

## EMERGENCY ORDINANCE NO. 2019-33

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF MONROE, OHIO IN COOPERATION WITH THE MONROE, LIBERTY ENERGY SPECIAL IMPROVEMENT DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Monroe, Ohio (the City) (the Council) duly adopted a resolution (the Resolution of Necessity), (i) declaring the necessity of acquiring, constructing, and improving energy efficiency improvements, including, without limitation, high-efficiency lighting upgrades and related improvements (the Project, as more fully described in the Petition referenced in this Ordinance) located on real property owned by the City or Monroe, Ohio (the Owner) at 233 South Main Street, Monroe, Ohio (the Property, as more fully described in Exhibit A to the Petition, as defined below); (ii) providing for the acquisition, construction, equipping, and improvement of the Project by the Owner, as set forth in the Owner's Petition for *Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* relating to the Property (the Petition) and the *Monroe, Liberty Energy Special Improvement District Program Plan* (the Plan) including the levying and collecting of special assessments to be assessed upon the Property (the Special Assessments) in an amount sufficient to pay the costs of the Project, which is estimated to be \$100.00, and which include other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Monroe, Liberty Energy Special Improvement District (the District) administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the District; and

WHEREAS, the claims for damages alleged to result from and objections to the Project have been waived by 100% of the affected property owners and no claims for damages have been filed.

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

SECTION 1: That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION 2: That this Council declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications,

profiles, and estimates of cost previously approved and now on file with the Clerk of Council of the City.

SECTION 3: That the Special Assessments to pay costs of the Project, which are estimated to be \$100.00, and which include other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or to the Owner's lessee or otherwise to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, shall be assessed against the Property in the manner and in the number of annual installments provided in the Petition and the Resolution of Necessity. Each annual Special Assessment payment represents the payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and the scheduled amounts payable as the District administrative fee and the trustee fee. The Special Assessments shall be assessed against the Property in tax year 2020 for collection in 2021. In addition to Special Assessments, the Auditor of Butler County, Ohio may impose a special assessment collection fee with respect to each annual payment, which amount, if imposed, will be added to the Special Assessments by the Auditor of Butler County, Ohio.

SECTION 4: That the estimated Special Assessments for costs of the Project prepared and filed in the office of the Director of Finance of the City, in accordance with the Resolution of Necessity, are adopted, and that the usefulness of the services and improvements provided pursuant to the plan are determined to be 15 years.

SECTION 5: That in compliance with Ohio Revised Code Section 319.61, the Clerk of Council is directed to deliver a certified copy of this Ordinance to the Auditor of Butler County, Ohio within 15 days after the date of its passage.

SECTION 6: That all contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Petition, and the Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION 7: That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that the deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Ohio Revised Code Section 121.22.

**SECTION 8:** That this Ordinance provides for improvements petitioned for by the owners of the requisite majority of the front footage or of the area of the property benefited and to be especially assessed therefor. Under Section 7.08(B)(3) of the Charter of the City, this Ordinance shall therefore take effect immediately upon its passage.

PASSED: January 14, 2020

ATTEST:

APPROVED:

  
Clerk of Council

  
Mayor

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Municipal Law, Section 121.22 of the Ohio Revised Code.

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.

  
Clerk of Council  
City of Monroe, Ohio