

**AGENDA
REGULAR MEETING OF CITY COUNCIL
JUNE 15, 2023, at 6:00 P.M.**

1. Mayor Smith calls the meeting to order

2. Roll Call:

Linda Allen
Linda Burke
Brenda Combs

Maryan Harrison
Bill Madison
Rolin Spicer

3. Pledge of Allegiance

4. Guests: Warren County Sheriff, Larry Sims

Molly Conley and Justin Bedocs - Warren County Soil & Water Conservation District

5. Floor open to the public

6. New Business: Emergency Ordinance 2023-14 approving and accepting for public maintenance Emerald Drive in Wynstead Subdivision Section 4-B

Emergency Ordinance 2023-15 approving and accepting for public maintenance Emerald Drive in Winstead Subdivision Section 6

Emergency Ordinance 2023-16 approving and accepting for public maintenance Emerald Drive in Winstead Subdivision Section 7

Emergency Ordinance 2023-17 approving a plan of operation and governance for Electric Aggregation in the City of South Lebanon

Emergency Ordinance 2023-18 approving a plan of operation and governance for Natural Gas Aggregation in the City of South Lebanon

Emergency Ordinance 2023-19 approving Tax Increment Refunding Bonds relative to the Riverside Project

Emergency Ordinance 2023-20 designating compensation for the temporary laborer position from the General Fund

Authorization of Invoices

Authorization of Solicitor's Invoice

Approval of the May Financial Statements

Approval of Meeting Minutes:

Regular Meeting – May 18, 2023

Regular Meeting – June 1, 2023

7. Old Business:

8. Communications and reports from City Officials and Committees:

- | | |
|------------------------|--------------------|
| a. Mayor | e. Solicitor |
| b. Fiscal Officer | f. Sergeant |
| c. Administrator | g. Council Members |
| d. Asst. Administrator | |

9. Executive Session

10. Adjournment



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296
fax: 513-494-1656
www.southlebanonohio.org

MEMORANDUM

To: Mayor & City Council

From: Jerry Haddix, City Administrator

Date: June 13, 2023

Subject: Wynstead Sections 4-B, 6 & 7 Street Acceptance

Attached are three (3) ordinances to accept sections of streets in Wynstead Sections 4-B, 6 & 7 subdivisions. The Developer, Grand Communities (aka Fischer Homes) has completed all of the public improvements and completed all of the punch list items identified by Choice One Engineering. There is a one-year warranty period that starts with the passage of this ordinance.

With the public improvements complete, these ordinances should be passed as emergencies in order for the City to begin maintenance on these streets immediately.

Let me know if you have any questions or need additional information.

CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-14

**AN ORDINANCE APPROVING AND ACCEPTING FOR PUBLIC MAINTENANCE
EMERALD DRIVE IN WYNSTEAD SUBDIVISION SECTION 4-B, IN THE CITY OF
SOUTH LEBANON, AND DECLARING AN EMERGENCY**

WHEREAS, by letter dated January 31, 2023, the City Engineer has inspected and verified that the following streets in Wynstead Subdivision Section 4-B have been constructed in compliance with the approved plans and the City's Subdivision Regulations Sec. 15.20.7 [Requirements for the Construction of Improvements], paragraph 6 [Inspection], to-wit:

Street Name	Street Width	Street Mileage
Emerald Drive	37.00'	460 l.f.
Castle Drive	29.00'	135 l.f.

WHEREAS, at its meeting held on June 13, 2023, the Planning Commission of the City of South Lebanon found that the public streets and appurtenances in Wynstead Subdivision Section 4-B, as described herein, have been constructed in accordance with Sect 15.20.7(6)(a-e) of the City Subdivision Regulations.

WHEREAS, to immediately begin providing maintenance of the aforementioned street, and to assure safe passage for the traveling public upon such streets, immediate action is required and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council approves and accepts for public maintenance the herein referenced streets as described herein and illustrated on the attached Exhibit.

Section 2. That the Fiscal Officer certify a copy of this Ordinance to the Warren County Engineer.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Ordinance No. 2023-14

Page 2

Section 4. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 15th day of June, 2023.

Attest: _____

Petrina D. Williams, Fiscal Officer/Clerk

James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date – / /2023
Vote - ____ Yeas		
____ Nays		
First Reading – / /2023		Effective Date – / /2023
Second Reading – / /2023		
Third Reading – / /2023		
Vote - ____ Yeas		
____ Nays		

Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: _____



Date

January 31, 2023

Attention

Jerry Haddix
City Administrator

Address

10 N. High Street
South Lebanon, OH 45065

Subject

Wynstead Subdivision Section 4B
Acceptance Letter
City of South Lebanon, OH

Dear Mr. Haddix:

After a final punch list walkthrough on November 10, 2022, the public infrastructure and rights-of-way for the Wynstead Section 4B Subdivision have been deemed acceptable for dedication.

- The contractor has satisfactorily completed all punch list items pursuant to Sect. 15.20.7(6)(a-d).
- The acceptance and dedication of the public improvements created by this subdivision include the following streets. See attached plat for exact locations:
 - o A segment of Emerald Drive approximately 460' in length and 37' wide from back of curb to back of curb (60' right-of-way) and
 - o A segment of Castle Drive approximately 135' in length and 29' wide from back of curb to back of curb (50' right-of-way).

If you have any questions, please contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy Niese".

Troy A. Niese, P.E.
Choice One Engineering

W. Central Ohio/E. Indiana
440 E. Hoewisher Rd.
Sidney, OH 45365
937.497.0200 Phone

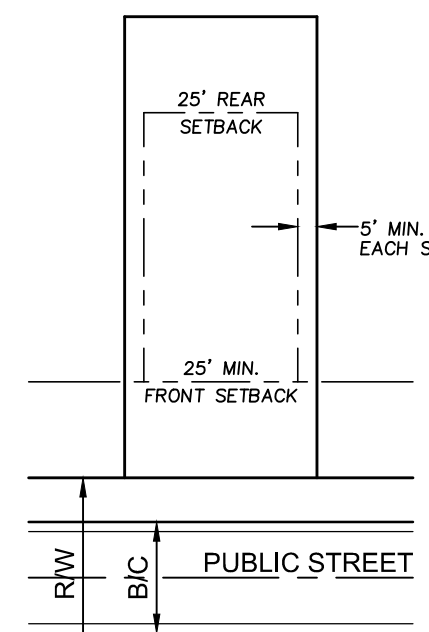
S. Ohio/N. Kentucky
8956 Glendale Milford Rd., Suite 1
Loveland, OH 45140
513.239.8554 Phone

www.CHOICEONEENGINEERING.com

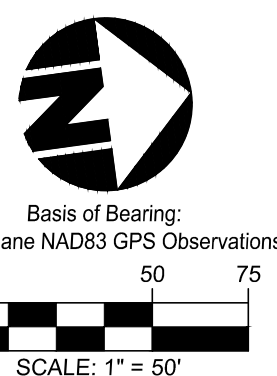


CURVE TABLE				
Curve	Delta	Radius	Length	Chord
C-1	6°01'13"	470.00'	49.38'	S57°07'40"E 49.36'
C-2	79°34'11"	25.00'	34.72'	N14°19'58"W 32.00'
C-3	7°24'26"	525.00'	67.87'	N20°34'51"E 67.82'

LINE TABLE		
Line	Direction	Distance
L-1	N35°52'57"E	60.00
L-2	N24°52'05"E	10.70
L-3	S17°20'44"W	51.35
L-4	N13°56'40"E	50.73
L-5	S04°29'47"W	50.00
L-6	S08°00'21"W	50.11
L-7	S29°10'09"W	33.88
L-8	S48°31'10"W	40.06
L-9	S62°51'23"W	46.25
L-10	S62°59'12"W	9.50
L-11	S27°00'48"E	49.44



50' WIDE LOTS
NOT TO SCALE
5000 S.F. MIN.



SECTION FOUR

LOT SUMMARY

PHASE A	25 LOTS
PHASE B	17 LOTS
<u>TOTAL</u>	<u>42 LOTS</u>

[illegible]

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-15**

**AN ORDINANCE APPROVING AND ACCEPTING FOR PUBLIC MAINTENANCE
EMERALD DRIVE IN WYNSTEAD SUBDIVISION SECTION 6, IN THE CITY OF
SOUTH LEBANON, AND DECLARING AN EMERGENCY**

WHEREAS, by letter dated January 31, 2023, the City Engineer has inspected and verified that the following street(s) in Wynstead Subdivision Section 6 have been constructed in compliance with the approved plans and the City's Subdivision Regulations Sec. 15.20.7 [Requirements for the Construction of Improvements], paragraph 6 [Inspection], to-wit:

Street Name	Street Width	Street Mileage
Kingly Terrace	29.00'	765 l.f.

WHEREAS, at its meeting held on June 13, 2023, the Planning Commission of the City of South Lebanon found that the public streets and appurtenances in Wynstead Subdivision Section 6, as described herein, have been constructed in accordance with Sect 15.20.7(6)(a-e) of the City Subdivision Regulations.

WHEREAS, to immediately begin providing maintenance of the aforementioned street, and to assure safe passage for the traveling public upon such streets, immediate action is required and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council approves and accepts for public maintenance the herein referenced streets as described herein and illustrated on the attached Exhibit.

Section 2. That the Fiscal Officer certify a copy of this Ordinance to the Warren County Engineer.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Ordinance No. 2023-15

Page 2

Section 4. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 15th day of June, 2023.

Attest: _____

Petrina D. Williams, Fiscal Officer/Clerk

James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date – / /2023
Vote - ____ Yeas		
____ Nays		
First Reading – / /2023		Effective Date – / /2023
Second Reading – / /2023		
Third Reading – / /2023		
Vote - ____ Yeas		
____ Nays		

Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: _____

**Date**

January 31, 2023

Attention

Jerry Haddix
City Administrator

Address

10 N. High Street
South Lebanon, OH 45065

Subject

Wynstead Subdivision Section 6
Acceptance Letter
City of South Lebanon, OH

Dear Mr. Haddix:

After a final punch list walkthrough on November 10, 2022, the public infrastructure and rights-of-way for the Wynstead Section 6 Subdivision have been deemed acceptable for dedication.

- The contractor has satisfactorily completed all punch list items pursuant to Sect. 15.20.7(6)(a-d).
- The acceptance and dedication of the public improvements created by this subdivision include the following streets. See attached plat for exact locations:
 - o The length of the Kingly Terrace (previously called Noble Terrace) cul-de-sac; approximately 765' in length and 29' wide from back of curb to back of curb (50' right-of-way).

If you have any questions, please contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy Niese".

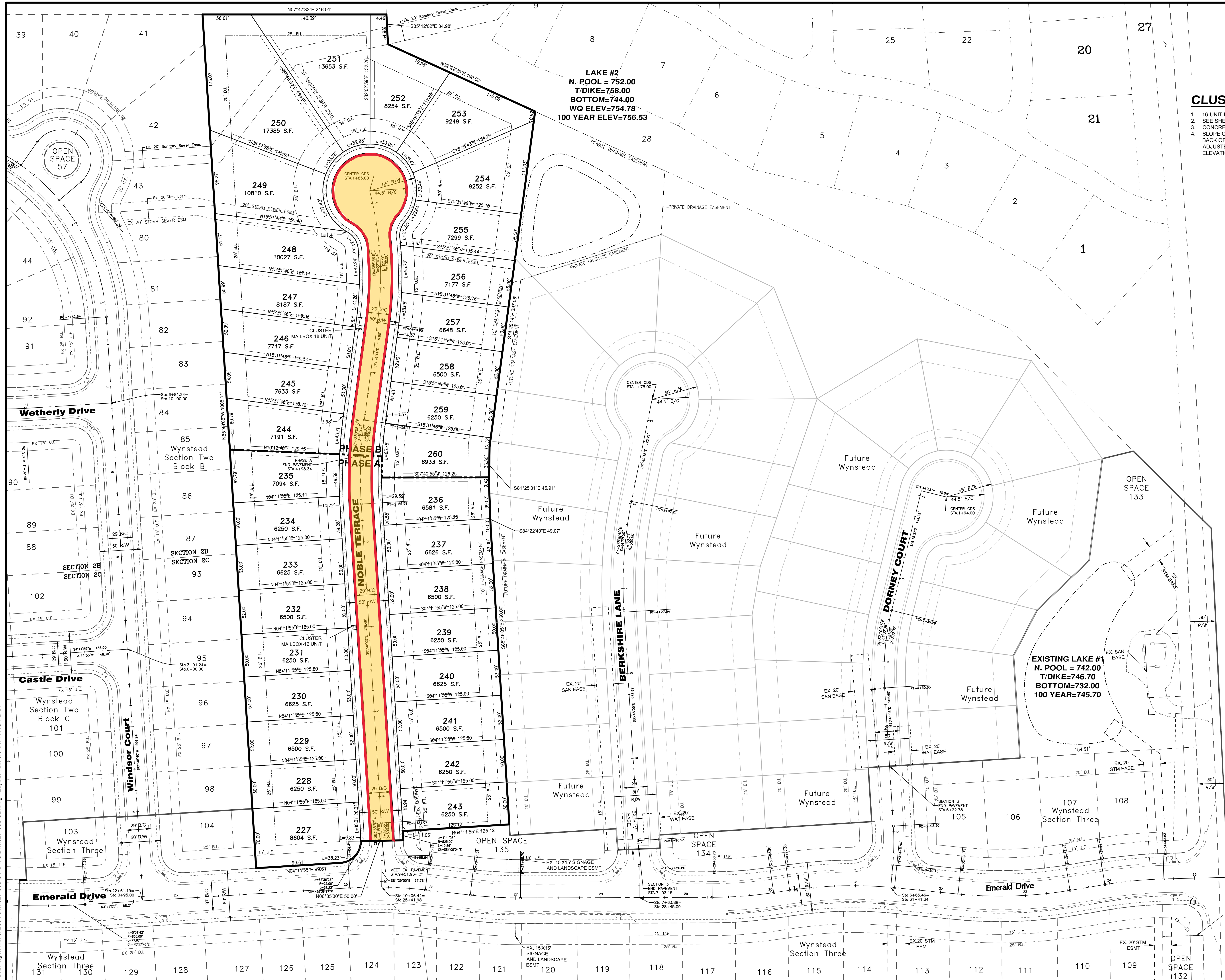
Troy A. Niese, P.E.
Choice One Engineering

W. Central Ohio/E. Indiana
440 E. Hoewisher Rd.
Sidney, OH 45365
937.497.0200 Phone

S. Ohio/N. Kentucky
8956 Glendale Milford Rd., Suite 1
Loveland, OH 45140
513.239.8554 Phone

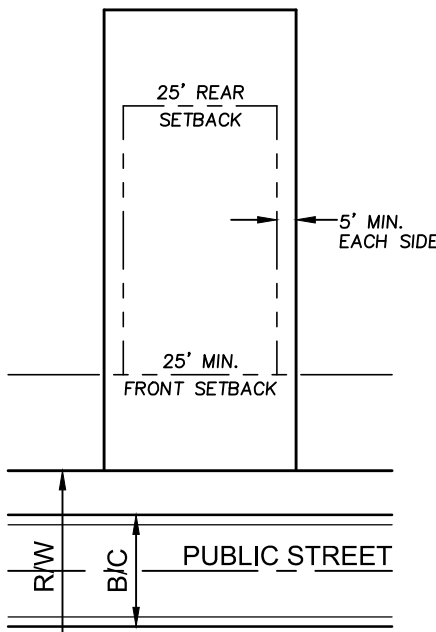
www.CHOICEONEENGINEERING.com





CLUSTER MAIL BOX NOTES

1. 16-UNIT MAILBOX SIZE OER PHASE.
2. SEE SHEET 2 FOR CONCRETE PAD DETAILS.
3. CONCRETE PAD SIZE: 5'x6.5'
4. SLOPE CONCRETE PAD A MAXIMUM OF 2% FROM BACK OF CURB. SIDEWALK GRADES TO BE ADJUSTED TO MATCH THE MAILBOX PAD ELEVATIONS.

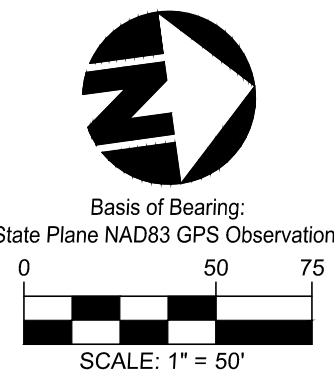


50' WIDE LOTS
NOT TO SCALE
5000 S.F. MIN.

SECTION SIX

LOT SUMMARY

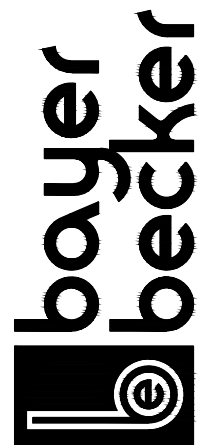
PHASE A	17 LOTS
PHASE B	17 LOTS
TOTAL	34 LOTS

[illegible]

**WYNSTEAD
SECTION SIX, PHASE A & B**

MILITARY SURVEY No. 1546
VILLAGE OF SOUTH LEBANON
WARREN COUNTY, OHIO

STAKING PLAN



Drawing:	04M027-005 CD
Drawn by:	ATC
Checked By:	GJK
Issue Date:	07-24-18

3.0

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-16**

**AN ORDINANCE APPROVING AND ACCEPTING FOR PUBLIC MAINTENANCE
EMERALD DRIVE IN WYNSTEAD SUBDIVISION SECTION 7, IN THE CITY OF
SOUTH LEBANON, AND DECLARING AN EMERGENCY**

WHEREAS, by letter dated January 31, 2023, the City Engineer has inspected and verified that the following street(s) in Wynstead Subdivision Section 7 have been constructed in compliance with the approved plans and the City's Subdivision Regulations Sec. 15.20.7 [Requirements for the Construction of Improvements], paragraph 6 [Inspection], to-wit:

Street Name	Street Width	Street Mileage
Berkshire Lane	29.00'	550 l.f.
Dorney Court	29.00'	340 l.f.

WHEREAS, at its meeting held on June 13, 2023, the Planning Commission of the City of South Lebanon found that the public streets and appurtenances in Wynstead Subdivision Section 7, as described herein, have been constructed in accordance with Sect 15.20.7(6)(a-e) of the City Subdivision Regulations.

WHEREAS, to immediately begin providing maintenance of the aforementioned street, and to assure safe passage for the traveling public upon such streets, immediate action is required and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council approves and accepts for public maintenance the herein referenced streets as described herein and illustrated on the attached Exhibit.

Section 2. That the Fiscal Officer certify a copy of this Ordinance to the Warren County Engineer.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Ordinance No. 2023-16

Page 2

Section 4. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 15th day of June, 2023.

Attest: _____

Petrina D. Williams, Fiscal Officer/Clerk

James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date – / /2023
Vote - ____ Yeas		
____ Nays		
First Reading – / /2023		Effective Date – / /2023
Second Reading – / /2023		
Third Reading – / /2023		
Vote - ____ Yeas		
____ Nays		

Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: _____

**Date**

January 31, 2023

Attention

Jerry Haddix
City Administrator

Address

10 N. High Street
South Lebanon, OH 45065

Subject

Wynstead Subdivision Section 7
Acceptance Letter
City of South Lebanon, OH

Dear Mr. Haddix:

After a final punch list walkthrough on November 10, 2022, the public infrastructure and rights-of-way for the Wynstead Section 7 Subdivision have been deemed acceptable for dedication.

- The contractor has satisfactorily completed all punch list items pursuant to Sect. 15.20.7(6)(a-d).
- The acceptance and dedication of the public improvements created by this subdivision include the following streets. See attached plat for exact locations:
 - o The length of the Berkshire Lane cul-de-sac; approximately 550' in length and 29' wide from back of curb to back of curb (50' right-of-way).
 - o The length of the Dorney Court cul-de-sac; approximately 340' in length and 29' wide from back of curb to back of curb (50' right-of-way).

If you have any questions, please contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy Niese".

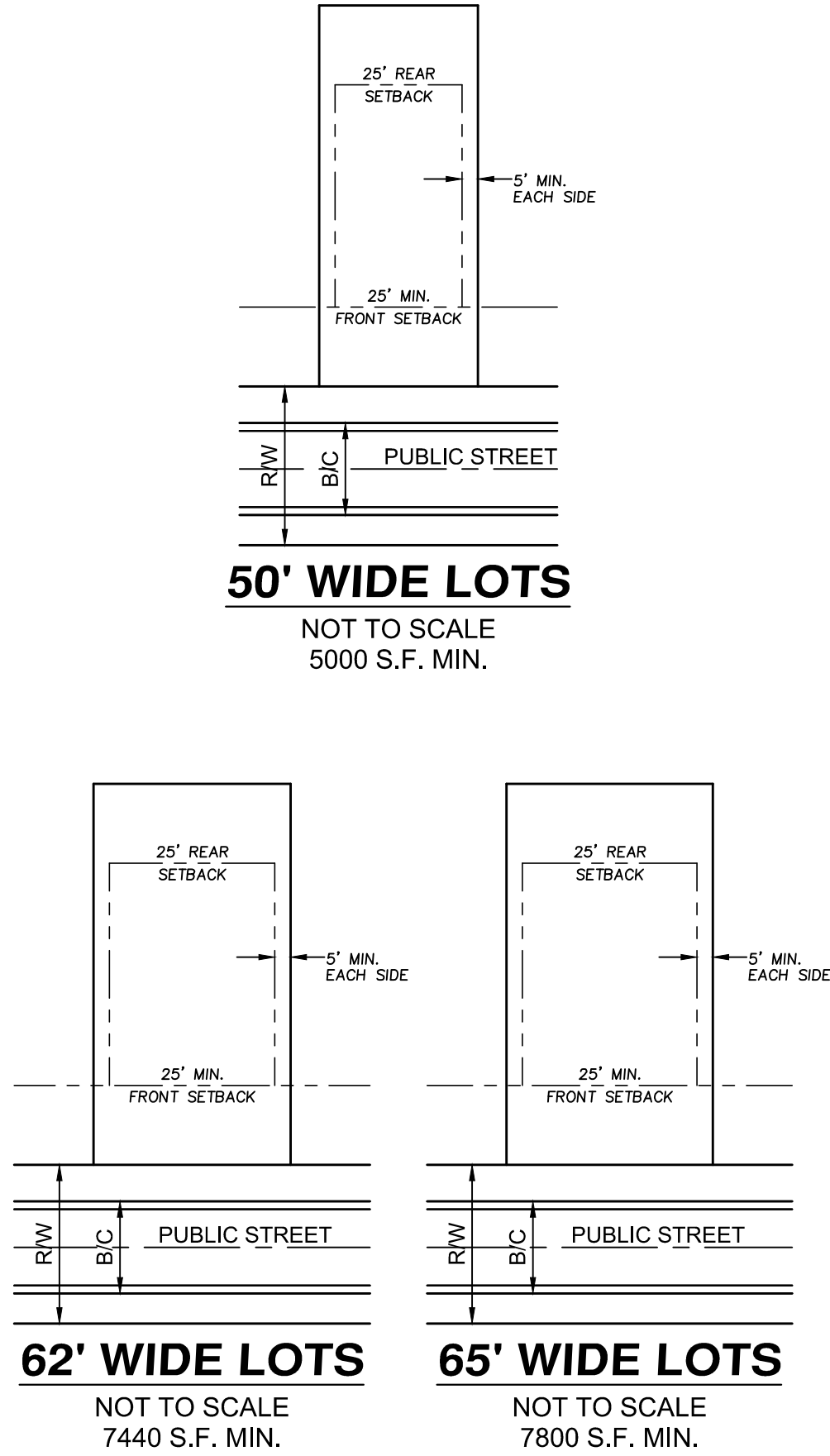
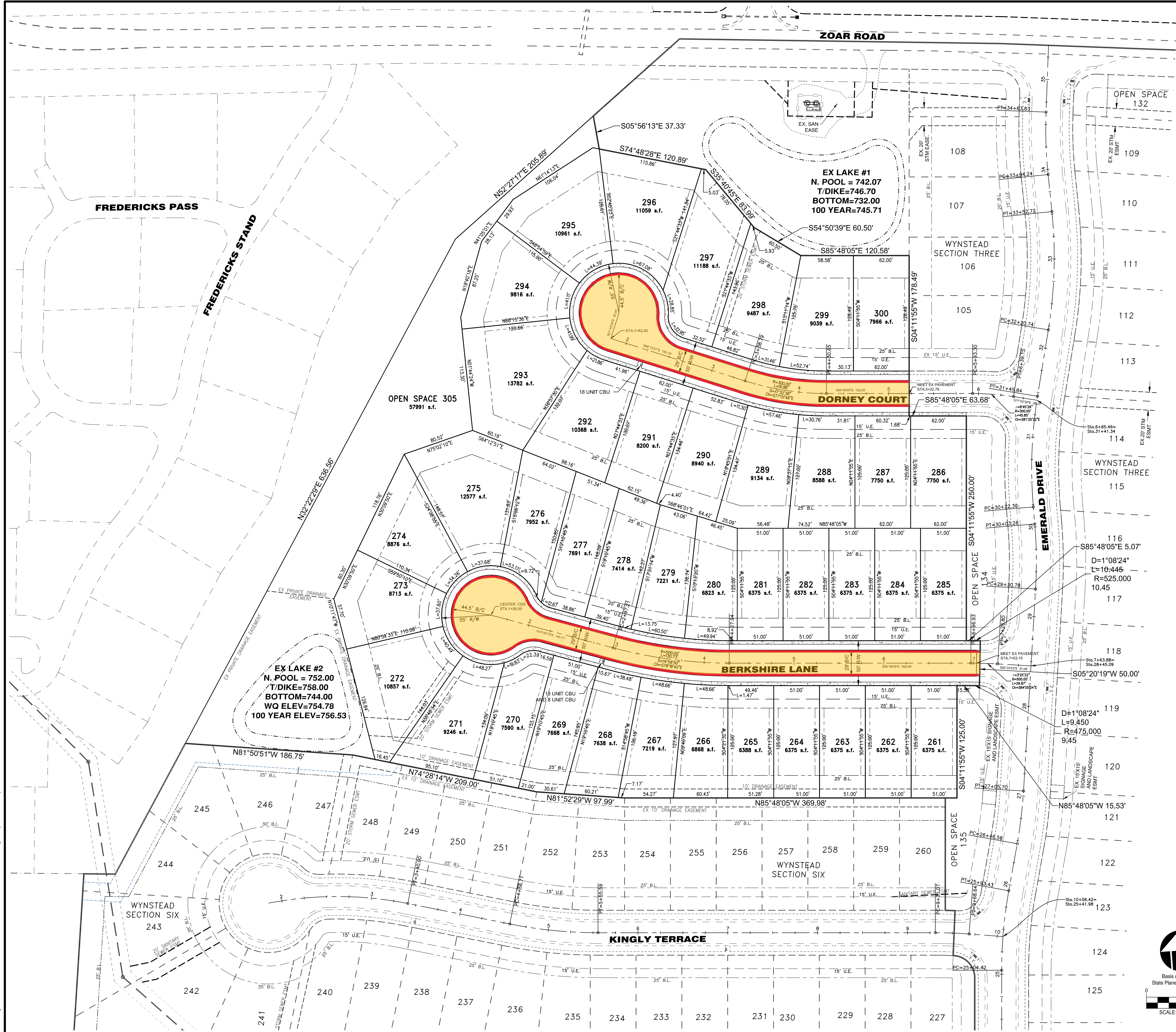
Troy A. Niese, P.E.
Choice One Engineering

W. Central Ohio/E. Indiana
440 E. Hoewisher Rd.
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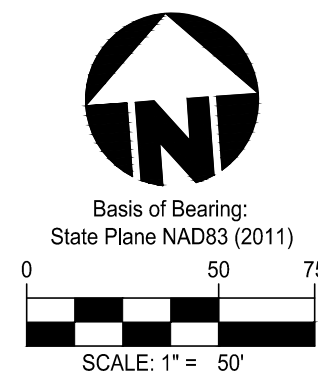
www.CHOICEONEENGINEERING.com





CLUSTER MAIL BOX NOTES

1. 18-UNIT MAILBOX SIZE AND 8-UNIT MAILBOX SIZE.
2. SEE SHEET 2 FOR LOCATIONS.
3. SEE SHEET 2 FOR CONCRETE PAD DETAILS.
4. CONCRETE PAD SIZE: 5'x6.5' FROM BACK OF CURB TO SIDEWALK.
5. SLOPE CONCRETE PAD A MAXIMUM OF 2% FROM BACK OF CURB. SIDEWALK GRADES TO BE ADJUSTED TO MATCH THE MAILBOX PAD ELEVATIONS.



LOCATION OF ALL EXISTING UTILITIES TO BE DETERMINED IN THE FIELD PRIOR TO CONSTRUCTION



Item	Revision Description	Date	Drawn	Chk
1	REVISE PER SOUTH LEBANON	08-19-20	GJK	
2	REVISE PER WARREN COUNTY SOIL & WATER	08-24-20	GJK	

WYNSTEAD SECTION SEVEN

MILITARY SURVEY No. 1546
VILLAGE OF SOUTH LEBANON
WARREN COUNTY, OHIO

STAKING PLAN



Drawing:	04M027-007 CD
Drawn by:	GJK
Checked by:	
Issue Date:	8-28-20

Sheet:
3.0



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296
fax: 513-494-1656
www.southlebanonohio.org

MEMORANDUM

To: Mayor & City Council
From: Jerry Haddix, City Administrator
Date: June 13, 2023
Subject: Energy Aggregation Plans of Operation

Attached are two (2) ordinances to approve the plan of operation for electric and natural gas aggregation. These are required to be passed by the municipality and will be submitted to the Public Utilities Commission of Ohio (PUCO) in the application to be designated as a government aggregator.

Due to the charter becoming effective on July 1 and the schedule for Energy Alliances to submit to the information, it's preferred that the Council pass these as a emergency at this meeting.

Let me know if you have any questions or need additional information.

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-17**

**AN ORDINANCE ADOPTING AND APPROVING A PLAN OF OPERATION AND
GOVERNANCE FOR ELECTRIC GOVERNMENTAL AGGREGATION IN THE
CITY OF SOUTH LEBANON, AND DECLARING AN EMERGENCY**

WHEREAS, the City of South Lebanon, Ohio City Council (hereinafter "Council") seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program") for the residents, businesses, and other electric customers in the City of South Lebanon, Ohio (hereinafter "City", as permitted by law; and

WHEREAS, the Council has developed an Electric Aggregation Program Plan of Operation and Governance ("Plan of Operation") in accordance with the governmental aggregation provisions of Sections 4901 and 4928.20 of the Ohio Revised Code and the Rules for Formation and Operation of Electric Governmental Aggregations; and

WHEREAS, the Council now intends to file for certification as a Governmental Aggregator which requires that the Council first adopt its Plan of Operation and Governance; and

WHEREAS, the Council has determined this Ordinance is in the best interest of the City's residents and promotes the general welfare of said citizenry;

WHEREAS, to immediately forward the Plan to the Public Utilities Commission of Ohio and proceed with the energy aggregation program, immediate action is required and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council adopts and approves a Plan of Operation and Governance with respect to the electric governmental aggregation as attached hereto as Exhibit A.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Ordinance No. 2023-17

Page 2

Section 4. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this ____ day of _____, 2023.

Attest: _____

Petrina D. Williams, Fiscal Officer/Clerk

James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date – / /2023
Vote - ____ Yeas		
____ Nays		
First Reading – / /2023		Effective Date – / /2023
Second Reading – / /2023		
Third Reading – / /2023		
Vote - ____ Yeas		
____ Nays		

Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: _____

CITY OF SOUTH LEBANON, OHIO
PLAN OF OPERATION AND GOVERNANCE
ELECTRIC GOVERNMENTAL AGGREGATION

For More Information Contact:

City of South Lebanon, Ohio
10 N. High Street
South Lebanon, OH 45065
513-494-2296

CITY OF SOUTH LEBANON, OHIO

PLAN OF OPERATION AND GOVERNANCE

Electric Governmental Aggregation

Introduction. On May 2, 2023, a majority of the voters in the City of South Lebanon, OH approved a referendum that authorized the City of South Lebanon (“the Community”) to pursue Automatic Governmental Aggregation. After the Community held two public hearings on the matter, the Community approved this Plan of Operation and Governance as prescribed by Section 4928.20(C) of the Ohio Revised Code. The Community has developed this Plan of Operation and Governance (“Plan of Operation”) in accordance with the governmental aggregation provisions in Sections 4901:1-21-16 Ohio Administrative Code. Once certified as a Governmental Aggregator, the Community will be authorized to combine multiple retail electric customer loads within its geographic boundaries (the “Aggregation”) for the purpose of facilitating the purchase of electric supply in Ohio’s competitive retail electric market.

Governmental Aggregation Services. The Community, as a Governmental Aggregator, will serve as purchasing agent for the Aggregation. As purchasing agent, the Governmental Aggregator shall (i) select a Competitive Retail Electric Service Provider (“Provider”) to supply the Aggregation, (ii) negotiate the terms of supply between the Provider and each Aggregation participant, and (iii) oversee the enrollment procedures administered by the Provider.

The Contract. The supply contract negotiated by the Governmental Aggregator for the Aggregation (the “Contract”) shall be for firm, full-requirements supply. Each Aggregation participant will be individually bound to the Provider by the terms of the Contract and will be solely responsible for payment and performance. The electric supply charges for the Aggregation will be included in the Contract that will be negotiated by the Governmental Aggregator. All electric supply charges will be fully and prominently disclosed in consumer enrollment materials (such as the Opt-out Notice), available on the Provider’s website, and available by calling the Provider’s toll-free customer service telephone number. The surcharge authorized under Section 4928.20 of the Revised Code will not be charged.

Eligibility, Opt-out Disclosures, and Pooling Accounts. The Community will work with the Provider to adhere to the requirements of Section 4901:1-21-17 of the Ohio Administrative Code in creation of the opt-out disclosure. The Community, or a party authorized by the Community, will request from the local electric distribution utility (the “Utility”) a list of all customers residing within the Community’s boundaries, including those who have opted off the pre-enrollment list. Per Section 4901:1-21-17(D)(1)(a), the list will include an updated list of names, addresses, account numbers, rate codes, percentage of income plan (PIPP) codes, load

data and other related customer information, consistent with information that is available to Providers. The following customers are not eligible: customers already under contract with a certified electric services company, customers that have a special contract with the Utility, customers that are not located within the Governmental Aggregator's boundaries, customers on PIPP, customers that have opted out of the aggregation, and mercantile customers that have not provided affirmative consent. It is the intention of the Community to offer its Aggregation Program to all eligible residential and non-mercantile customers in all customer classifications and in all rate categories. The Community realizes that factors such as consumption patterns and peak demand impact rate classes differently. Consequently, some customers may not benefit from a particular rate offer. Therefore, all customers will be afforded the opportunity to opt out of the Program at least every three (3) years without paying a switching fee. Using this list of eligible accounts, the Provider, with the assistance of the Governmental Aggregator, will review the list to verify that the eligible accounts are located within the geographic boundaries of the Community and that an area within the Community boundaries has not been inadvertently filtered from the list. The Provider will also remove from the eligible list those customers who appear on the "do not aggregate" list as stated under division (c) of Section 4928.21 of the Revised Code. Within thirty (30) days of receipt of the list from the utility, the Provider, with assistance from the Governmental Aggregator, will prepare and mail an "Opt-out Notice" to each account that remains on the eligible list after it has been reduced as noted above. The Opt-out Notice will inform the eligible account holder that the Governmental Aggregator has formed an automatic (or "Opt-out") aggregation, provide the price for the electric supply to the Aggregation and other terms and conditions of service, and explain how the account holder can decline participation in the Aggregation.

As required by 4901:1-21-17 of the Ohio Administrative Code, the Opt-out Notice will indicate that the account holder has twenty-one (21) days to affirmatively respond by telephoning a toll-free number or returning a postcard to the Provider that is included in the Opt-out Notice.

The Provider will receive all Opt-out requests and any Opt-out Notices that were undeliverable by mail and will remove those accounts from the eligible account list. Upon completion of the twenty-one (21) day Opt-out period, the Provider will notify the Utility of the remaining accounts that will form the Aggregation, and through an electronic data interchange transaction, enroll the Aggregation. Upon enrollment, each participant will receive an enrollment notice from the Utility that will indicate that the enrollee may rescind its participation in the Aggregation by contacting the Utility within seven (7) calendar days.

In addition to the initial twenty-one (21) day Opt-out period, each participant will be provided an opportunity to opt out at least every three years without paying an early termination fee.

Billing. Aggregation participants will receive a single, monthly bill from the Utility, which will include charges from the Provider for its electric supply, as well as the Utility distribution charges. Aggregation participants will be billed according to their Utility billing cycle.

Credit, Collections and Deposits. The Utility's credit and collection policy and policies regarding deposits will apply to the Aggregation participants and shall be administered by the Utility. Neither the Governmental Aggregator, nor the Provider will implement additional policies with respect to credit, deposits, and collections.

Concerns and Complaints. Aggregation participants will have multiple means of communicating concerns and reporting complaints. As a general rule, concerns regarding service reliability and billing should be directed to the Utility. The Utility will continue to read meters, handle billing, and generally have the most information about the physical service to a location or account. Questions regarding the administration of the Aggregation should be directed to the Provider. The Provider's customer service center will, at a minimum, be available by telephone Monday through Friday between the hours of 8:00 am to 7:00 pm ET. Any unresolved disputes should be directed to the Public Utilities Commission of Ohio and/or the Ohio Consumers Council. As a convenience, below is a list of helpful toll-free telephone numbers.

<u>Nature of Complaint</u>	<u>Contact</u>	<u>Phone</u>
<u>Number</u>		
Gas Odor/Leaks-Fire-Explosions	Duke Energy Ohio	1-800-634-4300
Service turn on/off	Duke Energy Ohio	1-800-544-6900
Billing Disputes	Duke Energy Ohio	1-800-544-6900
Price/Joining/Leaving Program	Supplier Customer Service	TBD
Program Regulatory Questions	Supplier Customer Service	TBD
Unresolved Disputes	Public Utilities Commission	1-800-686-7826
Unresolved Disputes	Ohio Consumers Council	1-877-742-5622

The Provider will attempt to resolve all customer complaints in a timely and good faith manner. The Provider shall investigate and provide a status report to the customer when the complaint is made directly to them and/or the Community within three (3) business days following the Provider's receipt of the complaint. Or in the case of a Public Utilities Commission of Ohio ("PUCO") complaint the Provider will investigate and provide a status report to the customer and PUCO staff within three (3) business days following Provider's receipt of the complaint. If an investigation into a complaint received from the customer or a complaint

referred by the PUCO is not completed within ten (10) business days, then a status report will be given to the customer, and, if applicable, the PUCO. These status reports will be given every three (3) business days until the investigation is complete, unless the action that must be taken takes longer than three (3) business days and the customer has been notified. Final results of a PUCO-referred complaint will be provided to the PUCO either orally (phone) or in writing (e-mail, written correspondence), no later than three (3) business days after the investigation is completed. The final results will be provided in writing to the customer no later than three (3) business days after the investigation is completed. Customers retain the right to contact the PUCO regarding complaints and disputes. All customers have the right to contact the PUCO by writing to Public Utilities Commission of Ohio, ATTN: IAD, 180 E. Broad St., Columbus, OH 43215-3793; by fax to (614) 752-8351; through their website at www.puc.state.oh.us or by calling toll free (800) 686-7826 (VOICE) or 7-1-1 (TTY-TDD). Records of customer complaints will be retained for two (2) years after the occurrence of the complaint. A copy of the complaint record will be provided to the PUCO within three (3) business days, if requested.

Moving Within the Community. Aggregation participants who move from one location to another within the Community boundaries and retains the same account number, will remain an Aggregation participant and will receive the same price they would have received if their location had not moved.

An Aggregation participant who moves from one location to another within the Community boundaries and is assigned a new account number may enroll their new account in the Aggregation and receive the same price as they would have received if their location had not moved, provided the new account is eligible for Aggregation. An Aggregation participant who moves within the Community and receives a new account number may be dropped from the Aggregation by the Utility, but they will not be charged an early termination fee from the Provider. If a participant is dropped from the Aggregation due to a move within the Community, the participant must contact the Provider to be re-enrolled within 60 days of being dropped.

Moving Outside of the Community. An Aggregation participant who moves out of the Community boundaries will no longer be eligible to participate in the Aggregation, but they will not be charged an early termination fee from the Provider.

Enrolling After the Opt-out Period. Residential and small business accounts located within the Community's boundaries that were initially eligible to join the Aggregation but chose to opt-out of the Aggregation, or otherwise were not included in the Aggregation, may join the Aggregation after the expiration of the initial Opt-Out Period by contacting the Provider. The rate for those joining the Aggregation after the expiration of the Opt-out Period may be different from the rate negotiated for the Aggregation by the Government Aggregator.

If the Provider is able to offer to newly eligible customers the same price that is provided to the current Aggregation participants, the Provider may refresh the Aggregation by providing those who move into the Community the opportunity to be included automatically, rather than waiting until the next pricing term of the Contract. The process for refreshing the Aggregation with new enrollments would follow the process noted above for determining eligibility, providing Opt-out Notices, and pooling the accounts. (Current Aggregation participants and those who previously declined participation would not receive the Opt-out Notice intended only for newly eligible customers.)

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-18**

**AN ORDINANCE ADOPTING AND APPROVING A PLAN OF OPERATION AND
GOVERNANCE FOR NATURAL GAS GOVERNMENTAL AGGREGATION IN
THE CITY OF SOUTH LEBANON, AND DECLARING AN EMERGENCY**

WHEREAS, the City of South Lebanon, Ohio City Council (hereinafter "Council") seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code (the "Aggregation Program") for the residents, businesses, and other natural gas customers in the City of South Lebanon, Ohio (hereinafter "City", as permitted by law; and

WHEREAS, the Council has developed a Natural Gas Aggregation Program Plan of Operation and Governance ("Plan of Operation") in accordance with the governmental aggregation provisions of Sections 4901 and 4929.26 of the Ohio Revised Code and the Rules for Formation and Operation of Natural Gas Governmental Aggregations; and

WHEREAS, the Council now intends to file for certification as a Governmental Aggregator which requires that the Council first adopt its Plan of Operation and Governance; and

WHEREAS, the Council has determined this Ordinance is in the best interest of the City's residents and promotes the general welfare of said citizenry;

WHEREAS, to immediately forward the Plan to the Public Utilities Commission of Ohio and proceed with the energy aggregation program, immediate action is required and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council adopts and approves a Plan of Operation and Governance with respect to the natural gas governmental aggregation as attached hereto as Exhibit A.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Ordinance No. 2023-18

Page 2

Section 4. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare.

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this ____ day of _____, 2023.

Attest: _____

Petrina D. Williams, Fiscal Officer/Clerk

James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date – / /2023
Vote - ____ Yeas		
____ Nays		
First Reading – / /2023		Effective Date – / /2023
Second Reading – / /2023		
Third Reading – / /2023		
Vote - ____ Yeas		
____ Nays		

Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: _____

CITY OF SOUTH LEBANON, OHIO

PLAN OF OPERATION AND GOVERNANCE

NATURAL GAS GOVERNMENTAL AGGREGATION

For More Information Contact:

City of South Lebanon, Ohio
10 N. High Street
South Lebanon, OH 45065
513-494-2296

CITY OF SOUTH LEBANON, OHIO

PLAN OF OPERATION AND GOVERNANCE

Natural Gas Governmental Aggregation

Introduction. On May 2, 2023, a majority of the voters in the City of South Lebanon, OH approved a referendum that authorized the City (the “Community”) to pursue Automatic Governmental Aggregation. After the Community held two public hearings on the matter, as prescribed by Section 4929.26 (C) of the Ohio Revised Code, the Community approved a Plan of Operation and Governance prepared in accordance with Section 4901:1-28-03. Once certified as a Governmental Aggregator, the Community will be authorized to combine multiple retail natural gas customer loads within its geographic boundaries (the “Aggregation”) for the purpose of facilitating the purchase of natural gas supply in Ohio’s competitive retail natural gas market.

Governmental Aggregation Services. The Community, as a Governmental Aggregator, will serve as purchasing agent for the Aggregation. As purchasing agent, the Governmental Aggregator shall (i) select a Competitive Retail Natural Gas Supplier (“Supplier”) to supply the Aggregation, (ii) negotiate the terms of supply between the Supplier and each Aggregation participant, and (iii) oversee the enrollment procedures administered by the Supplier.

The Contract. The supply contract negotiated by the Governmental Aggregator for the Aggregation (the “Contract”) shall be for firm, all-requirements supply. Each Aggregation participant will be individually bound to the Supplier by the Contract and will be solely responsible for payment and performance. The natural gas supply charges for the Aggregation will be included in the Contract that will be negotiated by the Governmental Aggregator. The natural gas supply charges will take the form of either a fixed price or a variable price. All natural gas supply charges will be fully and prominently disclosed in consumer enrollment materials (such as the Opt-out Notice), available on the Supplier’s website, and available by calling the Supplier’s toll-free customer service telephone number. Participants may terminate the Contract with the Provider without penalty at any time for any reason by providing notice to the Provider.

Eligibility, Opt-out Disclosures, and Pooling Accounts. Section 4901:1-28-05 of the Ohio Administrative Code requires the local natural gas distribution utility (the “Utility”) to use its best efforts to provide the Governmental Aggregator with an account list of eligible customers, including the names, account numbers, and service and mailing addresses for all eligible customers residing within the Governmental Aggregator’s boundaries. The following customers are not eligible: customers on the Percentage of Income Payment Plan (PIPP), customers that have past due amounts owing to the Utility, customers that are already under contract with a competitive retail natural gas supplier, and mercantile customers. Using this list of eligible accounts, the Supplier, with the

assistance of the Governmental Aggregator, will review the list to verify that the eligible accounts are located within the geographic boundaries of the Community and that an area within the Community boundaries has not been inadvertently filtered from the list.

The Supplier, with assistance from the Governmental Aggregator, will prepare and mail an “Opt-out Notice” to each account identified as (i) eligible by the Utility and (ii) within the geographic limits of the Community by the Governmental Aggregator and the Supplier, within thirty (30) days of receipt of the list from the Utility. The Opt-out Notice will inform the eligible account holder that the Governmental Aggregator has formed an automatic (or “Opt-out”) aggregation, provide the price for natural gas supply to the Aggregation and other terms and conditions of service, and explain how the account holder can decline participation in the Aggregation. As required by 4901:1-28-04 of the Ohio Administrative Code, the Opt-out Notice will indicate that the account holder has twenty-one (21) days to affirmatively respond by telephoning a toll-free number, using a website, or returning a postcard to the Supplier that is included in the Opt-out Notice.

The Supplier will receive all Opt-out requests and adjust the eligible account list accordingly. In addition, if any Opt-out Notices are returned by mail to Supplier marked as undeliverable, those accounts will be removed from the eligible account list as well. Upon completion of the twenty-one (21) day Opt-out period, the Supplier will notify the Utility of the remaining accounts that will form the Aggregation, and through an electronic data interchange transaction, enroll the Aggregation. Upon enrollment, each participant will receive an enrollment notice from the Utility that will indicate that the enrollee may rescind its participation in the Aggregation by contacting the Utility within seven (7) business days.

In addition to the initial twenty-one (21) day Opt-out period, each participant will be provided an opportunity to opt-out at least every two years without paying an early termination fee.

Billing. Aggregation participants will receive a single, monthly bill from the Utility, which will include charges from the Supplier for its natural gas supply, as well as the Utility distribution charges. Aggregation participants will be billed according to their Utility billing cycle.

Credit, Collections and Deposits. The Utility’s credit and collection policy and policies regarding deposits will apply to the Aggregation participants and shall be administered by the Utility. Neither the Governmental Aggregator, nor the Supplier will implement additional policies with respect to credit, deposits, and collections.

Concerns and Complaints. Aggregation participants will have multiple means of expressing concerns and reporting complaints. As a general rule, concerns regarding service reliability and billing should be directed to the Utility. The Utility will continue to read meters, handle billing, and generally have the most information about the physical service to a location or account. Questions regarding the administration of the Aggregation should be directed to the Supplier. The Supplier’s customer service center will, at a minimum, be available by telephone Monday through Friday

between the hours of 8:00 am to 7:00 pm ET. Any unresolved disputes should be directed to the Public Utilities Commission of Ohio and/or the Ohio Consumers Council. As a convenience, below is a list of helpful toll-free telephone numbers.

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The Supplier will attempt to resolve all customer complaints in a timely and good faith manner. The Supplier shall investigate and provide a status report to the customer when the complaint is made directly to them and/or the Community within three (3) business days following receipt of the complaint. Or in the case of a Public Utilities Commission of Ohio (“PUCO”) complaint the Supplier will investigate and provide a status report to the customer and PUCO staff within three (3) business days following receipt of the complaint. If an investigation into a complaint received from the customer or a complaint referred by the PUCO is not completed within ten (10) business days, then a status report will be given to the customer, and, if applicable, the PUCO. These status reports will be given every three (3) business days until the investigation is complete, unless the action that must be taken takes longer than three (3) business days and the customer has been notified. Final results of a Commission-referred complaint will be provided to the PUCO either orally (phone) or in writing (e-mail, written correspondence), no later than three (3) business days after the investigation is completed. The final results will be provided in writing to the customer no later than three (3) business days after the investigation is completed. Customers retain the right to contact the PUCO regarding complaints and disputes. All customers have the right to contact the PUCO by writing to Public Utilities Commission of Ohio, ATTN: IAD, 180 E. Broad St., Columbus, OH 43215-3793; by fax to (614) 752-8351; through their website at <http://www.puco.ohio.gov/> or by calling toll-free (800) 686-7826 (VOICE) or 7-1-1 (TTY-TDD). Records of customer complaints will be retained for two (2) years after the occurrence of the complaint. A copy of the complaint record will be provided to the PUCO within three (3) business days, if requested.

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Enrolling after the Opt-out Period. Residential and small business accounts located within the Community's boundaries that are eligible to join the Aggregation but initially chose to opt-out of the Aggregation, or otherwise were not included in the Aggregation, may join the Aggregation after the expiration of the applicable Opt-Out Period by contacting the Supplier. The rate for those joining the Aggregation after the expiration of the Opt-out Period may be different from the rate negotiated for the Aggregation by the Government Aggregator.

In the event that the Supplier is able to offer to newly eligible customers the same price that is provided to the current Aggregation participants, the Supplier may refresh the Aggregation by providing those who move into the Community the opportunity to be included automatically, rather than waiting until the next pricing term of the Contract. The process for refreshing the Aggregation with new enrollments would follow the process noted above for determining eligibility, providing Opt-out Notices, and pooling the accounts. (Current Aggregation participants and those who previously declined participation would not receive the Opt-out Notice intended only for newly eligible customers.)



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296
fax: 513-494-1656
www.southlebanonohio.org

MEMORANDUM

To: Mayor & City Council
From: Jerry Haddix, City Administrator
Date: June 13, 2023
Subject: UPDATE-Riverside TIF Refunding Bonds

Since the last meeting, the Port's staff have determined that creating a new cooperative agreement instead of amending the old one was a better idea. Therefore, the City's ordinance had to be changed to reflect this change. Therefore, we will have a new ordinance and, due to the Port's time constraints, will need to be passed as an emergency.

Dean Spoor from Thompson Hine will be available to answer any questions at the meeting via "Zoom".

Let me know if you have any questions or need additional information.

ORDINANCE NO. 2023-19

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$8,250,000 OF TAX INCREMENT REVENUE REFUNDING BONDS, SERIES 2023 (RIVERSIDE PROJECT) OF THE CITY OF SOUTH LEBANON, OHIO, UNDER SECTION 5709.40 ET SEQ. OF THE OHIO REVISED CODE FOR THE PURPOSE OF REFUNDING A PRIOR (SERIES 2016) ISSUE OF BONDS THE PROCEEDS OF WHICH WERE ORIGINALLY USED TO PAY THE COST OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS; AUTHORIZING A PLEDGE OF AND LIEN ON CERTAIN REVENUES TO SECURE SUCH BONDS; AUTHORIZING A COOPERATIVE AGREEMENT, AN ADMINISTRATION AGREEMENT AND A BOND PLACEMENT AGREEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, Section 5709.40 et seq. of the Ohio Revised Code (the “Act”) authorizes the issuance of notes or bonds payable from service payments in lieu of taxes to pay the costs of infrastructure improvements; and

WHEREAS, pursuant to the Act and Ordinance No. 2005-16, the Council of the City of South Lebanon, Ohio (the “City”) has created Tax Incentive District Number 1 (the “TIF District”); and

WHEREAS, the City and Lebanon Mason, LLC (together with its successors and assigns, the “Owner”) subsequently entered into an Amended and Restated Infrastructure Agreement dated as of October 1, 2016 (as amended from time to time, the “Infrastructure Agreement”), which is incorporated by reference into this ordinance (hereinafter, this “Ordinance”); unless otherwise defined herein, all capitalized terms used herein shall have the respective meanings ascribed to such by the Infrastructure Agreement and the Service Agreement (as hereinafter defined);

WHEREAS, pursuant to the Infrastructure Agreement, the Owner has agreed to construct certain public improvements (as more particularly described in the Infrastructure Agreement, the “Public Improvements”) that are needed to facilitate the development of the parcels of real property located within the TIF District (the “Property”), and the City has agreed to issue TIF Obligations to pay the Purchase Price for a portion of the Costs of Work paid by the Owner in connection with the construction of the Public Improvements;

WHEREAS, to pay the Purchase Price for a portion of the Costs of Work, the Developer had requested the City to issue TIF Obligations which it did consisting of tax increment financing Bonds (the “Series 2016 Bonds”);

WHEREAS, consistent with its obligations under the Infrastructure Agreement, the City desires to authorize the issuance of a new series of bonds (as further defined herein, the “Series 2023 Bonds”) to refund the Series 2016 Bonds and thereby finance the costs of the Public Improvements;

WHEREAS, to facilitate the sale of the Series 2023 Bonds and to provide credit enhancement therefor, the Warren County Port Authority, a body corporate and politic duly organized and validly existing under the laws of the State of Ohio (the “Authority”) has agreed to issue its revenue bonds in a principal amount not to exceed \$8,000,000 (the “Authority Bonds”) to be issued under the Authority’s Ohio Communities Accelerator Fund (the “OCAF”), and to use the proceeds of the sale of the Authority Bonds to purchase the Series 2023 Bonds from the City;

WHEREAS, in connection with the issuance and sale of the Series 2023 Bonds to the Authority, the City will enter into the Administration Agreement, the Bond Placement Agreement and the Cooperative Agreement, each as hereafter defined, and appurtenant certificates and documents necessary for the issuance and sale of the Series 2023 Bonds by the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, State of Ohio, at least two-thirds of all members elected thereto concurring:

SECTION 1. Definitions. When used in this Ordinance:

“Act” means Section 5709.40 et seq. of the Ohio Revised Code.

“Administration Agreement” means the Agreement for Administrative Services by and among the Authority, the Trustee, the City and the Administrator (as hereinafter defined), as the same may be amended or supplemented from time to time.

“Administrator” means the Person appointed from time to time as Administrator pursuant to the Cooperative Agreement to undertake the duties of the Administrator under the Cooperative Agreement and the Administration Agreement, including any successors or assigns, and being initially The Incentive Group, and its successors and assigns under the Administration Agreement.

“Authority” means the Warren County Port Authority, a port authority and political subdivision of the State of Ohio.

“Bond Account” means the account established in Section 10(b) hereof.

“Bond Placement Agreement” means a bond purchase or placement agreement by and among the City, the Original Purchaser (as hereinafter defined), the Placement Agent (as hereinafter defined), the Original Port Bonds Purchaser (as hereinafter defined) and the Owner, effecting, among other things, the sale of the Authority Bonds, as the same may be amended or supplemented from time to time.

“Certificate of Award” means the Certificate executed by the Fiscal Officer setting forth any terms relating to the issuance of the Series 2023 Bonds which are not specified in this Ordinance.

“Cooperative Agreement” means the agreement by and among the City, the Authority and the Owner, providing for, among other things, the purchase by the Authority of the Series

2023 Bonds, the assignment by the City to the Authority of certain rights described therein and necessary to provide for the collection of the Minimum Service Payments and the payment of deferred interest on the Series 2023 Bonds, as the same may be amended or supplemented from time to time

“Cost of Issuance Account” means the account by that name established in Section 10(a) hereof.

“Eligible Investments” means the investments defined in Section 9 hereof.

“Fiscal Officer” means the Fiscal Officer of the City.

“Government Obligations” means direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America.

“Interest Payment Dates” means the dates set forth on the Certificate of Award, provided that, if any such date is not a business day, the Interest Payment Date will be the next succeeding business day.

“Investment Letter” means the letter from the Original Purchaser to the City as described in Section 5 hereof.

“OCAF Costs” means any fees, deposits, reserves or other amounts, whether or not refundable, to be paid or made from the proceeds of the Series 2023 Bonds to or at the direction of the Authority in connection with the issuance by the Authority of the Authority Bonds under the OCAF.

“Original Port Bonds Purchaser” means the original purchaser of the Authority Bonds pursuant to the Bond Placement Agreement.

“Original Purchaser” means the Authority, as the original purchaser of the Series 2023 Bonds pursuant to the Cooperative Agreement.

“Owner” means Lebanon Mason, LLC, an Ohio limited liability company and its successors and assigns, as set forth in the Service Agreement.

“Placement Agent” means D.A. Davidson & Co., as the placement agent or underwriter for the Authority Bonds.

“Property” shall have the meaning given to such term in the recitals to this Ordinance.

“Public Improvements” shall have the meaning given to such term in the recitals to this Ordinance.

“Register” means the books kept and maintained by the Registrar for registration of ownership of the Series 2023 Bonds, and of the outstanding principal amount thereof, and for registration of any permitted transfer or exchange of a Series 2023 Bond or Series 2023 Bonds.

“Registrar” means the person designated by the City from time to time to keep and maintain the Register and means initially the Fiscal Officer of the City.

“Revenues” means (a) the Service Payments, (b) the money and investments held in the Bond Account and the Costs of Issuance Account and (c) all income and profit from the investment of the foregoing moneys.

“Series 2023 Bonds” means the Tax Increment Revenue Refunding Bonds, Series 2023 (Riverside Project) authorized by this Ordinance.

“Service Agreement” means the Amended and Restated Service Payment Agreement dated as of October 1, 2016, between the City and the Owner, as amended from time to time, which is incorporated by reference into this Ordinance.

“Service Payments” means the Service Payments, including Statutory Service Payments and Minimum Service Payments, payable by the Owner and any other current or future owners of the parcels comprising the Property pursuant to the provisions of the Service Agreement.

“TIF Fund” means the City of South Lebanon Municipal Public Improvement Incentive Tax Equivalent Fund created pursuant to the TIF Ordinance, and includes Incentive District No. 1 Account therein, in which the Service Payments shall be deposited.

“TIF Ordinance” means Ordinance No. 2005-16 adopted by the Council of the City on December 1, 2005.

“Trustee” means The Huntington National Bank, a national banking association.

“City” means the City of South Lebanon, Ohio.

SECTION 2. It is necessary to issue and sell and this Council determines that the Series 2023 Bonds shall be issued and sold to the Original Purchaser in an aggregate principal amount of not to exceed \$8,250,000, to provide for (a) the refunding the Series 2016 Bonds including payment of all or a portion of accrued interest thereon if other funds are not available for such purpose, and (b) costs related to the issuance of the Series 2023 Bonds and the security therefor, including OCAF Costs. The Series 2023 Bonds shall be dated on the date set forth on the Certificate of Award, or such other date selected by the Fiscal Officer in his or her discretion, and shall mature on the date or dates set forth on the Certificate of Award, or such other date or dates selected by the Fiscal Officer in his or her discretion, but in any event not later than December 1, 2036. The Series 2023 Bonds shall be sold to or through the Original Purchaser for the purchase price set forth in the Certificate of Award, which shall not be less than 97% of the par amount of the Series 2023 Bonds.

SECTION 3. The Series 2023 Bonds shall bear interest at the Specified Interest Rate (as defined in the Certificate of Award) on each Interest Payment Date from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date, all as may be further specified in the Certificate of Award.

The principal amount of the Series 2023 Bonds and the Specified Interest Rate on the Series 2023 Bonds during the Initial Period, and any premium to be received on, or discount to be applied for the Series 2023 Bonds, shall be determined by the Fiscal Officer in the Certificate of Award in accordance with Section 9 of this Ordinance. The Series 2023 Bonds shall be issued in substantially the same form as attached hereto as Exhibit A.

SECTION 4. The Mayor and Fiscal Officer are further hereby authorized and directed to execute and deliver:

(a) a Cooperative Agreement with the Authority and the Owner, which shall have terms and conditions not inconsistent with this Ordinance and not substantially adverse to the City as may be permitted by law and approved by the officers executing the same;

(b) a Bond Placement Agreement with the Authority, the Owner, the Placement Agent and the Original Port Bonds Purchaser, which shall have terms and conditions not inconsistent with this Ordinance and not substantially adverse to the City as may be permitted by law and approved by the officers executing the same; and

(c) an Administration Agreement with the Authority, the Trustee and the Administrator, which shall have terms and conditions not inconsistent with this Ordinance and not substantially adverse to the City as may be permitted by law and approved by the officers executing the same.

SECTION 5. The Fiscal Officer is appointed to act as the initial authenticating agent, bond registrar and transfer agent (collectively, the “Registrar”) for the Series 2023 Bonds. In accordance with applicable law, the City may hereafter designate a different person to serve as Registrar and enter into a contract for the provision by that person of services as Registrar. No Series 2023 Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the form of Series 2023 Bond, is signed by the Registrar as authenticating agent. Authentication by the Registrar shall be conclusive evidence that the Series 2023 Bond so authenticated has been duly authenticated and delivered under this resolution and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of or designated as the Registrar. It shall not be necessary that the same authorized person sign the certificate of authentication on each Series 2023 Bond.

So long as the Series 2023 Bonds remain outstanding, the City shall cause the Register to be maintained and kept by the Registrar, at the office of the Registrar, for the registration exchange and transfer of the Series 2023 Bonds as provided in this Section, including a current and accurate record of the name and address of each Holder. The registered Holder of a Series 2023 Bond shall be regarded as the absolute owner of that Series 2023 Bond for all purposes of this Ordinance and the payment of principal and interest on each Series 2023 Bond shall be made only to or upon the order of that Holder. Neither the City nor the Holder shall be affected by any notice to the contrary, but the registration may be changed as herein provided.

The Series 2023 Bonds upon presentation and surrender thereof at the office of the Registrar, together with a request for exchange signed by the registered Holder or by a person authorized by the Holder to do so by a power of attorney satisfactory to the Registrar, may be

exchanged, at the option of the Holder, for a Series 2023 Bond or Bonds of the same tenor and effect and in a denomination or denominations equal to the aggregate outstanding principal amount of the Series 2023 Bond surrendered. In all cases in which a Series 2023 Bond is exchanged for a new Series 2023 Bond or Bonds, the Mayor and Fiscal Officer shall execute a replacement Series 2023 Bond or Bonds, and the Registrar shall undertake the actions necessary to authenticate and deliver the replacement Series 2023 Bond or Bonds only after execution of the new Series 2023 Bond or Bonds by the Mayor and the Fiscal Officer.

Every exchange of a Series 2023 Bond shall be without charge to the Holder; except that the City and the Registrar may make a charge sufficient to reimburse them, respectively for any tax or other governmental charge required to be paid upon any such exchange or transfer. The City and the Registrar may require that those charges, if any, be paid before they begin the procedure for the exchange. Any Series 2023 Bond issued upon an exchange shall be the valid special obligation of the City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Series 2023 Bond surrendered upon that exchange.

The City shall execute, and the Registrar shall complete, authenticate, deliver and register, a replacement Series 2023 Bond to replace any Series 2023 Bond lost, stolen, destroyed or mutilated upon receiving written request from the Holder, together with (i) the destroyed or mutilated Series 2023 Bond or (ii) indemnification of the City and the Registrar in a form and issued by an indemnitor satisfactory to the Fiscal Officer and the Registrar.

Any Series 2023 Bond surrendered to the Registrar pursuant to this Ordinance for the purpose of retirement, or for exchange or replacement, shall be cancelled by the Registrar. Written reports of surrender and cancellation, if any, of the Series 2023 Bonds shall be made to the Fiscal Officer by the Registrar at least once each calendar year. Unless otherwise directed by the Council of the City, any canceled Series 2023 Bond shall be retained and stored by the Registrar for a period of seven years. After that time, or at any earlier time as authorized by the Council of the City, any canceled Series 2023 Bond may be destroyed by the Registrar by shredding or cremation, with evidence of that destruction (describing the manner of the destruction) to be provided by the Registrar to the Fiscal Officer.

SECTION 6. The Series 2023 Bonds may be redeemed in whole or in part at any time. Notice of the call for redemption of the Series 2023 Bonds, specifying the numbers of the Series 2023 Bonds to be redeemed, shall be sent by the Registrar by registered mail to the registered holders thereof, not less than seventy-five (75) days prior to the date of redemption, upon which date all interest upon the Series 2023 Bonds or portions thereof so called shall cease except those as to which default shall be made in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the City and the City shall direct the Registrar in writing to make any notice of call for redemption.

The Series 2023 Bonds are subject to mandatory redemption on the dates and in the amounts set forth in the Certificate of Award.

If less than all of the Series 2023 Bonds shall be called for redemption at the option of the City, those Series 2023 Bonds to be called shall be determined by the Registrar by lot, provided, however, that the portion of any Series 2023 Bond to be redeemed shall be in the principal amount of \$5,000 or any integral multiple thereof.

The Series 2023 Bonds shall initially be numbered from R-1 upwards; provided, however, that in the event of the exchange or transfer of any Series 2023 Bond, any new Series 2023 Bonds issued by the Registrar as a result of such exchange or transfer shall be numbered in a manner which will assure that such new Series 2023 Bonds retain the same terms with respect to redemption as were possessed by the exchanged or transferred Series 2023 Bonds.

The principal of, and interest on, the Series 2023 Bonds shall be payable to the registered holders thereof by check or draft of the Registrar, and such payment shall be made without deduction for the services of such Registrar. At the written request of the registered owner of at least \$100,000 aggregate principal amount of the Series 2023 Bonds received by the Registrar at least one business day prior to the corresponding record date, interest accrued on the Series 2023 Bonds will be payable by wire transfer within the continental United States in immediately available funds to the bank account number of such owner specified in such request, and, so long as the Authority is the sole holder of the Series 2023 Bonds, any trust account held on its behalf specified by the Authority, and entered by the Registrar on the registration records.

SECTION 7. The Series 2023 Bonds shall be designated “Tax Increment Revenue Refunding Bonds, Series 2023 (Riverside Project)”.

SECTION 8. Upon the face of each of the Series 2023 Bonds shall be recited a reference to the Act and this Ordinance. Each of the Series 2023 Bonds shall express upon its face the purpose for which the same is issued and that such Series 2023 Bond is payable solely from the Revenues. The Series 2023 Bonds shall bear the manual or facsimile signatures of the Mayor and the Fiscal Officer of the City, shall be authenticated manually by the Registrar, and shall bear the manual or facsimile impression of the corporate seal of the City. The Series 2023 Bonds shall be prepared, issued, and delivered to the Original Purchaser under the direction of the appropriate officers of the City as hereinafter provided. The Original Purchaser shall, if requested by the City, execute and deliver to the City an Investment Letter which shall certify that the Original Purchaser is either (i) a “qualified institutional buyer” within the meaning of subsection (a) of Rule 144A promulgated by the Securities and Exchange Commission pursuant to the Securities Act of 1933, as amended or (ii) an “accredited investor” within the meaning of Rule 501 of Regulation D promulgated by the Securities and Exchange Commission pursuant to the Securities Act of 1933, and in either case has otherwise received sufficient information and data to evaluate its purchase of the Series 2023 Bonds. Any permitted transferee of a Series 2023 Bond, shall, in writing, provide the Registrar with certain certificates, in substantially the same manner as indicated in the above-referenced Investment Letter. Each of the Series 2023 Bonds shall furthermore bear the following legend: **“Neither this Bond, nor any portion of, rights under or interest in this Bond, shall be sold, assigned or transferred unless the Registrar shall first have received prior written approval from the Mayor of the City of South Lebanon, Ohio and one of the following: (i) a written certificate from the transferee that certifies that the transferee is a “qualified institutional buyer” within the meaning of subsection (a) of Rule 144A promulgated by the Securities and Exchange Commission pursuant to the Securities Act of 1933, as amended; or (ii) a written certificate from the transferee that certifies that the transferee is a “accredited investor” within the meaning of Rule 501 of Regulation D promulgated by the Securities and Exchange Commission pursuant to the Securities Act of 1933 or (iii) a certificate from the Fiscal Officer of the**

City of South Lebanon, Ohio to the effect that the restrictions on transfer under the Ordinance are no longer in effect.”

SECTION 9. The Series 2023 Bonds are hereby awarded and shall be delivered to the Original Purchaser upon payment for the Series 2023 Bonds. The Mayor and the Fiscal Officer of the City are hereby authorized and directed in the name of and on behalf of the City to make, execute and deliver the Series 2023 Bonds to the Original Purchaser. The Fiscal Officer is hereby authorized and directed in the name of and on behalf of the City to execute the Certificate of Award setting forth the terms of the Series 2023 Bonds not set forth in this Ordinance. The Series 2023 Bonds shall be payable solely from the Revenues, including the Service Payments required to be made under the Service Agreement, and shall be secured by a pledge of, and lien on, the Revenues. The pledge of, and lien on, any Service Payments shall be senior to all other notes and bonds issued by the City that are payable from the Service Payments. THE SERIES 2023 BONDS ARE NEGOTIABLE INSTRUMENTS BUT DO NOT CONSTITUTE GENERAL OBLIGATIONS OF THE CITY AND THE GENERAL CREDIT AND TAXING POWER OF THE CITY ARE NOT PLEDGED PAYMENT THEREOF, OR ANY PART THEREOF, OR THE INTEREST THEREON, AND THE SERIES 2023 BONDS ARE PAYABLE AS TO PRINCIPAL, PREMIUM, IF ANY, AND INTEREST ONLY FROM THE REVENUES.

SECTION 10. The proceeds of the sale of the Series 2023 Bonds, plus other lawfully available funds of the City as set forth in the Certificate of Award, and except for accrued interest, shall be deposited by the City as follows:

(a) The amount to the City as directed in the Certificate of Award to the account hereby created and designated as the “Cost of Issuance Account”, such Cost of Issuance Account to be held by the City to be used to pay all costs and items of expense incurred by the City in connection with the issuance of the Series 2023 Bonds and the security therefor, including without limitation costs of financial and/or feasibility studies and reports; reimbursable expenses payable to the Original Purchaser; costs of Series 2023 Bond insurance or other credit enhancement, including any Letter of Credit fees and OCAF Costs; costs of financial advisory, bond counsel, counsel to the Original Purchaser and other legal, accounting and management services and services of other consultants and professional and related charges, fees and disbursements; Series 2023 Bond rating fees, if any; costs of issuance; printing and reproduction costs; filing and recording fees; and costs of preparation, execution, transportation and safekeeping of the Series 2023 Bonds. The City shall transfer to the Bond Account (to be used to pay interest on the Series 2023 Bonds) any moneys remaining in the Cost of Issuance Account upon determination by the Fiscal Officer of the City that all the costs described above have been received and paid by the City.

(b) The remainder to the account hereby created and designated as the “Bond Account” to refund the Series 2016 Bonds.

Any accrued interest on the Series 2023 Bonds shall be transferred by the Fiscal Officer to the Bond Account and shall be applied by such Fiscal Officer only to the payment of the interest and principal of the Series 2023 Bonds and for no other purpose.

The Bond Account shall be maintained in the custody of the City. The Bond Account may be used for (1) the refunding of the Series 2016 Bonds, (2) the payment of the principal of and interest on the Series 2023 Bonds and, (3) to the extent provided in this Ordinance, for the redemption and the purchase for retirement of the Series 2023 Bonds.

SECTION 11. From and after the date of issuance and delivery of the Series 2023 Bonds the Statutory Service Payments shall be set aside and deposited by the City in the TIF Fund. The TIF Fund shall be administered as follows with the following payments being made in the following order:

FIRST: Pursuant to the Amended and Restated Tax Incentive Agreement dated as of May 15, 2008 (as amended from time to time, the "School Compensation Agreement") with Kings Local School District (the "School District"), the amount of compensation owed to the School District under the School Compensation Agreement shall be paid to the School District.

SECOND: Subject to the parity lien on the Service Payments of all other notes and bonds issued by the City that are payable from the Service Payments, there shall be paid into the Bond Account on the second business day immediately preceding each Interest Payment Date, an amount equal to the interest due on all outstanding Series 2023 Bonds on the next ensuing Interest Payment Date, and, on the second business day immediately preceding the maturity date, principal payment date or redemption date, as the case may be, of the Series 2023 Bonds, an amount equal to the principal and interest due on such maturity date or redemption date.

THIRD: As provided for in Section 3(d) of the Service Agreement.

The TIF Fund shall be maintained in the custody of the City.

If, as of the close of business on the second business day immediately preceding an Interest Payment Date or the maturity date or redemption date, as the case may be, of the Series 2023 Bonds, the balance to the credit of the Bond Account is less than the amount required to pay principal of and interest on the Series 2023 Bonds and the payment of such amounts has not otherwise been provided for (including by the authorization of the Series 2023 Bonds or other TIF Obligations, as defined in the Service Agreement), then prior to 3:00 p.m. Ohio time on the Business Day immediately preceding the Interest Payment Date, maturity date or redemption date, the Fiscal Officer shall draw on any Letter of Credit, if any exists, in an amount equal to the difference between the amount required to pay the principal and interest on the Series 2023 Bonds then due and the amount available in the TIF Fund to make such payment.

SECTION 12. Moneys in the TIF Fund, the Bond Account and the Cost of Issuance Account shall be invested either in (a) cash insured at all times by the Federal Deposit Insurance Corporation or otherwise collateralized by direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, (b) U.S. dollar denominated deposit accounts, federal funds and banker's acceptances with domestic commercial banks which have a rating on their short term certificates

of deposit on the date of purchase of “A-1” or “A-1+” by Standard & Poor's Financial Services LLC and “P-1” by Moody's Investors Service and maturing no more than 360 days after the date of purchase. (ratings on holding companies are not considered as the rating of the bank), or (c) a money market fund rated “AAAM” or “AAAm--G” or better by Standard & Poor's Financial Services LLC. Unless otherwise provided above, interest on any moneys or investments in each of the funds and accounts established under this Ordinance shall be credited to that fund or account. All investments by the City shall be made at the written direction of the Fiscal Officer. Unless otherwise provided herein, interest on any moneys or investments in each of the funds or accounts established under this Ordinance shall be credited to that fund or account.

SECTION 13. Should it be judicially determined by a court having jurisdiction to pass upon the validity of this Ordinance, the Cooperative Agreement or Series 2023 Bonds herein authorized, that any provision of this Ordinance is beyond the powers of this Council or the City, or is otherwise invalid, then such decision shall in no way affect the validity of said Cooperative Agreement or the validity of the Series 2023 Bonds, or any proceeds related thereto, except as to the particular matters found by such decision to be invalid.

SECTION 14. The funds derived from the sale of the Series 2023 Bonds authorized by this Ordinance become and they are hereby set aside and appropriated for the payments as described in this Ordinance.

SECTION 15. That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered reappropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

SECTION 16. The Series 2023 Bonds are being issued pursuant to, and subject to, the Infrastructure Agreement and the Service Agreement and this Ordinance shall be the “Trust Indenture” for purposes of the Infrastructure Agreement, the Registrar shall be the “Trustee” for purposes of the Infrastructure Agreement and this Ordinance shall be the “Bond Ordinance” for purposes of the Infrastructure Agreement.

SECTION 17. That the Fiscal Officer of the City of South Lebanon be and he or she is hereby authorized to draw his or her warrants of the City Treasury and Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the ordinances of the City of South Lebanon.

SECTION 18. This Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

[continued on next page]

SECTION 19. That this Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City, and this Council hereby finds that the City must issue the Series 2023 Bonds at the earliest possible date to so preserve the public peace, health safety and welfare of the inhabitants of the City.

WHEREFORE, this Ordinance shall be enforced immediately upon its passage.

Adopted this ___ day of June, 2023.

Attest: _____
Petrina D. Williams, Fiscal Officer/Clerk James D. Smith, Mayor

Rules Suspended: / /2023 (if applicable)	Effective Date - / /2023
Vote - Yeas Nays	
First Reading - / /2023 Second Reading – n/a Third Reading – n/a	Effective Date - / /2023
Vote - Yeas Nays	

Approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____
Date: June [___], 2023

CERTIFICATE

The undersigned, Fiscal Officer of the City of South Lebanon, County of Warren, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2023-[] adopted by the Council of the City of South Lebanon, Ohio, on June [], 2023.

Fiscal Officer

EXHIBIT A
BOND FORM

Neither this Bond, nor any portion of, rights under or interest in this Bond, shall be sold, assigned or transferred unless the Registrar shall first have received prior written approval from the Mayor of the City of South Lebanon, Ohio and one of the following: (i) a written certificate from the transferee that certifies that the transferee is a “qualified institutional buyer” within the meaning of subsection (a) of Rule 144A promulgated by the Securities and Exchange Commission pursuant to the Securities Act of 1933, as amended; or (ii) a written certificate from the transferee that certifies that the transferee is a “accredited investor” within the meaning of Rule 501 of Regulation D promulgated by the Securities and Exchange Commission pursuant to the Securities Act of 1933; or (iii) a certificate from the Fiscal Officer of the City of South Lebanon, Ohio to the effect that the restrictions on transfer under the Ordinance are no longer in effect.

UNITED STATES OF AMERICA
STATE OF OHIO
CITY OF SOUTH LEBANON

TAX INCREMENT REVENUE REFUNDING BONDS
(RIVERSIDE PROJECT)
SERIES 2023

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF SOUTH LEBANON, OHIO, acknowledges itself to owe and for value received, hereby promises to pay, but only from the Revenues (as defined in the Ordinance referred to herein), to the Warren County Port Authority the aggregate sum of

[EIGHT MILLION TWO HUNDRED FIFTY THOUSAND] DOLLARS ([~~\$~~8,250,000.00])

on [_____, 20__], subject to mandatory redemption on the dates and in the amounts set forth in Schedule I hereto in accordance with the terms of the Ordinance. The Series 2023 Bonds shall bear interest at the Specified Interest Rate (as hereinafter defined), computed on the basis of a 360-day year consisting of twelve 30 day months, payable semi-annually on the first day of each [_____] and [_____] , commencing on [_____, ____] (each, an “Interest Payment Date”), provided that, if any such date is not a business day, the Interest Payment Date will be the next succeeding business day.

“Specified Interest Rate” as used herein means:

[_____]

The principal sum and interest thereon are payable in Federal Reserve funds at the offices of the Registrar at maturity, without deduction for exchange, collection or service charges. This bond may be redeemed in whole or in part at any time in accordance with the terms of the Ordinance.

This bond is for the purpose of paying the cost of constructing public infrastructure improvements in the City through the refunding of the Series 2016 Bonds (as defined in the Ordinance), and paying related costs, under authority of the general laws of the State of Ohio and Section 5709.40 et seq. of the Ohio Revised Code, and by virtue of Ordinance No. 2023-[] duly adopted by the Council of said City on June [], 2023 (the “Ordinance”). Unless otherwise defined herein, all capitalized terms used herein shall have the respective meanings given to that term by the Ordinance.

AND IT IS HEREBY CERTIFIED AND RECITED, that all acts, conditions and things necessary to be done precedent to and in the issuing of this bond in order to make it a legal, valid and binding obligation of the City have been done, have happened and have been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing this bond.

The City, to pay the debt service on the Series 2023 Bonds, has pledged the Service Payments to be made by the owners from time to time of the parcels comprising the Property) pursuant to the terms of the Service Agreement. The Series 2023 Bonds are payable solely from the Service Payments and other Revenues pledged to the payment thereof pursuant to the Ordinance, subject to the limitations specified in the Ordinance and the City shall not be in default in the payment of this bond as a result of the insufficiency of the Service Payments.

THE SERIES 2023 BONDS ARE NEGOTIABLE INSTRUMENTS BUT DO NOT CONSTITUTE GENERAL OBLIGATIONS OF THE CITY AND THE GENERAL CREDIT AND TAXING POWER OF THE CITY ARE NOT PLEDGED PAYMENT THEREOF, OR ANY PART THEREOF, OR THE INTEREST THEREON, AND THE SERIES 2023 BONDS ARE PAYABLE AS TO PRINCIPAL, PREMIUM, IF ANY, AND INTEREST ONLY FROM THE REVENUES.

IN WITNESS WHEREOF, the City of South Lebanon, Ohio, has caused this bond to be signed by its Mayor and Fiscal Officer, as of the [__] day of [____], 20__], in accordance with Ordinance Number 2023-[__]

By: _____

Mayor

Date: _____

By: _____

Fiscal Officer

Date: _____

SCHEDULE I

[\$8,250,000]

TAX INCREMENT REVENUE REFUNDING BONDS
(RIVERSIDE PROJECT)
SERIES 2023

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
	\$		\$

* Final maturity

CERTIFICATE OF AUTHENTICATION

This Bond is issued under the within-mentioned Bond Ordinance.

City of South Lebanon, Ohio

By: _____
Fiscal Officer, as Registrar

[FORM OF ASSIGNMENT]

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common
TEN ENT - as tenants by the entireties

UNIF GIFT MIN ACT/UNIF TRANSFER
MIN ACT _____
(Cust)

JT TEN - as joint tenants with right of survivorship and not as tenants in common Custodian _____
(Minor)

under Uniform Gifts to Minors Act/Uniform
Transfer to Minor Act

(State)

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(please print or typewrite name and address of transferee), the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____
Signature

In the presence of: _____

NOTICE: **THE SIGNATURE TO THIS ASSIGNMENT MUST CORRESPOND WITH THE NAME AS IT APPEARS UPON THE FACE OF THE WITHIN BOND IN EVERY PARTICULAR, WITHOUT ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATEVER.**

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-20**

**AN ORDINANCE AMENDING ORDINANCE 2021-27 AND DESIGNATING
COMPENSATION OF CERTAIN CITY EMPLOYEES TO SPECIFIC CITY FUNDS
FOR TEMPORARY LABORER POSITION, AND DECLARING AN EMERGENCY**

WHEREAS, the Council adopted Ordinance 2021-27 designating the specific City fund from which certain City officers' and employees' compensation would be paid; and,

WHEREAS, per Ordinance 2022-23, the City Council created three (3) Temporary Laborer positions in the Public Works Department and set the pay range for said positions as Pay Grade 1, and,

WHEREAS, allocation of pay shall be established for all City positions and reflective of an employees' job description and duties and responsibilities; and

WHEREAS, immediate action is required to designate the paying fund for the position prior to hiring an employee for the position, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. That the following employee position(s) of the City of South Lebanon, Ohio shall be paid from the respective City fund as indicated herein:

<u>Job Description:</u>	<u>Fund/Percentage</u>
Temporary Laborer-Public Works	General – 100%

Section 2. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 3. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Ordinance shall be in full force and effective immediately upon its passage.

Ordinance No. 2023-20

Page 2

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to passing this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this day of June, 2023.

Attest: _____

Petrina D. Williams, Fiscal Officer/Clerk

James D. Smith, Mayor

Rules Suspended: / /2023 (if applicable)

Effective Date – / /2023

Vote - ____ Yeas

____ Nays

First Reading – / /2023

Effective Date – / /2023

Second Reading – / /2023

Third Reading– / /2023

Vote - ____ Yeas

____ Nays

Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: ____ / ____ /2023