

**VILLAGE OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2021-16**

**A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO  
ENTER INTO A MEMORANDUM OF AGREEMENT FOR DEPOSIT OF PUBLIC  
FUNDS WITH LCNB NATIONAL BANK, AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 135.12(B) of the Ohio Revised Code (ORC) requires municipalities to designate a depository for public funds every five (5) years; and

**WHEREAS**, most recently, the Village Council designated LCNB National Bank in 2016, per Resolution No. 2016-23; and

**WHEREAS**, an amendment to the depository agreement between the Village and LCNB National Bank is required to increase the active deposit limits permitted by the Village to LCNB; and

**WHEREAS**, immediate action is required to fulfill the requirements of Section 135 of the Ohio Revised Code, and such action is necessary in order to preserve the public peace, health, safety or welfare of the Village.

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


**Section 1.** That the Council authorizes the Mayor and Fiscal Officer to enter into a Memorandum of Agreement for Deposit of Public Funds with LCNB National Bank, attached hereto and made a part hereof.


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

**Section 3.** That this Resolution 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 Resolution shall be in full force and effective immediately upon its passage.

**Section 4.** That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution 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 6<sup>th</sup> day of May, 2021.


Attest:   
Petrina D. Williams, Fiscal Officer/Clerk

  
James D. Smith, Mayor

Rules Suspended: / /2021 (if applicable)	Effective Date - / /2021
Vote - <u>6</u> Yeas ___ Nays	
First Reading - / /2021	Effective Date - / /2021
Second Reading - / /2021	
Third Reading - / /2021	
Vote - ___ Yeas ___ Nays	

Prepared by and approved as to form:

ANDREW P. MEIER  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By:   
Date: 5/6 /2021

## MEMORANDUM OF AGREEMENT FOR DEPOSIT OF PUBLIC FUNDS

This is an agreement between LCNB National Bank, a National bank located and doing business in Warren County through an office in South Lebanon, Ohio; whereby the South Lebanon Corporation accepts the bank's offer to serve as public depository during the period of May 3, 2021 to July 1, 2021 inclusive.

Therefore, under this agreement the sub-division will appoint LCNB National Bank as its depository and will deposit funds as enumerated below:

- a) South Lebanon Corporation will deposit active funds and the bank will accept a maximum of \$15,000,000.00 or any part thereof. For the service of making active funds accessible by demand, check, draft or other similar instrument, the bank may charge a reasonable fee, as enumerated under Section 135.16 of the Ohio Revised Code.
- b) South Lebanon Corporation will deposit and the bank will accept as interim deposits a maximum of \$1,000,000.00 or any part thereof. The bank will issue Certificates of Deposits during the period of designation in the amount desired. Funds will be held for maturities as requested, at Market rates of interest to be quoted at times of deposit.
- c) South Lebanon Corporation will deposit and bank will accept as inactive deposits a maximum of \$1,000,000.00 or any part thereof. The bank will issue Certificates of Deposit during the period of designation in the amount deposited. Funds will be held for maturities as requested, at Market rates of interest to be quoted at time of deposit.

For both interim and inactive deposits, the interest payable on Certificates of Deposits will be at the maturity thereof or at the time of withdrawal prior thereto. Also, for both interim and inactive deposits, the interest rates are subject to change from time to time. While the information contained in this agreement represents current interest rates, in the future, such quotation should be obtained from the bank during normal business hours. If a deposit is renewed, it shall carry the then prevailing interest rate at the time on that type of deposit.

The total amount thus awarded under this agreement totals \$17,000,000.00 which does not exceed the limitations set forth under Chapter 135 of thirty percent (30%) of total assets.

The bank will secure all public deposits at the bank's option under either Section 135.18 or Section 135.182 in an amount sufficient to meet the requirements of Chapter 135. It is understood that the bank may substitute securities held in the pooled pledge authorized by Section 135.182 as it chooses so long as the pool is adequate to secure the public funds on deposit.

The bank may choose to secure public funds deposits with an approved line of credit but will do so only after executing an additional agreement with the depositor.

On the last business day of each month during the period that any funds awarded pursuant to this agreement are on deposit with the bank, the bank will furnish a statement showing the balance of such active monies in its possession. The bank may charge a reasonable fee for providing monthly statements under this agreement.

The bank agrees that it will comply with all the requirements of the Ohio Revised Code, Chapter 135 and any amendments thereto. The bank also further agrees that it will abide by any state and federal laws, rules or regulations or any amendments thereunder. If any such laws, rules or regulations are changed or amended during the terms of the designation as public depository, and if the change of laws, rules or regulations will cause the agreement to become unlawful, at the bank's option, this agreement shall be limited so as not to extend beyond the date when such change becomes effective.

As part of this agreement, the depositor agrees to be subject to the rules which govern the accounts in which the depositor's funds are deposited. Also, the depositor agrees to provide the bank the names and signatures of those persons authorized to execute drafts on and to make withdrawals from the accounts, and to provide such documentation establishing these persons authority as the bank may request.

South Lebanon Corporation

By: James D. Smith  
James D. Smith, Mayor

By: Petrina D. Williams  
Petrina D. Williams, Fiscal Officer

LCNB National Bank

By: [Signature] EVP/COO

By: [Signature] SVP

Approved as to form:  
ANDREW P. MEIER  
VILLAGE SOLICITOR

[Signature]

5/6/2021  
Date

(NOT FOR USE WITH COUNTY FUNDS)  
FOR USE WITH ACTIVE DEPOSITS (R.C. 135.10)  
INTERM DEPOSITS (R.C. 135.08 & .09)  
INACTIVE DEPOSITS (R.C. 135.06 & 07)