

TEMPORARY ORDINANCE NO. 5-19

PERMANENT ORDINANCE NO. 7-19

AN ORDINANCE (I) AUTHORIZING THE CITY OF LANCASTER, OHIO (THE "CITY") TO ENTER INTO AN AMENDMENT TO A NATURAL GAS SUPPLY AGREEMENT, A TAX CERTIFICATE OR TAX REGULATORY AGREEMENT, A BOND PURCHASE AGREEMENT, AND A CONTINUING DISCLOSURE AGREEMENT OR COMMITMENT, ALL AS NECESSARY, AND ANY AND ALL OTHER AGREEMENTS THAT MAY BE DEEMED NECESSARY OR APPROPRIATE (THE "AGREEMENTS"); (II) AUTHORIZING THE USE OF CERTAIN FINANCIAL AND DEMOGRAPHIC INFORMATION OF THE CITY IN A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT AND CONTINUING DISCLOSURE IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS BY THE LANCASTER PORT AUTHORITY; AND (III) AUTHORIZING THE PAYMENT OF ALL NECESSARY PROFESSIONAL SERVICES RELATED TO THE AGREEMENTS, THE PRELIMINARY OFFICIAL STATEMENT, AND THE OFFICIAL STATEMENT, ALL FOR THE PURPOSE OF THE PURCHASE AND DISTRIBUTION OF NATURAL GAS BY THE CITY AND RELATED TO THE ISSUANCE OF REVENUE BONDS BY THE LANCASTER PORT AUTHORITY TO ASSIST THE CITY WITH ITS ACQUISITION OF A SUPPLY OF NATURAL GAS, INCLUDING ADDITIONAL VOLUMES, FOR SALE TO THE CITY; AND DECLARING AN EMERGENCY

WHEREAS, this City Council (the "Council") finds and determines that the City of Lancaster, Ohio (the "City") was created and exists under the laws of the State of Ohio, for purposes, among others, of enhancing, fostering, providing, or promoting government operations; and

WHEREAS, this Council finds and determines that the City shall carry out its public purpose by acquiring and selling natural gas supplies to meet a portion of the requirements of the gas distribution system of the City, which system provides for the sale and delivery of natural gas to residential, commercial, industrial, and institutional consumers within its service area; and

WHEREAS, the Lancaster Port Authority (the "Port Authority") is willing to assist the City in financing the acquisition of a supply of natural gas by issuing revenue refunding bonds (the "Port Revenue Refunding Bonds") to refund all or a portion of the outstanding principal amount of the Port Authority's Gas Supply Revenue Refunding Bonds, Series 2014, originally issued on August 1, 2014 (the "Refunded Bonds") to refund the Port Authority's Gas Supply Variable Rate Revenue Bonds, Series 2008, originally issued on April 3, 2008; and

WHEREAS, a Preliminary Official Statement (the "Preliminary Official Statement") and the Official Statement (the "Official Statement") will be prepared in connection with the issuance of the Port Revenue Refunding Bonds, and it may be necessary for the City to provide certain demographic and financial information in such documents.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Lancaster, Fairfield County, Ohio, that:

SECTION 1. The provision of certain demographic and financial information of the City in the Preliminary Official Statement and the Official Statement is hereby authorized. The Mayor and the Auditor of the City (the "Auditor") are each hereby authorized and directed to prepare and execute, on behalf of the City and in their official capacities, any certificates or other documents relating to the information provided by the City for inclusion in the Preliminary Official Statement and the Official Statement and any supplements thereto in connection with the Agreements, including any continuing disclosure certificates or agreement, and are each authorized and directed to advise the purchasers of the Port Revenue Refunding Bonds in writing regarding limitations on the use of the information provided by the City for the Preliminary Official Statement and the Official Statement and any supplements thereto, as either deems necessary or appropriate to protect the interests of the City. The Mayor, the Auditor, the City's Law Director, and any other official of the City are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the information provided by the City for inclusion in the Preliminary Official Statement and the Official Statement and any supplements thereto as may, in their judgment, be necessary or appropriate.

SECTION 2. The Agreements referenced in the title above, together with any and all other documents, agreements, or instruments deemed necessary and appropriate by the Mayor, all in such form as may be negotiated by the Mayor (the "Project Documents"), are hereby approved, and the Mayor is hereby authorized to execute, acknowledge, deliver, and perform, in the name of the City, the Project Documents, which enable the City to provide gas to the users of the City's gas distribution system upon favorable terms and rates. The approval of any Project Documents, and that Project Documents are not materially adverse to the interests of the City, shall be evidenced conclusively by the Mayor's execution of the Project Documents. The Council hereby authorizes the purchase of additional volumes of natural gas and the additional term for the purchase of natural gas contemplated by the Project Documents.

SECTION 3. This Council determines that all acts and conditions necessary to be done or performed by the City, or to have been met precedent to and in the execution of the Agreements, will have been performed and will have been met, or will at the time of execution of the Agreements have been performed and will have been met, in regular and due form as required by law. The City is authorized to pay all fees and expenses for professional services related to the Agreements.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance, and that all deliberations of this Council and of any of its committees that resulted in those formal actions, were in meetings open to the public in compliance with the law.

SECTION 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to permit the execution and delivery of the Agreements at prices and upon terms favorable to the City, which is necessary to enable the City to provide savings to the users of the City's gas distribution system; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: 3/11/19 after 1st reading. Vote: Yeas 6 Nays 0

Approved: 3/11/19 Abstain 1

Clerk: Teresa Lee Sandy

Offered by: [Signature]

Second by: [Signature]

Requested by Finance Committee

[Signature]  
President of Council

[Signature]  
Mayor

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on \_\_\_\_\_, 2019 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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Clerk of Council