

SPRINGFIELD TOWNSHIP TRUSTEES
LUCAS COUNTY, OHIO

RESOLUTION 19-018

A Resolution approving the Northwest Ohio Advanced Energy Improvement District Program Plan – Residential Plan; authorizing and approving the execution, delivery, and performance of a Township Residential PACE Cooperative Agreement with respect to property assessed clean energy transactions in cooperation with the Northwest Ohio Advanced Energy Improvement District and the Toledo-Lucas County Port Authority; authorizing the Toledo-Lucas County Port Authority to approve petitions and plans for public improvements or public services submitted by the owners of real property within the Township requesting that their property be added to the territory of the Northwest Ohio Advanced Energy Improvement District and assessed for the costs of such plans on behalf of the Board of Trustees of the Township.

The Board of Trustees of Springfield Township, Lucas County, Ohio, met in Regular Session on August 19, 2019 at 7617 Angola Road, Holland, Ohio, with the following members present:

Tom Anderson Jr. Robert Bethel Andrew Glenn

Andrew Glenn moved the adoption of the following Resolution:

WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (ESIDs) upon a petition to a municipal corporation or township; and

WHEREAS, ESIDs are voluntary organizations of municipal corporations, townships, and property owners who undertake special energy improvement projects that benefit real property and finance those special energy improvement projects through voluntary special assessments; and

WHEREAS, the Toledo, Oregon, Maumee, Northwood, Perrysburg, Sylvania, Whitehouse, Township of Monclova, Township of Springfield, Township of Swanton, Township of Sylvania, Ohio Advanced Energy Improvement Corporation, doing business under the registered trade name Northwest Ohio Advanced Energy Improvement District (the District) was created under Ohio Revised Code Chapters 1702 and 1710 as an ESID and first established pursuant to Resolution No. 207-11 of the Council of the City of Toledo, Ohio approved on May 18, 2011; and

WHEREAS, the Township has determined to approve the *Northwest Ohio Advanced Energy Improvement District Program Plan – Residential Plan* as a proposed plan for public improvements and public services under Ohio Revised Code Chapter 1710, substantially in the form attached to and incorporated into this Resolution as **Exhibit A** (the Residential PACE

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Plan), and any petitions by the owners of residential real property located within the boundaries of the Township for special assessments to finance the costs of special energy improvement projects on their properties shall be considered, and, if approved, implemented, under and subject to the terms and conditions of the Residential PACE Plan; and

WHEREAS, the Residential PACE Plan sets forth the terms and conditions under which the Township and the District will facilitate the financing of special energy improvement projects on residential real property located within the Township and the District; and

WHEREAS, in order to provide for the efficient implementation of the Residential PACE Plan, the District and the Toledo-Lucas County Port Authority, a port authority and political subdivision of the State of Ohio (the Program Port Authority), have entered into an Ohio Residential PACE Cooperative Agreement to establish acceptable program parameters and consumer protections for residential PACE financing programs in Ohio; and

WHEREAS, in order to provide for the efficient implementation of the Residential PACE Plan, the Township has determined to enter into a Township Residential PACE Cooperative Agreement as a cooperative agreement with the Program Port Authority (the Cooperative Agreement); and

WHEREAS, under the Cooperative Agreement the Township and the Program Port Authority will cooperatively agree to cause the Program Port Authority to exercise certain powers, perform certain functions, and render certain services on behalf of the Township, all as authorized under this Resolution, the Cooperative Agreement, and Ohio Revised Code Sections 4582.17(B) and 9.482; and

WHEREAS, as mandated by Ohio Revised Code Chapter 1710, petitions must be approved or disapproved within 60 days of the submission of the petition; and

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WHEREAS, this Board of Trustees has determined to approve the Residential PACE Plan and to authorize and approve the Cooperative Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF THE TOWNSHIP OF SPRINGFIELD, LUCAS COUNTY, OHIO, THAT:

Section 1. Each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Residential PACE Plan.

Section 2. This Board hereby approves the Residential PACE Plan now on file with the Township Fiscal Officer. Any petitions by the owners of residential real property located within the boundaries of the Township for special assessments to finance the costs of special energy improvement projects on their properties shall be considered, and, if approved, implemented, under and subject to the terms and conditions of the Residential PACE Plan.

Section 3. This Board hereby approves the Cooperative Agreement, substantially in the form now on file with the Township Fiscal Officer with any amendments or modifications to it as are not materially adverse to the Township, are consistent with this Resolution, and are approved by the officer or officers of the Township signing the Cooperative Agreement, all of which shall be conclusively demonstrated by the signature of the duly authorized officer or officers of the Township on the Cooperative Agreement. The Township Administrator is hereby authorized, for and on behalf of the Township, to execute and deliver the Cooperative Agreement, including any amendments or modifications to the Cooperative Agreement as are not materially adverse to the Township, are consistent with this Resolution, and are approved by the Township Administrator signing the Cooperative Agreement, all of which shall be conclusively demonstrated by the signature of the duly authorized Township Administrator on the Cooperative Agreement. The Township is hereby authorized to perform the terms and conditions of the Cooperative Agreement, as it may be amended and in effect at any time. The Township Administrator is hereby authorized, for and on behalf of the Township, to execute and deliver

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any additional amendments, agreements, certificates, or instruments, including any additional agreements by or among the Township, the County Auditor, the County Treasurer, the Program Port Authority, any other port authority, the District, and any other energy special improvement district, as may be reasonably necessary to carry out the purposes of the Cooperative Agreement, and the Township is hereby authorized to perform the terms and conditions of any of those amendments, agreements, certificates, or instruments.

Section 4. Under the Cooperative Agreement, the Township shall, pursuant to Ohio Revised Code Sections 4582.17(B) and 9.482, authorize and request the Program Port Authority to act on behalf of the Township during the term of the Cooperative Agreement to receive and approve or disapprove Petitions and Plans (as defined in the Residential PACE Plan and the Cooperative Agreement) in its reasonable discretion and subject to certain terms and conditions stated in the Residential PACE Plan, the Cooperative Agreement, and this Resolution. Upon the execution and delivery of the Cooperative Agreement by all of the parties to it, this Board hereby appoints the Program Port Authority as its delegate to, for, and on behalf of this Board, receive and approve or disapprove Petitions and Plans in its discretion and subject to certain terms and conditions stated in the Residential PACE Plan, the Cooperative Agreement, and this Resolution. The approval or disapproval of any Petitions and Plans shall constitute the legislative approval or disapproval of this Board for all purposes of law, including, without limitation, Ohio Revised Code Chapter 1710, and all legal consequences appertaining to a legislative authority's legislative approval or disapproval of petitions and plans for public improvements or public services under Ohio Revised Code Chapter 1710 shall appertain to the Program Port Authority's approval or disapproval of Petitions and Plans for and on behalf of this Board.

The Program Port Authority shall not approve any Petitions and Plans unless the Petitions and Plans and the information regarding the properties, special energy improvement projects, financing terms, and other facts and terms certified within the Petitions and Plans conform and comply in all material respects with the terms and conditions of the Residential PACE Plan, which is attached to, and incorporated into, this resolution by this reference.

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Section 5. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board of Trustees and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

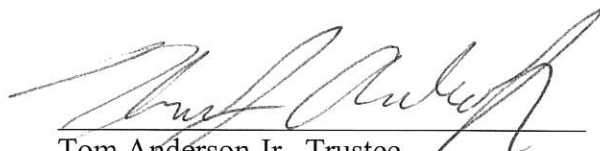

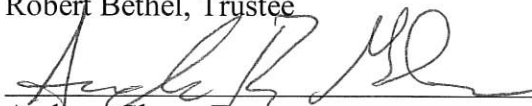
Tom Anderson Jr. seconded the motion and roll was called on the question of its adoption.

Vote was as follows:

<u>NAME</u>	<u>VOTE</u>
Tom Anderson Jr.	YES
Robert Bethel	YES
Andrew Glenn	YES

ATTEST:


Barbara Dietze, Fiscal Officer
August 19, 2019 Regular Trustee Meeting


Tom Anderson Jr., Trustee

Robert Bethel, Trustee

Andrew Glenn, Trustee

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EXHIBIT A

RESIDENTIAL PACE PLAN

[Attached.]