



Legislation Details (With Text)

File #: O-035-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 12/21/2018 **In control:** City Council
On agenda: 1/22/2019 **Final action:** 1/22/2019
Title: Determining to proceed with certain the City School District of the City of Toledo, Lucas County, and The Young Men's Christian Association of Greater Toledo Energy Improvement Projects by way of special assessments in accordance with Chapters 1710 and 727 of the Ohio Revised Code; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, B & C

Date	Ver.	Action By	Action	Result
1/22/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
1/22/2019	1	City Council	declare emergency	Pass
1/22/2019	1	City Council	passage	Pass

All Council Members

Determining to proceed with certain the City School District of the City of Toledo, Lucas County, and The Young Men's Christian Association of Greater Toledo Energy Improvement Projects by way of special assessments in accordance with Chapters 1710 and 727 of the Ohio Revised Code; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo, City of Oregon, City of Maumee, City of Northwood, Township Of Monclova, Township of Springfield, Township of Swanton and Township of Sylvania and the Toledo-Lucas County Port Authority ("Port Authority") have partnered to create an Energy Special Improvement District ("District") under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District ("Corporation"), to govern the District. Property owners within the District are permitted to make certain "energy efficiency improvements" to their properties, which constitute a "special energy improvement project", and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The City School District of the City of Toledo, Lucas County (the "Owner") is the owner of 100% of the property described on **Exhibit A** attached hereto (the "Property"). The Property is currently leased by The Young Men's Christian Association of Greater Toledo, an Ohio non-profit corporation ("Lessee") (jointly together, "Petitioners"). The Petitioners have executed an Energy Project Agreement (the "Agreement") with

the Corporation. A copy of the Agreement is attached to the Petitions as **Exhibit C**.

Pursuant to the Agreement, and upon Application to the Corporation for membership and financing of special energy improvement projects to the properties; the Port Authority, Corporation, and the Petitioners have caused an energy audit to the property to be completed.

The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which the Petitioners have determined to proceed with implementation, and to pay by way of special assessments.

The Petitioners have submitted to this Council a petition (“Petition”) seeking (i) the addition of certain of its property to the District and (ii) approval of an amendment to the District’s comprehensive plan for special energy improvement projects to include the Project be undertaken by the District and that the costs thereof be specially assessed against the properties of the Petitioners specially benefited thereby.

A complete list and description of the Project (the “Project”) is on file with the Clerk of Council and is attached as Exhibit B to this Ordinance. Exhibit B provides the following information for Project:

1. Identification of the parcel number(s) and name of the property/building to be improved;
2. A description of the nature of the special energy improvement project for the particular parcel;
3. The estimated amount of the special assessment to be levied against each parcel of property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing Ordinance as provided by law).

The Petitioners expressly waive the right to pay the assessments in cash within 30 days after passage of the assessing ordinance.

The total dollar cost of the Project, capitalized interest on the Port Authority’s NW Ohio Bond Fund, reserve fund for the Port Authority’s bonds, the cost of issuance of the Port Authority’s revenue bonds, or the associated cost of issuance of the Northwest Ohio Advanced Energy Improvement District’s bond fund (collectively, the “Project”), is estimated to be Two Hundred Sixty-Four Thousand Eighty-Three Dollars and Seventy-Six Cents (\$264,083.76) Each semi-annual payment represents the payment of a portion of the principal of and interest on the Port Authority’s revenue bonds and the scheduled amounts payable as the Port Authority program administration fee, and the trustee fee due with respect to each semi-annual payment. The County Fiscal Officer of Lucas County, Ohio may impose a special assessment collection fee, which if imposed, will be added by the County Fiscal Officer of Lucas County, Ohio to each semi-annual assessment payment.

The Port Authority and the District are funding the cost of the Project through the NW Ohio Bond Fund. Ultimately, the bonds will be repaid over time from the amounts the Petitioners pay as special assessments. The Petitioners, in turn, are expected to be able to pay the special assessments from the energy savings estimated to be achieved as a result of the Project.

The annual special assessments for the Project are to be paid by through semi-annual payments over nineteen (19) years. The plans and specifications for the Project are on file with the City Council. The Petitioners’ petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution,

and Chapter 727 of the Revised Code. The Petitioners consent to the immediate imposition of the special assessments upon the various properties specially benefited by Special Energy Improvement Projects.

This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. This resolution accepts and approves the petition from the Petitioners to begin that special assessment process, and is accompanied by a resolution to proceed with the Project. When the Project is complete and the final costs known, an assessing resolution directing that the necessary special assessments be made against the benefited properties will be presented to the Council. NOW, THEREFORE,

Be it ordained by the Toledo City Council:

SECTION 1. That this Council hereby determines to proceed with the Project as described in the Petition and in the Resolution of Necessity, including the Exhibit B thereto, and in accordance with the plans, specifications, profiles and estimates of costs previously approved and now on file with the Council.

SECTION 2. That the Corporation shall cause the Project to be constructed under such contracts as it determines to be appropriate under law and in accordance with the plans and specifications approved by this Council.

SECTION 3. That the total cost of the Project to be assessed in accordance with the Resolution of Necessity shall be assessed on the properties in the manner and pursuant to the payment schedule set forth in the Resolution of Necessity, and the estimated special assessments prepared and filed with the City Council are adopted.

SECTION 4. That City Administrator is hereby directed to deliver a certified copy of this Resolution to the County Auditor within fifteen (15) days after its passage.

SECTION 5. That this Council finds and determines that all formal actions of this Council and any of its Committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council or any of its Committees that resulted in such formal action were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City and undertake the construction of necessary public improvements, as well as, enable and provide for the timely levying, certification and collection of special assessments for the Project.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council