nd. Roll call: Ayes all, motion carried.

**Item 1.** ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO APPLY FOR OHIO AIRPORT GRANT PROGRAM FY 2018 GRANT FUNDS, ADVERTISE FOR BIDS FOR AND ENTER INTO CONTRACT FOR REHABILITATION OF CITY OWNED HANGAR #12 APRON AND TREE OBSTRUCTION REMOVAL ON PROJECT #1 AT THE MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY

Service Director Randy Caryer spoke: This is for the year 2018 grant for ODOT. We would receive the money in 17. This is for modifications for the hanger 12 apron that has concrete problems. This is required to be fixed prior to our terminal. This gets this to that. It's a 95% with a 5% match. Mr. Ratliff said we are responsible for 7,000.00 Mr. Caryer said yes. It's due back on May 1<sup>st</sup>.

Mr. Cumston moved to pass this onto Council with the ER Clause, Mr. Huddle 2<sup>nd</sup>. Roll call: Ayes all, motion carried. **LEGISLATION GOES TO COUNCIL WITH A 3-0 APPROVAL ON APRIL 10<sup>TH</sup>.**

There being no further business, Mr. Ratliff adjourned the meeting.

---

Chairman Ratliff

---

Clerk of Council

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPDATING THE JOB DESCRIPTION AS TO THE DIRECTOR OF AVIATION AND DECLARING AN EMERGENCY

WHEREAS, the Council by previous action adopted a Job Classification Report commonly referred to as the Yarger Report and has thereafter provided modifications and updates when necessary,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Council finds it necessary to amend the Yager Report in regard to the Director of Aviation and its associated job description. The Administration having submitted the suggested modifications attached hereto appearing as CAPITALS and strikethroughs, the Council by its action herein adopts the recommended modifications and changes. See Exhibit A which shall after adoption serve as the affective Job Description.

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

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

APPROVED:

\_\_\_\_\_  
Mayor Scott Schertzer

ATTEST:

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

**CITY OF MARION OHIO  
JOB DESCRIPTION**

**Job Title: DIRECTOR OF AVIATION**  
**Reports To: SERVICE DIRECTOR**  
**FLSA Status: EXEMPT**  
**Prepared By: H. R.**  
**Prepared Date: 5-27-08**

**SUMMARY: Responsible to the Airport Commission and the Service Director for the safe economical operation of the Marion Municipal Airport in accordance with FAA, governmental agency and/or commission policies and regulations; plans, directs, and coordinates activities involving the acquisition of land, construction, maintenance and operation of the airport.**

**ESSENTIAL DUTIES AND RESPONSIBILITIES include the following and other duties as assigned:**

- Consults with commission members, governmental officials, and representatives of commercial air services to plan such matters as **to** design and development of airport/industrial park facilities; formulation of operating rules, regulations, and procedures; and aircraft landing, taxiing, and take-off patterns for various aircraft.
- Negotiates with representatives of commercial air services, industrial prospects, utility companies or individuals for acquisition of property for development of airport/industrial park, lease of airport/industrial park buildings/property and facilities, or use of rights-of-way over private property.
- Formulates procedures for use in event of aircraft accidents, fires, or other emergencies. Ascertains that all unauthorized vehicles, people, debris and animals are kept off the airfield. Determines when runways are too hazardous for landing and take off and informs FAA accordingly.
- ~~Serves as special police officer at the airport grounds and buildings.~~
- Inspects or reviews inspection reports of airport facilities such as runways, taxiways, buildings, beacons and lighting, and automotive or construction equipment to determine repairs, replacement, or improvements required.
- Coordinates activities of personnel involved in repair and maintenance of airport facilities, buildings, and equipment to minimize interruption of airport operations and improve efficiency.
- Directs personnel in investigating violations of aerial or ground traffic regulations, reviews investigation reports, and initiates actions to be taken against violators.
- Directs noise abatement resulting from complaints of excessive noise from low flying aircraft or other operations.

- Reviews reports of expenditures, proposals for improvements to facilities, and estimated increase in volume of traffic in order to prepare budget estimates for upcoming fiscal year. Works with Engineers, FAA and ODOT to secure maximum Grant Funds.
- Represents airport before civic or other organizational groups, courts, boards, and commissions.
- ***PROMOTES, MARKETS AND IN ADDITION HELPS PLAN FOR ECONOMIC GROWTH OF THE AIRPORT.***

#### **SUPERVISORY RESPONSIBILITIES:**

Oversees ~~one subordinate supervisor who supervises one~~ employee(s) at the Municipal Airport. Also, directly supervises up to five (5) non-supervisory employees at times. Carries out supervisory responsibilities in accordance with the City's policies and applicable laws. Responsibilities include interviewing, hiring, training; planning, assigning, directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

**QUALIFICATIONS:** To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

#### **Education and/or Experience**

Bachelor's degree (B. A.) in Business Administration and/or Aviation Management with four (4) years experience in Airport Operations preferred; Any combination of education and **WORK** experience that provides the required knowledge, skill and ability may be considered **AS A SUBSTITUTE TO FORMAL EDUCATION.**

#### **Language Skills**

Ability to: read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents; respond to common inquiries or complaints from supervisors, officials, customers, regulatory agencies, or members of the business community; write speeches and articles for publication that conform to prescribed style and format; speak clearly and distinctly in order to effectively relay information to aircraft pilots, Airport Commission, supervisors, City Council, and public groups.

#### **Mathematical Skills**

Ability to apply: advanced mathematical concepts such as exponents, quadratic equations, and permutations; mathematical operations to such tasks as Blue Print designs and scales, analysis of variance, correlation techniques and factor analysis.

**Reasoning Ability**

Ability to: define problems, collect data, establish facts, and draw valid conclusions; interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

**Computer Skills**

Should have knowledge of and skill in the use of the Internet; Project Management, Spreadsheet and Word software.

**Certificates, Licenses, Registrations**

~~National Weather Service Observation Certificate within twelve (12) months; Ohio Department of Transportation Airport Manager Certificate within two (2) months of being employed.~~

***A VALID OHIO DRIVERS LICENSE.***

**Other Skills and Abilities**

Thorough knowledge of modern principles and practices governing airport operation; some knowledge of aircraft operation, modern business practices, building and grounds maintenance; familiarity with FAA regulations; ability to work with others to attain the goals and mission of the Airport and the Airport Industrial Park.

**PHYSICAL DEMANDS:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is: regularly required to stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms and talk or hear; frequently required to climb or balance and stoop, kneel, crouch, or crawl; occasionally required to smell and lift and/or move up to 100 pounds. Specific vision abilities required by this job include close, distance, color and peripheral vision; depth perception and ability to adjust focus.

**WORK ENVIRONMENT:** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is: regularly exposed to fumes or airborne particles; frequently exposed to moving mechanical parts, outside weather conditions and risk of radiation; occasionally exposed to high, precarious places, toxic or caustic chemicals and risk of electrical shock. The noise level is usually moderate to very loud.

**Tarina Rose**

---

**From:** Chamber Staff <chamberstaff@marionareachamber.org>  
**Sent:** Wednesday, April 11, 2018 12:48 PM  
**To:** Tarina Rose  
**Subject:** Marion Area Chamber - Business After Hours - Marion Municipal Airport/Industrial Park - Thursday, April 19, 2018

Having trouble viewing this email? [Click Here](#)

## \*Business After Hours\*



### **Marion Municipal Airport/Industrial Park**

1530 Pole Lane Rd

Marion, OH

**Thursday, April 19, 2018**

**5:00 to 6:30 p.m.**

*Refreshments • Tours of the Property*



**Where:** Marion Municipal Airport/Industrial Park  
1530 Pole Lane Rd  
Marion, OH 43302

**When:** Thursday, April 19, 2018  
[Add to Calendar](#)

**Time:** 5:00 to 6:30 p.m.

**RSVP:** by noon on Monday, April 16, 2018 by clicking RSVP Now!  
below, by email reply, or by calling 740.382.2181.

**[RSVP Now!](#)**

OR

## [Sorry, I'm not able to attend](#)

### **Event Description:**

Socialize with the Marion area business community at this month's Business After Hours! Business After Hours provide the perfect time to relax while still offering opportunities to develop business relationships and meet potential future clients.

All Chamber member businesses and their employees are invited to attend this FREE event, which is a benefit of their Chamber membership.

Invite your entire office and RSVP today!

[Click Here for More Information](#)

---

This email was sent on behalf of Marion Area Chamber of Commerce by GrowthZone, 24400 Smiley RD Ste. 4, Nisswa, MN 56468. To unsubscribe [click here](#). If you have questions or comments concerning this email or GrowthZone services in general, please contact us by email at [support@growthzone.com](mailto:support@growthzone.com).

Robert Landon, Chair Debbie Blevins, Member Rick Huddle, Member
---

Marion City Council  
**Legislation, Codes & Regulations**  
March 20, 2018 @ 6:45 PM

Roll Call

Minutes

Old Business:  
NONE

New Business

- Item 1.       Liquor Permit: Pop Wylies
- Item 2.       Liquor Permit: Marathon Appeal (FYI)

Items not on the Agenda



NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

6440035		TRFO		HUGH H NORRIS DBA POP WYLIES SERVICE 331 N MAIN ST MARION OHIO 43302
PERMIT NUMBER		TYPE		
02	01	2017		
ISSUE DATE				
12	08	2017		
FILING DATE				
C1		C2		
PERMIT CLASSES				
51	044	B	F19542	
TAX DISTRICT			RECEIPT NO.	

FROM 03/28/2018

6439748				HUGH H NORRIS & GARY J SHUMATE EST JOHN SHUMATE ADMR DBA POP WYLIES SERVICE 331 N MAIN ST MARION OHIO 43302
PERMIT NUMBER		TYPE		
02	01	2017		
ISSUE DATE				
12	08	2017		
FILING DATE				
C1		C2		
PERMIT CLASSES				
51	044			
TAX DISTRICT			RECEIPT NO.	



MAILED 03/28/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN.

04/30/2018

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**B TRFO 6440035**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF MARION CITY COUNCIL  
233 W CENTER ST  
MARION OHIO 43302

# OHIO LIQUOR CONTROL COMMISSION

77 SOUTH HIGH STREET, 18TH FLOOR

COLUMBUS, OHIO 43215

Phone: (614)466-3132 Fax: (614)466-4564 www.lcc.ohio.gov

In the Matter of	:	Case No. 56A-17
NORTH MARION FUEL INC	:	Docket No. 2757
DBA MARATHON	:	
847 NORTH MAIN STREET	:	ORDER
MARION, OHIO 43302	:	
Permit No. 6442131	:	
Re: New Permit Application	:	Mailed: March 29, 2018

This appeal came for hearing before the Liquor Control Commission on February 8, 2018, from the order of the Division of Liquor Control concerning appellant's New Permit Application.

Upon consideration of the evidence and the arguments of the parties, the Commission finds the appeal not well taken and affirms the order of the Division of Liquor Control.

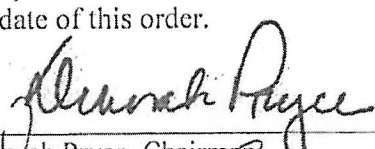
This order may be appealed pursuant to R.C. 119.12 by filing a notice of appeal with the Liquor Control Commission, setting forth the order appealed from and stating that the Commission's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal shall also be filed with the Franklin County Court of Common Pleas. The notices of appeal shall be filed within 21 days after the mailing date of this order.

## CERTIFICATION

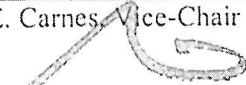
I, the undersigned for the Liquor Control Commission hereby certify that the foregoing is a true and exact reproduction of the original Order of the Commission, a copy of which has been forwarded to the parties this 29 day of March, 2018.

Name

Title

  
Deborah Pryce, Chairman

  
James E. Carnes, Vice-Chair

  
Mike Stinziano, Member

cc: Attorney General's Office, Charitable Law  
Division of Liquor Control, Permit/Legal Section  
Attorney- John Tanoury ([jtanoury@balltanourylaw.com](mailto:jtanoury@balltanourylaw.com))  
Irene Fulton- Clerk, Marion City Council, 233 West Center Street, Marion, Ohio 43302  
Steve Chaffin- Assistant Law Director, 233 West Center Street, Marion, Ohio 43302  
Tom Robbins- Director of Public Safety, 233 West Center Street, Marion, Ohio 43302  
Megdad Aldamen- 4960 Strawberry Lane, Columbus, Ohio 43230-6025

Jason Schaber, Chair Rick Huddle, Member Josh Daniels, Member
---

Marion City Council  
Streets & Sewers  
April 17, 2018 @ 6:50 PM

Roll Call

Minutes

Old Business:  
NONE

New Business

- Item 1. ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO CONTRACT WITH BURGESS AND NIPLE FOR THE ENGINEERING AND DESIGN OF THE FARMING STREET SEWER IMPROVEMENTS, PROJECT 18-1S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY (Scott Bishop, Assistant Engineer)
- Item 2. ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO CONTRACT WITH HULL & ASSOCIATES, INC. FOR THE ENGINEERING AND DESIGN OF THE SHARPLESS COURT SEWER IMPROVEMENTS, PROJECT 18-2S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY (Scott Bishop, Assistant Engineer)

Items not on the Agenda

## Minutes for Streets & Sewers

---

April 2, 2018 6:40 PM

Members present: Mr. Schaber, Mr. Daniels  
Absent: Mr. Huddle

### Roll Call

Minutes from 03/12/2018; Mr. Daniels made a motion to approve; Mr. Schaber 2nd.  
Minutes approved 2-0.

### Old Business:

Item 1. ODOT LEGISLATION (Director of Public Woks Jim Bischoff) Note: due to time constraints, language of legislation is being initially provided to Council in format provided by ODOT.

Mr. Bischoff explained that this is consent legislation for ODOT urban resurfacing program. It deals with Bellefontaine Avenue from the corporation line to Prospect street. This is part of a larger project that also paves State Route 4 at the north corporation line going up to the county line. Our portion only deals with what is in the city limits. The last correspondence from ODOT was that the city will have no local fund dollars involved in this. This is since, with the funding involved and other sources, our portion was so small they are not asking for us to participate financially. We just need to consent to move forward with the project. This project is scheduled for summer of 2019. There will be at least one other piece of legislation as the project nears and that will be for the city to approve with ODOT and to settle that project.

Mr. Daniels made a motion to approve; Mr. Schaber 2nd. Motion carried. 2-0.

### Items not on the Agenda

With no further business to come before this committee, Mr. Schaber adjourned the meeting.

---

Chairman

---

Clerk of Council

ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF  
PUBLIC WORKS TO ENTER INTO CONTRACT WITH BURGESS  
AND NIPLE FOR THE ENGINEERING AND DESIGN OF THE  
FARMING STREET SEWER IMPROVEMENTS, PROJECT 18-1S  
FOR THE CITY OF MARION, OHIO, APPROPRIATING  
NECESSARY FUNDS, AND DECLARING AN EMERGENCY

**WHEREAS**, Resolution No. 2017-17 authorized the Service Director to conduct an RFP process for the Farming Street Sewer Improvement Project 18-1S for the City of Marion, Ohio and

**WHEREAS**, A Request for Proposal process was conducted with proposals due on January 25, 2018 and 6 firms responded. After a review of all proposals, Burgess and Niple was selected and a design fee of \$115,000.00 was negotiated.

**BE IT ORDAINED BY** the Council of the City of Marion, Marion County, Ohio:

Section 1: That the Director of Public Works be directed to enter into contract with Burgess and Niple for the total amount of \$115,000.00 for the Farming Street Sewer Improvement Project 18-1S.

Section 2: That the cost of such contract shall be payable from the Sanitary Sewer and Storm Sewer Improvement Funds, and Auditor is authorized and directed to appropriate the necessary funds.

Section 3: That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and since Farming Street is in dire need of repair; and as such, shall take effect and be in force immediately upon its passage and approval by the mayor, provided that it receives the affirmative vote of two-thirds of all members elected to Council: otherwise it shall become effective from and after the earliest period allowed by law.

---

Todd Schneider  
President of Council

Approved:

---

Mayor Scott Schertzer

Attest:

---

Clerk of Council

ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO CONTRACT WITH HULL & ASSOCIATES, INC. FOR THE ENGINEERING AND DESIGN OF THE SHARPLESS COURT SEWER IMPROVEMENTS, PROJECT 18-2S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY

**WHEREAS**, Resolution No. 2017-17 authorized the Director of Public Works to conduct an RFP process for the Sharpless Court Sewer Improvement Project 18-2S for the City of Marion, Ohio and

**WHEREAS**, A Request for Proposal process was conducted with proposals due on January 25, 2018 and 4 firms responded. After a review of all proposals, Hull & Associates, Inc. was selected and a design fee of \$33,300.00 was negotiated.

**BE IT ORDAINED BY** the Council of the City of Marion, Marion County, Ohio:

Section 1: That the Director of Public Works be directed to enter into contract with Hull & Associates, Inc. for the total amount of \$33,300.00 for the Sharpless Court Improvement Project 18-2S.

Section 2: That the cost of such contract shall be payable from the Sanitary Sewer and Storm Sewer Improvement Funds, and Auditor is authorized and directed to appropriate the necessary funds.

Section 3: That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and since Sharpless Court is in dire need of repair; and as such, shall take effect and be in force immediately upon its passage and approval by the mayor, provided that it receives the affirmative vote of two-thirds of all members elected to Council: otherwise it shall become effective from and after the earliest period allowed by law.

---

Todd Schneider  
President of Council

Approved:

---

Mayor Scott Schertzer

Attest:

---

Clerk of Council

Leslie Cunningham, Chair Kevin Norris, Member Debbie Blevins, Member
--

Marion City Council  
**Zoning & Annexation Committee**  
April 17, 2018 @ 7:00 pm

Roll Call

Minutes

Old Business:  
NONE

New Business

Item 1. Presentation by Teresa Snyder of the Toledo Port Authority regarding Energy Special Improvement District (ESID)

Items not on the Agenda

# BetterBuildings Northwest Ohio Overview

---

Teresa Snyder  
City of Marion  
April 17, 2018





# TLCPA Introduction - Operational Divisions



A  
TOLEDO | LUCAS COUNTY  
**PORT AUTHORITY**  
PROGRAM



- **Sea Port / Maritime**
  - Foreign Trade Zone
- **Aviation**
- **Passenger Rail**
- **Real Estate Development**
  - Brownfield Site Industrial Redevelopment
- **Economic Development**
  - Innovative Financing

# BetterBuildings Northwest Ohio



- *Low-cost financing for projects conserving energy and generating savings through equipment retrofits to existing facilities and building systems.*
- **To be eligible:**
  - Project must be an energy efficiency retrofit to an existing building.
  - Renewable energy can be incorporated to government facilities.
  - For commercial projects, renewable energy must be a part of a broader energy efficiency effort.

# Why Property Assessed Clean Energy? “PACE”



- PACE is a new financing economic & development tool through an energy special improvement district.
- Provides new sources of capital for funding of energy efficiency & alternative energy projects.
- 100% financing available at fixed rates up to 15 years.
- Improvements paid by special assessment on property.
- Investment stays with the real estate asset upon transfer.
- Voluntary action by building owner supported by local municipality. Local government, non-profits & for-profit can participate. ORC 1710 is the guiding statute.

# What is an Energy Special Improvement District - ESID?



- In Ohio, a form of structure under ORC 1710 – Special Improvement Districts (SID).
- ORC 727 – Assessments, also applies.
- Governed by a non-profit corporation.
- Commercial property owners can make energy efficiency & alternative energy improvements & pay for them through a special assessment.
- Also know nationally as PACE Districts or “Property Assessed Clean Energy”.

# Setting up the Energy District



- 5 person board made up of members and 1 each appointed by City & City Council.
- Recommended Board Structure:
  1. Building owner / member sponsoring first project to start district.
  2. Mayor appointee.
  3. City Council appointee.
  4. Local Economic Development
  5. Other: County Commissioner or ED, Port Authority

Note: Energy district foot print is municipality or township or a group of contiguous municipalities and townships. Townships get one board member. Code of regulations can limit maximum number of board members.

# Setting up the Energy District



- Requires non-profit to govern it; existing or newly formed. (Simple to file non-profit LLC).
- Adopt Code of Regulations. (we provide)
- Must hold at least one annual meeting of members, have a plan, annual financial report. (these are not complex & can be very simple)
- TLCPA/BBNWO/ NW Ohio District provides financial underwriting and technical review for project funding.

# Why Commercial Building Owners Love PACE



- 90% funding for energy efficiency improvements including: architect and design, engineering, construction management, financing and equipment costs and installation labor.
- Long-term fixed rates up to 15 years ~ recent rates have been 5.00% to 6.00%.
- Paid back semi-annually through energy special improvement assessment on property tax duplicate.
- Preserves existing owner equity, cash, capital budgets and lines of credit.
- Energy Special Assessments transfer with property upon sale.
- Energy and O&M savings provide cash flow to pay assessments.
- The cost of PACE financing and benefits created can be shared with tenants.
- Projects can range between \$25,000 - \$10,000,000.



# Business Eligibility

*Work with all types and sizes of businesses to provide energy efficient solutions for existing structures to make them more efficient and productive while making our environment cleaner.*



A  
TOLEDO | LUCAS COUNTY  
**PORT AUTHORITY**  
PROGRAM



**Industrial / Manufacturing**



**Educational –  
K-12 & Colleges/Universities**



**Commercial / Retail**



**Healthcare**



**Government / Municipal**



**Residential**



# Equipment Eligibility



- **Retrofits**

- Lighting
- Energy Mgt. Systems
- High efficiency HVAC
  - Ground Source Heat Pumps
- Compressed Air
- Building Envelope
- Steam Systems/Boilers
  - Heat and Industrial Usage
- Refrigeration Systems
- Solar Hot Water

- **Energy Projects**

- Waste Energy Recovery
  - Absorption Chillers
  - Process Reviews
- Distributed & Renewable Power Generation
- Electrical Distribution Upgrades
  - Power Factor Correction
  - Transformer Replacement
- District Heating/Cooling Systems - Geothermal
- Combined Heat/Power Systems

# COMMERCIAL PACE

## Toledo-Lucas County Port Authority Facilities



A  
TOLEDO | LUCAS COUNTY  
**PORT AUTHORITY**  
PROGRAM



**Facilities Improved:**  
**One Maritime Plaza**  
**Dr. Martin Luther King, Jr. Plaza**  
**Downtown Parking Garages (3)**  
**Toledo Express Airport**

**Improvements:**

- HVAC
- Boiler
- Cooling Tower
- Lighting
- Controls
- Building Envelope

# COMMERCIAL PACE

## Government and Municipal Facilities



### City of Toledo – 50+ Building Portfolio

- HVAC
- Lighting
- Controls
- Hot Water Tanks
- Boilers
- Building Envelope



### City of Oregon – Administrative Complex

- HVAC
- Lighting
- Controls
- Building Envelope
- Geothermal



### Springfield Township – Administration Building

- HVAC
- Lighting
- Controls
- Building Envelope



# COMMERCIAL PACE

## Educational / School Facilities



A  
TOLEDO | LUCAS COUNTY  
**PORT AUTHORITY**  
PROGRAM



### **Toledo School for the Arts – Downtown Toledo**

- HVAC
- Boilers
- Chiller
- Cooling Tower
- Controls

# COMMERCIAL PACE

## For Profit and Not For Profit Facilities



### UAW Local 12 – Toledo

- HVAC
- Lighting
- Controls
- Building Envelope
- Hot Water Tank



### Neighborhood Health Association (NHA) - Toledo

- HVAC
- Lighting
- Controls

# COMMERCIAL PACE

## Industrial and Manufacturing Facilities



### Art Iron - Toledo

### Industrial Steel Fabrication

- HVAC
- LED Lighting





# COMMERCIAL PACE

## Health Care Facilities



### **Findlay Surgical Center - Findlay Outpatient Surgery Center**

- HVAC
- Boiler
- Steam generator/sterilization system
- Climate control and heat pump



### **Merit House - Toledo Large-Scale Assisted-Living Facility**

- Roof replacement
- Insulation

# COMMERCIAL PACE

## Automotive Dealerships



**Charlie's Dodge Chrysler Jeep  
RAM – Maumee**  
**Grogan's Towne Chrysler  
Jeep Dodge RAM – Toledo**  
•LED Lighting

### **Kistler Ford – Toledo**

- Lighting
- HVAC, Compressor
- Windows



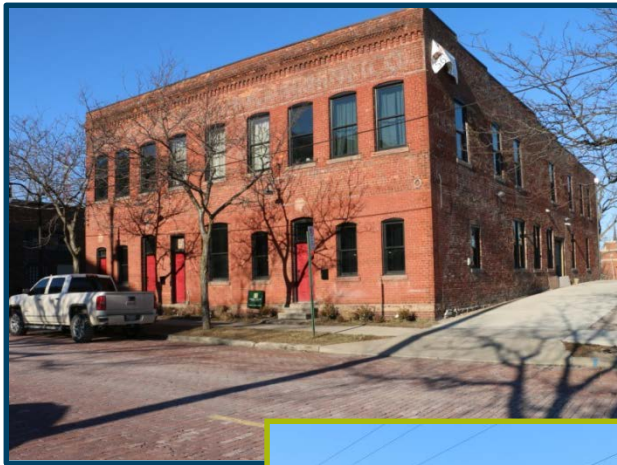


# MULTI-FAMILY PROPERTIES

## HVAC Replacement, Lighting Upgrade & New Exterior Doors



A  
TOLEDO | LUCAS COUNTY  
**PORT AUTHORITY**  
PROGRAM



### Downtown Toledo Warehouse District Property

- HVAC
- Insulation
- Lighting



### Large-Scale Apartment Building

- HVAC
- Insulation
- Windows
- Exterior Doors

# RENEWABLE ENERGY

## Solar, Geothermal & More



### Solar Projects:

- City of Toledo – Collins Park
- General Motors Powertrain – Toledo
- Uptown Furniture – Kenton



### Geothermal Project:

- City of Oregon

# TLCPA Program Contacts



- **Financing & BetterBuildings NWO**

Teresa Snyder – 419-260-1277

[tsnyder@toledoport.org](mailto:tsnyder@toledoport.org)

- **General Information – 419-243-8251**

[www.toledoport.org](http://www.toledoport.org)

# **Energy Special Improvement District Formation**

---

Todd M. Williams 419.724.1444  
Two Maritime Plaza, 3<sup>rd</sup> Floor, Toledo, Ohio 43604

---

An **Energy Special Improvement District (ESID)** is a geographically contained district that provides owners of public or private property the ability to finance enhancements to their property, including installation of: solar-thermal, solar-photovoltaic, geo-thermal, wind, biomass, and gasification systems. Energy efficiency improvements that reduce or support the reduction of energy consumption or energy demand can be financed, as well. Although the boundaries of the district are predetermined, actual involvement in the district is completely voluntary.

An energy audit should be used to establish current energy usage and practices, followed by a cost/benefit analysis of the potential improvements. The cost of improvements should be less than the amount of savings generated, nor should they exceed roughly 10% of the property value. The board of directors of a nonprofit corporation created to manage the ESID is charged with establishing the specific criterion and regulating what projects meet those requirements.

If a property owner decides to undertake an eligible project, the project is funded through **Property-Assessed Clean Energy (PACE)** financing. This kind of financing effectively allows the project to be funded upfront and repaid over a set period of time, up to 30 years. All terms are established when the funding is granted and in contrast to most other kinds of loans, PACE financing is repaid through a special tax assessment on the property receiving the improvements. Special revenue bonds can be utilized to provide the funding necessary.

Any improvement that a property owner makes effectively becomes an additional tax on that property that expires once the improvement has been paid for. ESIDs essentially allow property owners to enjoy the benefits of energy enhancement immediately, while spreading out the costs over a lifetime.

### Advantages of ESIDs

- 100% voluntary participation
- Energy efficient improvements, without an upfront cost.
- Costs dispersed over the life of improvements through PACE financing
- Property improvements run with the land, often increasing value of property.

## Table of Contents

<b>Identify an initial Project.</b>	4
<b>Outreach and Education.</b>	4
<b>Petition and Legislative Approval.</b>	4
Petition to Establish ESID	5
Exhibit A1	7
Exhibit B	9
Resolution Accepting the Petition.	12
<b>Articles of Incorporation.</b>	14
<b>Initial meeting of the Members.</b>	14
<b>Initial meeting of the Board of Directors.</b>	14
Code of Regulations.	16
<b>Assessment: Legislation and Process.</b>	25
Resolution of Necessity	26
Ordinance to Proceed	29
Ordinance to Levy.	31
<b>Annual Operating Requirements</b>	34
Corporate Governance	34
Reporting Requirements	34

## **Identify an initial Project.**

BetterBuildings Northwest Ohio has been active through-out Northwest Ohio, and has marketed the advantages of energy efficiency upgrades, and the implementation of advanced energy generation resources. We can offer guidance and information for presentations to property owners, professional groups, and governmental authorities. As well as helping to identify probable candidates for an economically viable and beneficial project.

## **Outreach and Education.**

Early outreach to key parties is vital to the successful launching of a new ESID. It is recommended that a meeting be held with interested parties; including the local economic development groups and local government. Early outreach helps to answer any question elected officials may have, and address concerns of government administrators. BetterBuildings Northwest Ohio is available to help alleviate any concern, and thoroughly explain the process, potential impact, and potential benefit for the community.

## **Petition and Legislative Approval.**

The legal process really starts with the initial petition be a property owner to the local government; either a municipality or township. The government then has 60 days to approve or disapprove the petition. The petition will identify the address and parcel number of the property which will be impacted, the type of project proposed, cost estimates for the project, an initial plan for the newly formed district and the initial articles of incorporation.

It should be noted that any project brought through the BetterBuildings program will have undergone not only an energy audit of the property, but the full underwriting review. Approved projects will be financed upon approval and placement of the assessment.

The following is a draft Petition and Resolution accepting the Petition. The Exhibit A - Initial Articles of Incorporation – is a form supplied by the Ohio Secretary of State. Below are additional sections to be submitted along with the State form.



## Petition to Establish ESID

### **PETITION TO THE CITY OF ( ) THE (PROPERTY OWNER) TO ESTABLISH AN ENERGY SPECIAL IMPROVEMENT DISTRICT**

**A PETITION TO THE CITY OF ( ) FOR THE ESTABLISHMENT OF  
AN ENERGY SPECIAL IMPROVEMENT DISTRICT UNDER CHAPTER  
1710 OF THE OHIO REVISED CODE; PROPOSED ARTICLES OF  
INCORPORATION OF THE NONPROFIT CORPORATION TO GOVERN  
THE DISTRICT; INITIAL PLAN FOR THE DISTRICT AND PROPOSED  
INITIAL SPECIAL ENERGY IMPROVEMENT PROJECT FOR THE  
DISTRICT; AND PLAN FOR THE ASSESSMENT OF THE COSTS OF THE  
PROJECT AGAINST THE PETITIONING PROPERTY OWNER AND  
MEMBER OF THE DISTRICT SPECIALLY BENEFITTED BY THE  
SPECIAL ENERGY IMPROVEMENT PROJECT**

To the Mayor and Council of the City of ( ), Ohio:

The (Property Owner) does hereby petition the City of ( ) for the establishment of an Energy Special Improvement District (hereinafter "ESID") in accordance with Chapter 1710 of the Ohio Revised Code. In accordance with Chapter 1710, the purpose of the district is to develop and implement plans for public improvements and public services that benefit the district, but limited to special energy improvement projects as provided for in Chapter 1710, including but not limited to energy efficiency improvements and customer-generated energy projects.

The ESID shall be governed by the board of trustees of the nonprofit corporation to be formed known as the ( ) Ohio Advanced Energy Improvement Corporation (hereinafter "the Corporation"). The Articles of Incorporation of the Corporation are attached to this Petition as Exhibit A. There shall be at least ( ) ( ) but no more than ( ) ( ) members of the board of directors of the Corporation, with the Mayor of ( ) appointing ( ) ( ) director, the Council of the City of ( ) appointing ( ) director, and the (property owner), as the initial member of the Corporation appointing ( ) ( ) directors. At the time the Corporation adds additional territory and members, such members shall be entitled to participate in the selection of members of the board of directors in accordance with law and the provisions of the Corporation's Code of Regulations.

The ESID may be expanded to include any parcel of property located within the geographical boundaries of the ( ) (as those boundaries now exist or may be hereafter amended) provided that the parcel of property is approved to be added to the ESID by the vote of a majority of the members of the board of directors, and so long as each such additional parcel includes a proposed special energy improvement project. The Initial Plan for the district is set forth on the attached Exhibit B, and includes one parcel of property owned by the sole Petitioner, the (Property Owner). The description of the parcel of property is attached to this Petition as Exhibit C.

In accordance with Revised Coded Chapter 1710, the Council of the City of ( ), shall, within sixty (60) days of submittal, approve or disapprove this Petition and the Articles of Incorporation of the Corporation. Upon such approval, a second petition will be submitted to the City seeking to commence the process of special assessments to pay the costs of the special energy improvement projects and the costs of the Plan for Improvements and Services for the ESID.



**IN WITNESS WHEREOF**, the (\_\_\_\_)has caused this Petition to be executed by(\_\_\_\_), in (his/her) official capacity as President, as of, (Month), (Day), (Year).

(Property Owner)

By: \_\_\_\_\_

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF (\_\_\_\_)                )

On this day of (Month)(Year), before me, a Notary Public, in and for said County and State, personally appeared(\_\_\_\_\_), who affirmed that pursuant to due authorization he executed the within and foregoing instrument, and that the same is his free act and deed, and the free act and deed of said (\_\_\_\_\_).

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

\_\_\_\_\_  
Notary Public

## Exhibit A1

### ADDITONAL PROVISIONS OF THE ARTICLES OF INCORPORATION OF \_\_\_\_\_ | OHIO ADVANCED ENERGY IMPROVEMENT CORPORATION

#### **Third: Purpose**

(A) The Corporation is organized as a district management corporation representing real property owners within a special improvement district which shall be located within the City of \_\_\_\_\_ as well as communities to be identified at a future time. The Corporation is established pursuant to Ohio Revised Code Chapters 1702 and 1710.

(B) The purpose of the Corporation shall be to develop and implement special energy improvement project as defined in Revised Code Chapter 1710, including energy efficiency and clean and renewable energy projects at the locations within the Energy Special Improvement District (“ESID”). The Corporation and the ESID will be conducive to and promote the public health, safety, peace, convenience and general welfare by creating projects that conserve energy and create a cleaner environment, lead to energy independence, create jobs and economic growth and development, especially jobs in the new energy economy, and promote the general welfare in the area of the ESID and the participating political subdivisions.

(C) To engage in any lawful act, activity, or business not contrary to, and for which a nonprofit corporation may be formed under, the laws of the State of Ohio.

(D) To have and exercise all powers, rights, and privileges conferred by the laws of the State of Ohio on nonprofit corporations or on special improvement districts including but not limited to, buying, leasing, or otherwise acquiring and holding, using or otherwise enjoying and selling, leasing or otherwise disposing of any interest in any property, real or personal, of whatever nature and wheresoever situated, and buying and selling renewable energy credits, stocks, bonds, or any other security of any issuer as the Corporation by action of its Board may, at any time and from time to time, deem advisable.

#### **Fourth: Restrictions**

No substantial part of the activities of the Corporation shall constitute the carrying on or propaganda or otherwise attempting to influence legislation, or any initiative or referendum before the public, and the Corporation shall not participate in, or intervene in (including by publication or distribution of statements), any political campaign on behalf of, or in opposition to, any candidate for public office.

The Corporation shall not lend any of its assets to any officer or director of this Corporation or guarantee to any person the payment of a loan by an officer or director of the Corporation.

#### **Fifth: Members**

The members of the Corporation (“Members”) shall be those persons or organizations described in the Code of Regulations. The annual meeting of the Members shall be determined by the Board of Directors (“Board”) as described in the Code of Regulations.

#### **Sixth: Board of Directors**

In accordance with Revised Code Chapter 1710, the Corporation shall be governed by its board of directors which shall consist of at least five (5) directors, and the initial organization of the Corporation shall provide

for five (5) directors, and may be expanded to no more than fifteen (15) board members in accordance with the Corporation's Code of Regulations. The board shall include a person appointed by the legislative authority of each participating political subdivision and the municipal executive of each municipal corporation with territory within the boundaries of the ESID. The remainder of the board's members shall be members of the district.

**Seventh: Territory**

The ESID shall encompass the geographical boundaries of the city of \_\_\_\_\_, Ohio; provided, however, that no parcel of property shall be included in the ESID except upon the owner's voluntary agreement to be included. In accordance with Revised Code Chapter 1710, the owner of each parcel of property within the ESID for which a special energy improvement project is provided for in the ESID's Plan for Improvements and Services shall be a member of the Corporation and possess all the rights of a member as provided under law. The initial properties included in the District, as identified by owner and parcel, are as follows:

Owner:

Parcel:

**ELEVENTH:** The Articles of Incorporation of the Corporation may be amended by the action of two-thirds of the members of the board of directors; provided, however, that no such amendment shall divest any member of the Corporation of any rights granted under Revised Code Chapters 1702 and 1710, and provided further that all participating political subdivisions shall approve such amendment by resolution and the resolution and amendment shall be filed with the Secretary of State. The Corporation may be dissolved by action of its members in accordance with the provisions of Revised Code Chapter 1710.

---

Authorized Representative

## Exhibit B

### **INITIAL PLAN FOR THE IMPROVEMENTS, SERVICES AND OPERATION OF THE [ ] OHIO ADVANCED ENERGY IMPROVEMENT DISTRICT**

#### **I. Overview.**

This initial Plan for the Improvements, Services and Operation of the [ ] Ohio Advance Energy Improvement District (“the Plan”) has been developed in accordance with the requirements of Revised Code Chapter 1710 of the Ohio Revised Code and is being submitted to the City of [ ] for approval. The public improvements and public services to be provided hereunder will be in addition to, and not in lieu of, any public improvements or public services provided by any participating political subdivision. The geographical area of the District may extend to any parcel of property within the boundaries of the any participating municipality or township, provided that the parcel of property is approved to be added to the energy special improvement district (“ESID”) by the vote of a majority of the members of the Board of Directors, and so long as each such additional parcel includes a proposed special energy improvement project.

The District shall undertake such energy improvement projects and render such related services as its Board of Directors shall authorize and approve, and for the purpose of paying the costs of such projects and services, participate in the process of levying special assessments in accordance with the applicable provisions of Revised Code Chapters 1710 and 727.

The District shall offer energy efficiency programs and renewable energy programs to property owners within the District. These programs may include options such as energy audits, the installation of efficiency equipment, and retrofit of buildings with high-efficiency materials, renewable energy installations including wind, solar energy, biomass, or any other current or future technology contemplated by Revised Code Chapter 1710 or any other similar law. The District may enter into arrangements and contracts with businesses, municipal or investor owned utilities or other entities to provide energy efficiency and alternative and advanced energy services to businesses and individuals. These programs may include options such as energy audits, the installation of efficiency equipment, and retrofit of buildings with high-efficiency materials, renewable energy installations including wind, solar energy, biomass, or any other current or future technology and authorized under Revised Code Chapter 1710 or any similar law.

#### **II. Operation of the District.**

The District is created by legislative action taken by participating political subdivisions (municipal corporations and townships) and is governed by a Board of Directors of a nonprofit corporation, the [ ] Ohio Advance Energy Improvement Corporation (“the Corporation”). The District shall initially operate through the donated services and facilities of its members. The Corporation, acting for the District, may hire employees, acquire professional services and occupy facilities upon the approval of the Board of Directors if the costs of such employees, services and facilities are specified in a subsequent amendment of this Plan. The Board of Directors shall seek contributions from its members to provide for necessary liability and other insurance until such time as the District has identified an ongoing source of funds for its operation.

Upon the first meeting of the members of the District, who shall be members of the Corporation,

the members shall select members of the Board of Directors of the Corporation, in addition to the members of the Board of Directors selected by the mayor and council of the participating political subdivisions. The Board shall adopt a Code of Regulations which shall address all other matters of operation that are not otherwise dictated by the Articles of Incorporation or provided for as a matter of law.

The members of the Board of Directors shall elect a Chairperson, Vice-Chairperson, Secretary, and Treasurer of the Board. These officers shall serve at the Board's pleasure. A Director may be elected to more than one office, except that the Director elected as Treasurer shall not be elected to any other office of the Board.

By the first day of March of each year, the Treasurer shall submit to each member of the District and to the municipal executive, chief fiscal officer, and legislative authority of each municipal corporation with territory within the boundaries of the District and the board of township trustees of each township with territory within the boundaries of the District, a report of the District's activities and financial condition for the previous year.

### **III. Adding Members to the District**

Upon approval by a majority of the members of the Board, parcels of property within the area of the participating political subdivisions may be added to the District and the owner of that parcel shall become a member of the District with all of the rights of members as provided under law. If a property owner not within the area of one of the District's participating political subdivisions submits an application to become a member, and a majority of the Board approves the application, the Corporation and the property owner shall jointly submit a petition to the political subdivision in question to bring the parcel into the District. In all cases, the parcel shall have a plan for a special energy improvement project on the parcel.

### **IV. Plan for Public Improvements and Public Services**

This initial Plan calls for one specific special energy improvement project to be undertaken on a parcel of property owned by \_\_\_\_\_ which has acted as the petitioner in creating the District. The \_\_\_\_\_ special energy improvement project consists of:

The initial project involves the \_\_\_\_\_ property owned by \_\_\_\_\_ at \_\_\_\_\_, \_\_\_\_\_, Ohio \_\_\_\_\_. The legal description of the property is set forth on the attached Exhibit. The property consists of a total of approximately \_\_\_\_\_ acres, including land, buildings and improvements. The property is subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The initial Project will consist of the following elements:

1. Improvement: \_\_\_\_\_ will cause a comprehensive energy audit for the Property to be completed, which will determine the precise energy improvements to be constructed; however, at the present time, the Project is expected to include the installation of energy efficiency improvements including \_\_\_\_\_.

2. Costs: At this point, the projected costs will include the cost of the audit, proposed improvements, and financing charges. Final costs will be determined and presented with the legislation to

place the assessment on the property.

3. Assessments: The preliminary assessment plan calls for funding the improvements, in whole or in part, through the special assessment process described in Chapter 1710 of the Revised Code.

The District may undertake educational activities to advise property owners throughout the participating political subdivisions and in areas in which political subdivisions may elect to join the District about the benefits of participation in the District.

The District shall update its Plan as necessary to reflect the additional activities and additional energy special improvement projects it intends to undertake.

As owners of parcels desiring the assistance of the District in undertaking special energy improvement projects are identified, considered and approved by the Board, such parcels will be added to the District and the owners of the parcels will become members entitled to the rights of membership under law and the Articles of Incorporation.

As authorized pursuant to R.C. 1710.06, the District may enter into contracts with the participating political subdivisions for the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved. Further, in accordance with the statute, the District may aggregate the renewable energy credits generated by one or more special energy improvement projects within District, upon the consent of the owners of the credits and for the purpose of negotiating and completing the sale of such credits.

## Resolution Accepting the Petition.

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

**An resolution accepting the petition of the \_\_\_\_\_ to create an Energy Special Improvement District under Ohio Revised Code Chapter 1710; authorizing the Mayor and the President of Council to designate members to serve on the Board of Directors of the nonprofit corporation that will govern the Energy Special Improvement District; approving the Articles of Incorporation of the nonprofit corporation and the initial plan of operation for the District; and declaring an emergency.**

### SUMMARY AND BACKGROUND

In June of 2010, the State Legislature passed Senate Bill 223 which permits the establishment of Energy Special Improvement Districts or “ESIDs”. If a municipality or a township establishes an ESID, property owners within the district can pay for energy efficiency and renewable energy improvements to their properties by way of special assessments. The process is entirely voluntary and no property owner is required to participate.

This legislation authorizes the creation of an ESID with the \_\_\_\_\_ as the initial member. The municipality creating the ESID, by statute, will have two individuals serving on the board of the nonprofit corporation that governs the ESID; the Mayor and one person appointed by the Council. This legislation authorizes the Mayor to serve or designate an individual to serve, and authorizes the President of Council to make an appointment on behalf of the Council. This legislation also approves the Articles of Incorporation of the ESID, which will be known as the \_\_\_\_\_ Ohio Advanced Energy Improvement Corporation and the Initial Plan for the Improvements, Services, and Operation of the \_\_\_\_\_ Ohio Advanced Energy Improvement District. Copies of these documents are on file with the Clerk of Council and available for public inspection.

This legislation is just the first step in the process of financing special energy improvement projects within the ESID. The \_\_\_\_\_ has identified its initial project as energy efficiency improvements to its property located at \_\_\_\_\_. The preliminary plan calls for the following energy efficiency elements:

1. [description of energy conservation measures]

Total Estimated cost - \$ \_\_\_\_\_

Following the approval of this legislation, the \_\_\_\_\_ will then develop the detailed plans and specifications for the project and determine the amount and length of the special assessments that will need to be levied to pay for the project. At that time, the \_\_\_\_\_ will formally petition the City to levy the special assessments for the project.

The Administration recommends the passage of this Resolution, which the governing law

does not permit to be as an emergency measure.

**NOW, THEREFORE, Be it resolved by the Council of the City of \_\_\_\_\_:**

Section 1. The Council hereby approves the petition of the \_\_\_\_\_ for the creation of an Energy Special Improvement District (“ESID”) pursuant to Chapter 1710 of the Ohio Revised Code, as well as the Articles of Incorporation of the \_\_\_\_\_ Ohio Advanced Energy Improvement Corporation, and the Initial Plan for the Improvements, Services and Operation of the \_\_\_\_\_ Ohio Advanced Energy Improvement District.

Section 2. It is hereby found and determined that all meetings respecting this Resolution and all committee meetings were open meetings in accordance with law.

Section 3. This Resolution shall become effective at the earliest time allowed by law.

Vote on emergency clause: [NOT PERMITTED; SEE R.C.1710.06(B)].



## **Articles of Incorporation.**

With the approval of the petition, the articles of incorporation will need to be filed with the Ohio Secretary of State. Attached to the form provided by the Secretary of State must be a certified resolution as passed by the acting municipality or resolution, as well as all of the above additional articles, and the initial plan.

## **Initial meeting of the Members.**

The initial meeting of the Members will not need to take much time. The members of the district are only those property owners who have an eligible improvement project which is impacting their property. If the district is established with only one original project there is only one initial member.

The members will need to elect representatives to the Board of Directors of the newly formed ESID corporation. The remaining representatives on the Board of Directors are filled by statute; the mayor of each participating municipality, and an appointee from the legislative authority of each municipality or township.

Subsequent to this meeting, there will need to be a required annual meeting of the members each November.

## **Initial meeting of the Board of Directors.**

The initial meeting of the Board of Directors can happen immediately after the Member's meeting. This will require some pre-planning to assure that all of the representatives elected/appointed to the Board are available for the meeting.

The Board will need to act upon a few items at the initial meeting and at the first meeting following the annual meeting of the members. First, the Board should review and adopt the Code of Regulations for the corporation. At the first meeting following the annual meeting of the members, the Board may want to review the Code of Regulations and amend them as needed.

Second, the Board will need to elect officers: President, Vice-President, Secretary, and Treasurer.

Third, the Board should ratify the steps taken to form the corporation, including the inclusion of the initial project in the ESID, the legislation passed, and any and all costs of the initial incorporation.

Fourth, the Board should discuss how the corporation will be managed moving forward. This will vary greatly upon how active the ESID desires to become. However, the Board should work to identify how it will full-fill the following key roles:

- **Management –**
  - Good fit for existing economic development organization.
  - Who will be responsible for the day-to-day coordination of the ESID and projects, maintain files of the corporation?
  - Who will coordinate with funder and legislator to ensure projects can be financed and assessed?
  - Develop application process for new projects.
  - Develop underwriting criteria.
- **Funder –**
  - The ability to finance projects is often the largest roadblock to a successful ESID.
  - This role can be fulfilled by the local municipality/township, BetterBuildings Northwest Ohio, or other County, or State governments, or even ESCO's or private lenders.
  - It is important to determine what underwriting criteria they will required by the funder.

## Code of Regulations

### ARTICLE I NAME OF THE CORPORATION; PRINCIPAL OFFICE

The name of the corporation (“Corporation”) shall be “\_\_\_\_\_ Ohio Advanced Energy Improvement Corporation”. The Corporation is a non-profit corporation under the laws of the State of Ohio, specifically, Chapters 1710 and 1702 of the Ohio Revised Code operating as an energy special improvement district, sometimes referred to as an “ESID” or simply “district”. The principal place of business of the Corporation shall be \_\_\_\_\_, or such other location as the board of directors may from time to time designate. A copy of the Corporation’s Articles of Incorporation is attached to this Code of Regulations as Appendix A.

### ARTICLE II PURPOSE; APPLICATION OF CERTAIN LAWS; DEFINITIONS

(A) Purpose. The purpose of the Corporation shall be to develop and implement special energy improvement projects as defined in Ohio Revised Code Chapter 1710, including energy efficiency and clean and renewable energy projects.

(B) Application of Certain Laws.

In accordance with Revised Code Chapter 1710, the following laws apply (or do not apply, as the case may be) to the Corporation:

(1) The Corporation is not a political subdivision but is considered a “public agency” under R.C. 102.01 (ethics laws) and a “public authority” under R.C. 4115.03 (prevailing wages).

(2) Each member of the board of directors, each member’s designee or proxy, and each officer and employee of a district is considered to be a public official or employee under R.C. 102.01 (ethics laws) and a public official and public servant under R.C. 2921.42 (prohibited interest in a public contract). However, the Corporation’s members, directors and officers and their designees or proxies are not required to file a statement with the Ohio ethics commission under R.C. 102.02.

(3) Membership on the board of directors is not considered to be holding a public office.

(4) The Corporation is subject to R.C. 121.22 (open meeting laws) and R.C. 121.23 (prohibition on award of contract to party guilty of unfair labor practice).

(5) The Corporation is considered to be a political subdivision for purposes of R.C. 4905.34 (free or reduced cost utility services may be provided to certain governmental and charitable institutions).

(6) The Corporation’s records shall be treated as public records under R.C. 149.43, except that records of organizations contracting with Corporation shall not be considered to be public records under R.C. 149.43 or R.C. 149.431 solely by reason of any contract with a Corporation.

(C) Definitions.

(1) In accordance with R.C. 1710.01(I), “special energy improvement project” means:

any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, whether such real or personal property is publicly or privately owned.

(2) In accordance with R.C. 1710.01(K) “energy efficiency improvement” means:

energy efficiency technologies, products, and activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy and that are or will be permanently fixed to real property.

(3) In accordance with R.C. 1710.01(L), “customer-generated energy project” means:

a wind, biomass, or gasification facility for the production of electricity that meets either of the following requirements:

(1) The facility is designed to have a generating capacity of two hundred fifty kilowatts of electricity or less.

(2) The facility is:

(a) Designed to have a generating capacity of more than two hundred fifty kilowatts of electricity;

(b) Operated in parallel with electric transmission and distribution facilities serving the real property at the site of the customer-generated energy project;

(c) Intended primarily to offset part or all of the facility owner’s requirements for electricity at the site of the customer-generated energy project and is located on the facility owner’s real property; and

(d) Not producing energy for direct sale by the facility owner to the public.

### ARTICLE III GEOGRAPHICAL BOUNDARIES; MEMBERS OF THE CORPORATION

Except as provided herein, the geographical boundaries of the district and the Corporation shall be coterminous with those of the city of \_\_\_\_\_, Ohio as they now exist or may be revised from time to time. Upon approval by a majority of the members of the board, parcels of property within the city of \_\_\_\_\_ shall be added to the district, and the owner of such property shall become a member of the district and of the Corporation; provided that each such parcel of property shall include an approved special energy improvement project. Such special energy improvement project need not exist at the outset of the admission of the property to the district and the property shall remain within the district so long as in the judgment of the board of directors adequate progress toward the implementation of the special energy improvement project is being made.

The geographical boundaries of the Corporation may be expanded to include areas contained within municipalities other than \_\_\_\_\_ and within townships, provided: (1) the board of directors approves such expansion by a majority vote; (2) such expansion is approved by the applicable municipality or township (a/k/a participating political subdivision) in accordance with the procedures set forth in Revised Code Chapter 1710; and (3) each parcel of property contains or will contain an energy special improvement project.

If a property owner not within the area of one of the Corporation's participating political subdivisions submits an application to become a member, and a majority of the board approves the application, the Corporation and the property owner shall jointly submit a petition to the political subdivision in question seeking to bring the parcel and the political subdivision into the district and the Corporation.

In accordance with Revised Code Chapter 1710, the owner of each parcel of property within the district for which a special energy improvement project is provided for in the district's Plan for Improvements and Services shall be a member of the Corporation and possess all the rights of a member as provided under law. Each parcel of property shall be represented by one owner, no matter if more than one person or entity has an ownership interest in the parcel. Similarly, if an owner owns more than one parcel in the district, the owner shall nevertheless be entitled to only one vote as a member of the district and member of the Corporation. In the case of any doubt or ambiguity, the board shall be the final judge of the members, the parcels of property and the votes.

The identity and address of the parcel owners shall be determined for any particular action of the Corporation, including notice of meetings, no more than sixty days prior to the date of the action, from the most current records available at the county auditor's office. The persons shown on such records as having common or joint ownership interests in a parcel of real property collectively shall constitute the owner of the real property.

If a participating political subdivision also is the owner of a parcel of property within the district upon which there is a special energy improvement project, such political subdivision shall be

deemed to be a member of the Corporation for the purpose of voting and participating in meetings of members of the district.

A member may appoint a designee to carry out the member's rights and responsibilities by filing a written designation form with the Corporation's secretary. The form shall include the name and address of the member, the name and address of the designee, and the expiration date, if any, of the designation and may authorize the designee to vote at any meeting of the Corporation.

A proxy or designee need not be an elector or resident of any participating political subdivision of the district or a member of the district. The appointment of a proxy or a designee may be changed by filing a new form with the Corporation's secretary. The most current form filed with the secretary is the valid appointment. Service of any notice upon a proxy or designee at the proxy's or designee's address as shown on the form satisfies any requirements for notification of the member.

#### ARTICLE IV MEETINGS OF MEMBERS

There shall be an annual meeting of all of the members of the Corporation held on a date in November selected by the board of directors. At the annual meeting of the members, the members shall elect the members of the board of directors, in addition to those members of the board of directors appointed by the participating political subdivisions. In addition, at the annual meeting, the members shall review the progress of the Corporation in achieving its purposes and implementing its plans.

By the first day of March of each year, the Treasurer shall submit to each member of the Corporation and to the municipal executive, chief fiscal officer, and legislative authority of each municipal corporation with territory within the boundaries of the district and the board of township trustees of each township with territory within the boundaries of the district, a report of the Corporation's activities and financial condition for the previous year.

Special meetings of the members may be called by the President, the Treasurer or by members constituting at least one-third of the total membership of the Corporation.

Notice of the time, date, place, and agenda for any meeting of the members shall be by written notice to each member, transmitted by certified mail, personal service, or electronic device prior to the meeting. Notice shall be served at least one week prior to the meeting.

#### ARTICLE V BOARD OF DIRECTORS; DUTIES; MEETINGS

The Corporation shall be governed by and its affairs shall be managed by its board of directors which shall consist of at least five (5) directors. The initial organization of the Corporation shall provide for five (5) directors. The board may elect to expand the number of directors to no more than fifteen (15). The board shall include a person appointed by the legislative authority of each

participating political subdivision and the municipal executive of each municipal corporation with territory within the boundaries of the district. All other board members shall be members of the district, that is, they shall be owners of property within the district with an approved special energy project but they need not be residents of the district.

The members of the board of directors shall elect a Chairperson, Vice- Chairperson, Secretary, and Treasurer of the board. These officers shall serve at the pleasure of the board and may be removed with or without cause. A director may be elected to more than one office, except that the director elected as Treasurer shall not be elected to any other office of the board.

A director may file a written statement with the Corporation's Secretary at least three days prior to any meeting of the board to have a person act as proxy to carry out the director's rights and responsibilities at that meeting.

A director may also appoint a designee to carry out the director's rights and responsibilities by filing a written designation form with the Corporation's Secretary. The form shall include the name and address of the director, the name and address of the designee, and the expiration date, if any, of the designation.

A proxy or designee need not be an elector or resident of a participating political subdivision of the district or a member of the Corporation. The appointment of a proxy or designee may be changed by filing a new form with the Corporation's Secretary. The most current form filed with the Secretary is the valid appointment. Service of any notice upon a proxy or designee at the proxy's or designee's address as shown on that form satisfies any requirements for notification of the director.

The board shall meet quarterly or such number of times annually as the board shall determine, upon a schedule established by the board at its first meeting each year and at such place as the board shall determine. The board shall also meet at the call of the Chairperson or any two directors. Notice of the time, date, place, and agenda for any meeting of the board of directors shall be by written notice to each director, transmitted by certified mail, personal service, or electronic device prior to the meeting. If possible, the notice shall be served at least one week prior to the meeting. The board shall comply with all notice requirements under Ohio's open meeting laws, R.C. 121.22.

The board shall act by a majority vote of those present and authorized to vote at any meeting where proper notice has been served.

The members of the board shall serve without compensation but may be reimbursed for their actual out-of-pocket expenses incurred in behalf of the Corporation upon the presentation of proper documentation.

## ARTICLE VI PLANS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS

The board of directors shall develop and adopt one or more written plans for public improvements or public services that benefit all or any part of the district. Each plan shall set forth the specific public improvements or public services that are to be provided, identify the area in which they will be provided, and specify the method to pay for the improvements and services. Plans may include, but are not limited to, provisions for the following:

- (1) Creating and operating the district and the nonprofit corporation, including hiring employees and professional services, contracting for insurance, and purchasing or leasing office space and office equipment and other requirements of the district;
- (2) Planning, designing, and implementing a public improvements or public services plan, including hiring architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning services, and, for public services, managing, protecting, and maintaining public and private facilities, including public improvements;
- (3) Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding special energy improvement projects;
- (4) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project undertaken by the Corporation, between a participating political subdivision and the Corporation, and between the Corporation and any owner of real property in the district on which a special energy improvement project has been acquired, installed, equipped, or improved; and
- (5) Aggregating the renewable energy credits generated by one or more special energy improvement projects within a district, upon the consent of the owners of the credits and for the purpose of negotiating and completing the sale of such credits.

(B) Once the board adopts a plan, it shall submit the plan to the legislative authority of each participating political subdivision and the municipal executive of each municipal corporation in which the district is located. The legislative authorities and municipal executives shall review the plan and, within sixty days after receiving it, may submit their comments and recommendations about it to the Corporation. After reviewing

these comments and recommendations, the board may amend the plan. It may then submit the plan, amended or otherwise, in the form of a petition to members of the district whose property may be assessed for the plan. All special energy improvement projects shall require a petition signed by one hundred per cent of the owners of the area of all real property located within the area to be assessed for the special energy improvement project.

The petition seeking assessments shall thereafter be submitted to the appropriate legislative authority for consideration and adoption as provided by law. Each legislative authority shall, by



resolution, approve or reject the petition within sixty days after receiving it. If the petition is approved by the legislative authority of each participating political subdivision, the plan contained in the petition shall be effective at the earliest date on which a nonemergency resolution of the legislative authority with the latest effective date may become effective. A plan may not be resubmitted to the legislative authorities and municipal executives more than three times in any twelve-month period.

Each participating political subdivision shall levy, by special assessment upon specially benefited property located within the district, the costs of the special energy improvement project. The levy shall be made in accordance with the procedures set forth in Chapters 1710 and 727 of the Revised Code. Church property or property owned by a political subdivision, including any participating political subdivision in which the district is located, shall be included in and be subject to special assessments made pursuant to a plan adopted under this section or division (F) of section 1710.02 of the Revised Code, if the church or political subdivision has specifically requested in writing that its property be included within the special improvement district and the church or political subdivision is a member of the district.

As a condition of proceeding with the special energy improvement project, the board may require the owner to provide such financial assurances or guarantees that the board deems to be reasonable and necessary.

## ARTICLE VII QUORUM AND VOTING

A majority of the board shall constitute a quorum for all meetings. Proxies and designees shall be counted for all purposes. A majority of a quorum shall be sufficient to authorize taking any action, except when the Articles of Incorporation require a greater number.

Action may be taken by the members of the Corporation by a majority of those present in person or by designee or proxy at a duly called annual or special meeting.

## ARTICLE VIII OFFICERS OF THE BOARD OF TRUSTEES; DUTIES

The board shall elect from among its members a Chairperson, Vice-Chairperson, Secretary, and Treasurer of the board who shall serve for a one (1) year term. The officers shall continue to serve until their successors are elected and qualified.

The Chairperson shall preside at all meetings of the board and may sign, with the Secretary, or any other officer of the Corporation specifically authorized by the board, any deed, mortgages, bonds, notes, contracts or other instruments which the board has authorized, and in general shall be the leader and spokesperson for the Corporation. The Chairperson shall perform all other duties as may be prescribed by the board from time to time. The Chairperson shall conduct and preside at all meetings of the members of the Corporation.

The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is absent or unable to perform the duties of the office. The Vice- Chairperson shall also be

designated as the Assistant Secretary and Assistant Treasurer and shall perform the duties of those offices in the absence of the Secretary or Treasurer. The Vice-Chairperson shall also perform such duties as are assigned by the Chairperson or by the board.

The Secretary shall keep an accurate record of the acts and proceedings of the board and the Corporation and shall keep the minutes of the board; see that all notices are duly given in accordance with the provisions of this Code of Regulations or as required by law; shall be the custodian of the corporate records; and in general shall perform all of the duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Chairperson or by the board.

The Treasurer shall have charge and custody of and be responsible for the funds and securities of the Corporation from any source whatsoever, and shall deposit all such monies in the name of the Corporation in such banks, trust companies, or other depositories and shall perform all duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the President or the board.

#### ARTICLE IX EMPLOYEES OF AND AGENTS FOR THE CORPORATION; PROCUREMENT PROCEDURES

The board may hire such employees and agents as the board deems to be necessary, proper and consistent with the board's plan for improvements within the district. The employees and agents shall receive such compensation as shall be authorized and approved by the board.

The Corporation shall utilize the competitive bidding rules and procedures adopted by the city of \_\_\_\_\_, or similar rules implemented by any governmental entity which provides financing to the Corporation for the cost of implementation of a portion of, or all of, the adopted improvement plan. The Corporation shall have full authority to contract, without advertising or competitive bidding, with any of its members and participating political subdivisions. The board is vested with the authority to determine other instances when, in the judgment of the board, advertising and competitive bidding should be waived. Further, any sale, transfer, lease, or conveyance of a special energy improvement project by a participating political subdivision or the board may be made without advertising, receipt of bids, or other competitive bidding procedures applicable to the participating political subdivision or the district under Revised Code Chapters 153 or 735, or under R.C. 1710.11 or other representative provisions of the Revised Code.

#### ARTICLE X TERMINATION AND WINDING-UP

The existence of the Corporation shall be perpetual, provided however, that the Corporation may be dissolved in accordance with the procedure proscribed under R.C. 1710.13. No rights or obligations of any person under any contract, or in relation to any bonds, notes, or assessments made by the Corporation shall be affected by the dissolution of the Corporation or the repeal of a plan, except with the consent of that person or by order of a court

with jurisdiction over the matter. Upon dissolution of the Corporation, any assets or rights of the Corporation, after payment of all bonds, notes, or other obligations, shall be deposited in a special account in the treasury of each participating political subdivision, prorated among all participating political subdivisions to reflect the percentage of the district's territory within that political subdivision, to be used for the benefit of the territory that made up the district.

Once the members have approved the repeal of a plan, all bonds, notes, and other obligations of the Corporation associated with the plan shall be paid. Thereafter, the plan shall be repealed. Upon receipt of proof that all bonds, notes, and other obligations have been paid and that the plan has been repealed, the participating political subdivisions shall terminate any levies imposed to pay for costs of the plan.

## ARTICLE XI AMENDMENT OF CODE OF REGULATIONS

The Code of Regulations of the Corporation may be amended by the action of two-thirds of the members of the board of directors; provided, however, that no such amendment shall divest any member of the Corporation of any rights granted under Revised Code Chapters 1702 and 1710, and provided further that all participating

political subdivisions shall approve such amendment by resolution and the resolution and amendment shall be filed with the Secretary of State.

## ARTICLE XII INDEMNIFICATION

Directors and their designees shall be entitled to the immunities provided by Chapter 1702 and to the same immunity as an employee under division (A)(6) of section 2744.03 of the Revised Code, except that directors and their designees shall not be entitled to the indemnification provided in section 2744.07 of the Revised Code unless the director or designee is an employee or official of a participating political subdivision of the district and is acting within the scope of the director's or designee's employment or official responsibilities.

Except to the extent such individuals are encompassed within and covered by the foregoing paragraph, board members, officers and employee of the Corporation shall be indemnified by the Corporation against all costs, expenses, judgments, and liabilities, including attorneys' fees, reasonably incurred by such person in connection with or resulting from any pending or threatened action, suit, or proceeding in which such person being or having been such board member, officer or employee, or by reason of any action alleged to have been taken or omitted by such board member, officer or employee except in relation to matters as to which such board member, officer or employee shall be finally adjudged, without right of further appeal, in such action, suit or proceeding to have been liable for willful misconduct in the performance of his or her duties.

## **Assessment: Legislation and Process.**

The legislative process for placing an assessment need not be onerous upon the local municipality or township. The ESID should seek to coordinate with the legislator so as not to overwhelm their schedule with legislation. It is vital to note that legislation to levy an assessment must be passed prior to the 2<sup>nd</sup> Monday in September in order to meet the statutory time frame for certification of assessments to the County for placement on the tax duplicate. For example, assessments which the ESID would like to begin receiving payment on in 2017 must be fully legislated before the 2<sup>nd</sup> Monday of September 2016. Below are examples of the legislation triad.

## Resolution of Necessity

RES. \_\_\_\_ - \_\_\_\_

**Accepting the petition of the City of (\_\_\_\_) for special assessments for various special energy improvement projects in accordance with Chapters 1710 and 727 of the Ohio Revised Code; declaring the necessity of proceeding with the special energy improvement projects and approving the plans and specifications therefor; stating the method for making the special assessments against the benefitted properties and the amount of such special assessments; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The City of (\_\_\_\_) and the (\_\_\_\_) have partnered to create an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the (\_\_\_\_) Ohio Advanced Energy Improvement Corporation (“Corporation”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The Mayor has submitted to this Council a petition (“Petition”) on behalf of the City seeking (i) the addition of certain City properties to the District and (ii) approval of an amendment to the District’s comprehensive plan for special energy improvement projects to include (\_\_\_\_) Special Energy Improvement Projects Nos. (\_\_\_\_) – (\_\_\_\_) and requesting that those Projects be undertaken by the District and that the costs thereof be specially assessed against the properties of the City specially benefited thereby.

Insert List of Projects here.

Insert Total Dollar Costs of Projects here.

The (\_\_\_\_) and the (\_\_\_\_) are funding the cost of the Project through the issuance of bonds. Ultimately, the bonds will be repaid over time from the amounts the City pays as special assessments. The City, in turn, is expected to be able to pay the special assessments from the energy savings estimated to be achieved as a result of the Project.

The annual special assessments for the Project are to be paid in semi-annual payments over (\_\_\_\_) years. The plans and specifications for (\_\_\_\_) Special Energy Improvement Projects Nos. (\_\_\_\_) – (\_\_\_\_)

are on file with the Clerk of Council. The City's petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the ( ) City Charter and the ( ). The City consents to the immediate imposition of the special assessments upon the various properties specially benefited by ( ) Special Energy Improvement Projects Nos. ( ) – ( ).

This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. This resolution accepts and approves the petition from the City to begin that special assessment process, and is accompanied by an ordinance to proceed with ( ) Special Energy Improvement Projects Nos. ( ) – ( ). When ( ) Special Energy Improvement Projects Nos. ( ) – ( ) are complete and the final costs known, an assessing ordinance directing that the necessary special assessments be made against the benefited properties will be presented to the Council.

NOW, THEREFORE, Be it resolved by the Council of the City of ( ) :

SECTION 1. That this Council accepts and approves the Petition of the City of ( ) for ( ) Special Energy Improvement Projects Nos. ( ) – ( ) described herein and in Exhibit A to this Resolution, which is on file with the Clerk of Council. All of the findings and determinations contained in the preceding Summary and Background section are incorporated herein and adopted as substantive findings and determinations of this Council.

SECTION 2. That this Council (i) accepts and confirms the inclusion of the properties listed in Exhibit A in the District, which, pursuant to Chapter 1710 of the Ohio Revised Code, is governed by the Corporation, and (ii) declares the necessity of the acquisition, installation and construction of ( ) Special Energy Improvement Projects Nos. ( ) – ( ), which shall be constructed on the properties of the City identified in Exhibit A.

SECTION 3. That this Council hereby confirms its approval of the plan for the District, including (and as supplemented and amended by and to include) the plans for ( ) Special Energy Improvement Projects Nos. ( ) – ( ), and the Corporation is authorized and directed to cause ( ) Special Energy Improvement Projects Nos. ( ) – ( ) to be constructed under such contracts as it determines to be appropriate under law and in accordance with the plan for the District, including (and as supplemented and amended by and to include) the plans for ( ) Special Energy Improvement Projects Nos. ( ) – ( ).

SECTION 4. That the plans, specifications, estimates of costs, and profiles of the proposed ( ) Special Energy Improvement Projects Nos. ( ) – ( ) identified in Exhibit A on file with the Clerk of Council and open to inspection are hereby approved, and ( ) Special Energy Improvement Projects Nos. ( ) – ( ) shall be acquired, installed and constructed in accordance with those plans and specifications.

SECTION 5. That this Council hereby finds and determines that (i) the ( ) Special Energy Improvement Projects Nos. ( ) – ( ) are conducive to the public health, convenience and welfare of the City and its inhabitants and (ii) the properties of the City identified in Exhibit A are specially benefited by those Projects.

SECTION 6. Insert acceptance and waivers here.

SECTION 7. That the total cost of ( ) Special Energy Improvement Projects Nos. ( ) – ( ) shall be assessed against the properties of the City identified in Exhibit A in proportion to the benefits resulting from ( ) Special Energy Improvement Projects Nos. ( ) – ( ).

SECTION 8. That the total cost of ( ) Special Energy Improvement Projects Nos. ( ) – ( ) shall include any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs, the amount of any damages resulting from those Projects and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing and otherwise acquiring any real estate or interests therein, expenses of legal services, costs of labor and material, trustee fees and other financing costs incurred in connection with the issuance, sale and servicing of securities issued by the ( ) to provide a loan to the Corporation to pay costs of those Projects in anticipation of its receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities issued by the ( ), the ( ) administrative fee and the ( ) program administration fee, together with all other necessary expenditures.

SECTION 9. Insert assessment information here.

SECTION 10. Insert project funding here.

SECTION 11. That this Council finds and determines that all formal actions of this Council and any of its Committees concerning and relating to the adoption of this Resolution were taken, and all deliberations of this Council or any of its Committees that resulted in such formal actions were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Revised Code.

SECTION 12. That this Resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption. The reason for the emergency lies in the fact that this Resolution is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City, and undertake construction of necessary public improvements, as well as, provide and enable the timely levying, certification and collection of the special assessments for ( ) Special Energy Improvement Projects Nos. ( ) – ( ).

## Ordinance to Proceed

ORD \_\_\_\_ - \_\_\_\_

**Determining to proceed with certain City of (\_\_\_\_) special energy improvement projects by way of special assessments in accordance with Chapters 1710 and 727 of the Ohio Revised Code; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The City of (\_\_\_\_) and the (\_\_\_\_\_) have partnered to create an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the (\_\_\_\_\_) Ohio Advanced Energy Improvement Corporation (“Corporation”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The Mayor has submitted to this Council a petition (“Petition”) on behalf of the City seeking (i) the addition of certain City properties to the District and (ii) approval of an amendment to the District’s comprehensive plan for special energy improvement projects to include (\_\_\_\_) Special Energy Improvement Projects Nos. (\_\_\_\_) – (\_\_\_\_) and requesting that those Projects be undertaken by the District and that the costs thereof be specially assessed against the properties of the City specially benefited thereby.

Insert List of Projects.

Insert Total Dollar Cost of Projects.

The (\_\_\_\_) and the (\_\_\_\_) are funding the cost of the Project through the issuance of bonds. Ultimately, the bonds will be repaid over time from the amounts the City pays as special assessments. The City, in turn, is expected to be able to pay the special assessments from the energy savings estimated to be achieved as a result of the Project.

The annual special assessments for the Project are to be paid in semi-annual payments over (\_\_\_\_) years. The plans and specifications for (\_\_\_\_) Special Energy Improvement Projects Nos. (\_\_\_\_) – (\_\_\_\_) are on file with the Clerk of Council. The City’s petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the (\_\_\_\_) City Charter and the (\_\_\_\_) Code. The City consents to the immediate imposition



of the special assessments upon the various properties specially benefited by ( ) Special Energy Improvement Projects Nos. ( ) – ( ).

This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. This Ordinance authorizes proceeding with the ( ) Special Energy Improvement Projects Nos. ( ) – ( ). When ( ) Special Energy Improvement Projects Nos. ( ) – ( ) are complete and the final costs known, an assessing ordinance directing that the necessary special assessments be made against the benefited properties will be presented to the Council.

NOW, THEREFORE,

Be it ordained by the Council of the City of ( ):

SECTION 1. That this Council hereby determines to proceed with ( ) Special Energy Improvement Projects Nos. ( ) – ( ) as described in the City's Petition and in the Resolution of Necessity, including the Exhibit A thereto, and in accordance with the plans, specifications, profiles and estimates of costs previously approved and now on file with the Clerk of Council.

SECTION 2. That the Corporation shall cause ( ) Special Energy Improvement Projects Nos. ( ) – ( ) to be constructed under such contracts as it determines to be appropriate under law and in accordance with the plans and specifications approved by this Council.

SECTION 3. That the total cost of ( ) Special Energy Improvement Projects Nos. ( ) – ( ) to be assessed in accordance with the Resolution of Necessity shall be assessed on the properties in the manner and pursuant to the payment schedule set forth in the Resolution of Necessity, and the estimated special assessments prepared and filed in the Office of the Clerk of Council are adopted.

SECTION 4. That the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within ( ) ( ) days after its passage.

SECTION 5. That 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, and that all deliberations of this Council or any of its Committees that resulted in such formal action were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City and undertake the construction of necessary public improvements, as well as, enable and provide for the timely levying, certification and collection of special assessments for ( ) Special Energy Improvement Projects Nos. ( ) – ( ).

## Ordinance to Levy

ORD. No. \_

Levying special assessments for the (\_\_\_\_) Project; and declaring an emergency.

### SUMMARY & BACKGROUND:

The City of (\_\_\_\_) and the (\_\_\_\_) have partnered to create an Energy Special Improvement District ("District") under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the (\_\_\_\_) Ohio Advanced Energy Improvement Corporation ("Corporation"), to govern the District. Property owners within the District are permitted to make certain "energy efficiency improvements" to their properties, which constitute a "special energy improvement project", and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The Mayor has submitted to this Council a petition ("Petition") on behalf of the City seeking (i) the addition of certain City properties to the District and (ii) approval of an amendment to the District's comprehensive plan for special energy improvement projects to include (\_\_\_\_) Special Energy Improvement Projects Nos. (\_\_\_\_) – (\_\_\_\_) and requesting that those Projects be undertaken by the District and that the costs thereof be specially assessed against the properties of the City specially benefited thereby.

Insert List of Projects.

Insert Total Cost of Projects.

The annual special assessments for the Project are to be paid in semi-annual payments over (\_\_\_\_) years. The plans and specifications for (\_\_\_\_) Special Energy Improvement Projects Nos. (\_\_\_\_) – (\_\_\_\_) are on file with the Clerk of Council. The City's petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the (\_\_\_\_) Code. The City consents to the immediate imposition of the special assessments upon the various properties specially benefited by (\_\_\_\_) Special Energy Improvement Projects Nos. (\_\_\_\_) – (\_\_\_\_).

This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. Final costs for the (\_\_\_\_) Special Energy Improvement Projects Nos. (\_\_\_\_) – (\_\_\_\_) are now known and this assessing ordinance completes the assessing process, which included the adoption of a Resolution of Necessity (Resolution No. (\_\_\_\_)) and an Ordinance to Proceed (Ordinance No. (\_\_\_\_)) by levying the assessments against the benefitted properties.

NOW, THEREFORE, Be it ordained by the Council of the City of ( ):

SECTION 1. That the special assessments for the cost of providing \_\_\_\_\_ Special Energy Improvement Projects No. ( ) – ( ) in the District pursuant to Resolution No. ( ) adopted by this Council on (Month)(Day)(Year) (the Resolution of Necessity), which were filed and are on file in the office of the Clerk of Council are adopted and confirmed; provided that the cost of providing such Project are reduced to the aggregate amount of \$( ) which reduction is adopted and confirmed. Those special assessments are levied and assessed upon the properties in the respective amounts set forth in the schedule attached as Exhibits A and B and on file with the Clerk of Council, which special assessments have been calculated in a manner provided for in the Resolution of Necessity and are not in excess of the special benefits or any statutory limitation. The special assessments are levied and assessed in accordance with the payment schedule attached hereto as Exhibit A in the amounts sufficient to pay the principal of and interest on the ( ) \$( ) Taxable Development Revenue Bonds ( \_\_\_\_\_ Bond Fund) Series ( ) (The ( ) Ohio Advanced Energy Improvement Corporation Project), and the scheduled amounts payable as the Authority administrative fee, the Authority program administration fee, the Trustee fee, and the ( ) County, Ohio special assessment collection fee due with respect to each semi-annual period identified in such payment schedule.

SECTION 2. That City waives the right to pay the special assessments in cash within ( ) days after the passage of this ordinance, and shall pay the assessments in ( ) equal annual installments (( ) equal semi-annual installments) in accordance with the schedules attached hereto as Exhibit A and RAI special assessments shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected. All payments shall be made to the County Treasurer of ( ) County, Ohio and shall be subject to the same delinquency procedures, penalties, and interest as the payment of real property taxes in accordance with Ohio Revised Code Chapter 323.

SECTION 3. The Council finds and determines that it has previously waived notice of the passage of this assessing Ordinance and therefore no notice need be published in a newspaper of general circulation in the City.

SECTION 4. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within ( ) days after its passage, but in no event later than the second Monday in (Month), (Year) (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of ( ) County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year ( )).

SECTION 5. That the proceeds of the special assessments levied by this Ordinance that are received by the City shall be applied as provided in Section 1710.12 of the Revised Code and are hereby appropriated for that purpose. This Council covenants and agrees that it will give effect to the appropriation in the ordinances it hereafter adopts appropriating money for expenditure or encumbrance. The Director of Finance is authorized and directed to make appropriate accounting

entries and adjustments to reflect the City's receipt and disbursement of those proceeds.

SECTION 6. That 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, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 7. That this Ordinance is declared to be an emergency measure and shall take effect and be enforced from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that the immediate action is necessary in order to conserve energy and protect the environment of the City, as well as, undertake the construction of the public improvements and enable and provide for the timely levying, certification and collection of the special assessments for City of (\_\_\_\_) Special Energy Improvement Projects Nos. (\_\_\_\_)-

## Annual Operating Requirements

The amount of oversight needed will vary depending upon the activity level of the ESID. Each additional project added to the district will entail additional work, and may necessitate additional meetings of the Board. No matter how active the district, the annual operating requirements of an Ohio ESID are relatively simple and few.

## Corporate Governance

At the meeting of the members, held by statute each November, the members shall elect their Board of Director representatives. The ESID should also confirm the appointment or designation of any municipal or township statutory representative at this time. This is also a good opportunity to discuss any past changes to, and needed changes to the ESID plan. The Board will need to elect its Officers, and will be charged with managing the ESID.

## Reporting Requirements

The reporting requirements are primarily financial in nature.

First, per R.C. 1710.04(D):

By the first day of March of each year, the treasurer shall submit to each member of the district and to the municipal executive, chief fiscal officer, and legislative authority of each municipal corporation with territory within the boundaries of the special improvement district and the board of township trustees of each township with territory within the boundaries of the special improvement district, a report of the district's activities and financial condition for the previous year.

Second, the ESID will need to prepare an annual financial report and file this with the Ohio Secretary of State by December 31 of each year.