

CITY OF HILLSBORO, OHIO

ORDINANCE NO. 2022-21

ORDINANCE GRANTING APPLICABLE ELECTED REPRESENTATIVE APPROVAL IN CONNECTION WITH THE ISSUANCE OF ECONOMIC DEVELOPMENT FACILITIES REVENUE BONDS OF THE COUNTY OF MONTGOMERY, OHIO AND APPROVING CONTRACT WITH OTHER GOVERNMENTAL ENTITIES (ORC 307.15); AND DECLARING AN EMERGENCY

WHEREAS, Goodwill Easter Seals Miami Valley, an Ohio nonprofit corporation (the "Borrower") has advised this Council that the Borrower owns and operates certain facilities qualifying for financing under Chapter 165 of the Ohio Revised Code consistent with the purposes of Section 13 of Article VIII, Ohio Constitution, including facilities located in Montgomery County, Ohio (the "Montgomery County") as well as a Goodwill facility at 500 Harry Sauner Road, Hillsboro, Ohio 45133 (the "Hillsboro Goodwill"); and

WHEREAS, Montgomery County anticipates issuing its tax-exempt economic development facilities revenue bonds (the "Bonds") in the aggregate principal amount not to exceed \$7,000,000 for the benefit of the Borrower to finance and refinance those eligible projects located in Montgomery County as well as the Hillsboro Goodwill, all in accordance with and under Chapter 165 of the Ohio Revised Code; and

WHEREAS, in connection with the issuance of the Bonds as tax-exempt bonds, the Internal Revenue Code of 1986, as amended requires that the "applicable elected representative" of the host jurisdiction for each project being financed with tax-exempt bonds provide approval therefor; and

WHEREAS, this Council is the "applicable elected representative" of the host jurisdiction for the Hillsboro Goodwill; and

WHEREAS, pursuant to Section 307.15 of the Ohio Revised Code, Ohio counties may enter into agreements with other Ohio political subdivisions such as a municipal corporation to exercise any power, perform any function, or render any service, on behalf of the Ohio municipal corporation, that such Ohio municipal corporation may exercise, perform, or render and for this purpose the Borrower requests this Council, for and on behalf of this City, enter into a Contract with Other Governmental Entities (ORC 307.15) with Montgomery County and the Borrower in order for the Borrower to use a portion of those revenue bond proceeds outside of Montgomery County for the Hillsboro Goodwill;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hillsboro, County of Highland, Ohio (the "Council") at least five (5) members elected thereto concurring:

Section 1. This Council, as the "applicable elected representative" of a host jurisdiction, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, hereby approves the issuance of the Bonds in the maximum principal amount not to

exceed \$7,000,000 and a portion thereof to provide for the financing and refinancing of the Hillsboro Goodwill described in the preambles of this Ordinance. The initial owner, operator or manager of the financed and refinanced facilities will be the Borrower.

Section 2. The Bonds shall not represent or constitute a general obligation, debt or bonded indebtedness of the City, of Montgomery County, of the State of Ohio or of any political subdivision of the State of Ohio and the owners of the Bonds shall not have the right to have excises or taxes levied by this City, Montgomery County or the State of Ohio or any political subdivision thereof for the payment of principal of, any premium or interest on, the Bonds. The Borrower shall be solely responsible for the repayment of the Bonds.


Section 3. The Contract with Other Governmental Entities (ORC 307.15) in substantially in the form presented to and on file with the clerk of this Council is hereby approved subject to such changes, insertions and omissions as may be approved by the officials signing it, which approval shall be conclusively evidenced by the execution of said agreement. The Mayor and Auditor are hereby authorized and directed to execute and deliver on behalf of the City such Contract with Other Governmental Entities (ORC 307.15).

Section 4. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such closing certificates and other documents, instruments or agreements as are, in the opinion of bond counsel, necessary or appropriate, in order to effect the issuance of the Bonds and to carry out the purposes of this Ordinance.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City for the reason that the immediate issuance of said Bonds for use in the City is required to provide for the timely financing of the project including obtaining a favorable interest rate, and it shall take effect immediately upon its passage.

PASSED: September 15, 2022.



Tom Eichinger, Council President

Attest:



Whitney Seitz, Clerk of Council

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Hillsboro, Ohio, met in special session, at 7:00 p.m., on the 15th day of September, 2022, at 130 Homestead Avenue Hillsboro, Ohio 45133, with the following members present: Dan Baucher, Jason Brown, Patty Day, Greg Maurer, Mary Stanforth, Don Storer and Council President Tom Eichinger.

There was presented and read to Council Ordinance No. 2022-21, entitled:

ORDINANCE GRANTING APPLICABLE ELECTED REPRESENTATIVE APPROVAL IN CONNECTION WITH THE ISSUANCE OF ECONOMIC DEVELOPMENT FACILITIES REVENUE BONDS OF THE COUNTY OF MONTGOMERY, OHIO AND APPROVING CONTRACT WITH OTHER GOVERNMENTAL ENTITIES (ORC 307.15); AND DECLARING AN EMERGENCY

Ms. Day moved to suspend the rule requiring each ordinance to be read on two different days. Mr. Storer seconded the motion and, the roll being called upon the question, the vote resulted as follows: Mr. Baucher-yes, Mr. Brown-yes, Ms. Day-yes, Mr. Maurer-yes, Ms. Stanforth-yes, Mr. Storer-yes. Motion passes.

Ms. Stanforth then moved that Ordinance No. 2022-21 be adopted. Mr. Storer seconded the motion and, the roll being called upon the question, the vote resulted as follows: Mr. Maurer-yes, Ms. Day-yes, Mr. Baucher-yes, Ms. Stanforth-yes, Mr. Storer-yes, Mr. Brown-yes. Motion passes.

The Ordinance was declared adopted September 15, 2022.

CERTIFICATE

The undersigned, Clerk of Council of the City of Hillsboro, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said city, held on the day of September 15, 2022, to the extent pertinent to consideration and adoption of the above-entitled obligation.


Whitney Seitz, Clerk of Council