

EMERGENCY ORDINANCE NO. 2019-34

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING, AND IMPROVING 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 City of Monroe, Ohio (the Owner) has submitted its *Petition For Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* (the Petition) in order to provide for the completion of a special energy improvement project on real property owned by the Owner in the City of Monroe, Ohio (the City); and

WHEREAS, this Council (the Council) of the City duly adopted a resolution (the Resolution of Necessity) declaring the necessity of acquiring, constructing, equipping, improving, and installing energy efficiency improvements on its real property, including, without limitation, high-efficiency lighting upgrades and related improvements (the Project) as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, this Council duly passed an ordinance determining to proceed with the Project and adopted the estimated Special Assessments (each as defined in the Resolution of Necessity) filed with the Director of Finance of the City pursuant to the Resolution of Necessity.

WHEREAS, the actual costs of the Project have been ascertained and have been certified to the City in the Petition and the Program Plan for the Project.

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 the list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is \$100.00, and which includes 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 District 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, which costs were set forth in the Petition and previously reported to this Council and are now on file in the office of the Clerk

of Council of the City, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City.

The Special Assessments are assessed against the Property commencing in tax year 2020 for collection in 2021. The annual installment of the Assessments shall be collected in each calendar year equal to a maximum annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Ordinance.

All Special Assessments shall be certified by the Clerk of Council to the Auditor of Butler County, Ohio pursuant to the Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached to and incorporated into this Ordinance as Exhibit A.

SECTION 3: That this Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

SECTION 4: That the Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Clerk of Council of the City to the Auditor of Butler County, Ohio as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

SECTION 5: That the Special Assessments will be used by the City to provide the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City or its Authorized Collection Agent to the District or to another party the City or its Authorized Collection Agent deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 6: That the Director of Finance of the City shall keep the Special Assessments on file in the office of the Director of Finance of the City.

SECTION 7: That in compliance with Ohio Revised Code Section 319.61, the Clerk of Council of the City is directed to deliver a certified copy of this Ordinance to the Auditor of Butler County, Ohio within 20 days after its passage.

SECTION 8: 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 9: 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 Sunshine 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

EXHIBIT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
City of Monroe, Ohio	Butler County Parcel ID No. C1800008210005	100%	\$100.00

SCHEDULE OF SPECIAL ASSESSMENTS
FOR BUTLER COUNTY PARCEL NOS.:

C1800008210005*

The following schedule of Special Assessment charges shall be certified for collection in one annual installment to be collected with real property taxes in calendar years 2021:

Special Assessment Payment Date*	Special Assessment Payment Amount**
January 31, 2021	\$100.00

* As identified in the records of the Auditor of Butler County, Ohio as of November 15, 2019.

** Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the Auditor of Butler County, Ohio under certain conditions.

*** The Auditor of Butler County, Ohio may impose a special assessment collection fee with respect to each annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the Auditor of Butler County, Ohio to each annual Special Assessment payment.