

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
April 6, 2023

The Board of Township Trustees of Anderson Township ("Board") held its regular Interim Workshop Meeting on April 6, 2023, at 2:00 p.m., in the Anderson Center Large Conference Room. Present were the following Board members:

R. Dee Stone
Lexi Lausten

Mrs. Stone called the meeting to order and welcomed attendees including Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Township Facilities Manager, Mark Magna, Assistant Township Administrator for Human Resources Suzanne Parker, Planning & Zoning Director Paul Drury, Public Works Director Eric Luginbuhl, Fire Chief Rick Martin, Administrative Assistant Molly Mohrfield, Fiscal Office Clerk Katie Arnold.

Mrs. Stone moved to adopt the agenda without modifications. Mrs. Lausten seconded the motion.

Mr. Dietz called the roll: Mrs. Lausten, yes; Mrs. Stone yes

TRUSTEES/FISCAL OFFICER:

Mr. Dietz stated the Township wanted to advance grant funds for purchases from the General Fund. When monies are received General Fund would be reimbursed.

Mrs. Lausten moved to adopt the advances. Mrs. Stone seconded the motion.

Mr. Dietz called the roll: Mrs. Lausten, yes; Mrs. Stone yes.

MOTION NO. 23 – 0406 – 001

**APPROVAL OF ADVANCES FOR ADOPTION BY BOARD OF TRUSTEES AT THE
APRIL 6, 2023, MEETING AS REQUIRED BY OHIO REVISED CODE SECTION
5705.16 AND AOS BULLETIN 1997-003**

Advance \$12,000 out of 01.1900.01 to 55.0100.10 FEMA reimbursable Fire Prevention and Safety Grant monies being advanced from General Fund. Will be repaid once Grant Monies are received.

Advance \$38,000 out of 01.1900.01 to 55.0100.10 FEMA reimbursable Port Security Grant monies being advanced from General Fund. Will be repaid once grant monies are received.

Advance \$80,000 out of 01.1900.01 to 55.0100.10 FEMA reimbursable Assistance to Firefighters monies being advanced from General Fund. Will be repaid once grant monies are received.

Mrs. Stone wanted to know how long it takes for grant money to be processed for reimbursement. **Mr. Dietz** stated it could be a while. **Mr. Martin** stated it takes longer when grants are from Federal Agencies versus State Agencies.

Request Approval of Transfers

Transfer \$100,000 out of the General Fund and \$100,000 to the Lighting District Fund.

Mrs. Lausten asked for additional information on why the transfer was needed. **Mr. Dietz** stated the Township gets billed for lighting districts from Duke and the Township pays the monthly invoice. Homeowners in the districts receive a tax assessment from the County Auditor. Previous assessments did not cover the expense as rates fluctuate. **Mrs. Stone** wanted to know if Duke provides estimates and if inaccurate estimates caused the shortage. **Mrs. Lausten** indicated she was concerned taxpayers were going to get a surprise bill. **Mrs. Earhart** stated that all but seven lighting districts will most likely need an adjustment on the assessment. In the past Public Works and Administration have worked together to assess the districts. Each district is different, and Duke and County Auditor do not collaborate, thus the shortage had gone unnoticed. **Mrs. Earhart** also noted she doesn't know how she will recommend the Board handle the deficit from previous years. **Mrs. Stone** stated she wanted to make sure the Township would avoid this issue in the future. **Mrs. Earhart** stated that several lighting districts are up for renewal and multiple Township departments were helping recalculate assessment so this should not occur in the future.

Mrs. Lausten moved to adopt the transfers. **Mrs. Stone** seconded the motion.

Mr. Dietz called the roll: **Mrs. Lausten**, yes; **Mrs. Stone** yes.

MOTION N O. 23 – 0406 – 002

APPROVAL OF TRANSFERS FOR ADOPTION BY BOARD OF TRUSTEES AT THE APRIL 6, 2023 MEETING AS REQUIRED BY OHIO REVISED CODE SECTION 5705.05 AND 5705.14-16

Transfer \$100,000 out of fund 01.1100.27 to fund 07.0110.25

There was no further discussion.

DISCUSSION ITEMS:

Request to Enter Contract for 2023 Spring Planting- Mr. Drury

Mr. Drury stated there were no qualified bids that were on time for the Fall 2022 planting. Therefore, planting has been separated into Area A and Area B. The estimates were consistent with estimates from last fall. **Mrs. Stone** asked about the range of estimates. **Mr. Drury** stated it may have been because they were going from house to house throughout the Township and that some estimates included substitutions for the trees requested.

Mrs. Lausten moved to adopt the following motion. **Mrs. Stone** seconded the motion.

Mr. Dietz called the roll: **Mrs. Lausten**, yes; **Mrs. Stone** yes.

Mrs. Lausten stated she thought it was a good investment in the Township.

MOTION N O. 23 – 0406 - 003

MOVE TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO ENTER INTO A CONTRACT WITH DAILEY’S LAWN AND LANDSCAPING, AFTER REVIEW BY THE TOWNSHIP’S LAW DIRECTOR FOR THE 2023 SPRING TREE PLANTING PROGRAM. FUNDS ARE AVAILABLE IN OPEN PURCHASE ORDERS FROM 2022 OR 2023 TREE COMMITTEE BUDGET

Request to Purchase Vehicle Jacks

Mr. Martin stated the Fire Department was looking to purchase jacks, jack stands and slope indicators so mechanics would not have to be in the pit. **Mrs. Stone** wanted to know if there would be a new pit at Public Works. **Mrs. Earhart** stated that was being considered in the renovation of the center. Additionally, other departments have these lifts. **Mrs. Lausten** wanted to know if this purchase was aiding in safety. **Mr. Martin** stated for some things it would be a safer option. **Mr. Luginbuhl** stated jacks are placed under each tire and slope indicators are computerized to make sure the vehicle stays level while being lifted.

Mrs. Lausten introduced the following resolution for approval. **Mrs. Stone** seconded the motion.

Mr. Dietz called the roll: **Mrs. Lausten**, yes; **Mrs. Stone** yes

RESOLUTION NO. 23-0406-04

**AUTHORIZING THE PURCHASE OF EQUIPMENT PURSUANT TO SECTION
505.101 OF THE OHIO REVISED CODE**

WHEREAS, Section 505.101 of the Ohio Revised Code provides for the purchase of motor vehicles, materials, equipment or supplies, without advertising or bidding, from any department, agency, or political subdivision of the state;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees ("Board") of Anderson Township, County of Hamilton, State of Ohio ("Township"), as follows:

Section 1. That the Board hereby determines that it is in the best interest of the Township to acquire by purchase, and this Board hereby authorizes the acquisition and purchase of, certain equipment, to-wit, 6 mobile column lifts, 6 slope indicators, 4 HD jack stands and the installation thereof with training ("Equipment"), which Equipment is available for purchase pursuant to state bid through the contract of the State of Ohio, Department of Administrative Services, General Services Division, Office of Procurement Services, through Mohawk Lifts LLC, Amsterdam New York (Ohio State Contract RS900921-1).

Section 2. That the maximum amount to be paid as the purchase price for the Equipment is \$115,000.00 ("Maximum Purchase Price") and that 1994 TIF funds in that aggregate amount have been previously appropriated by this Board for the purpose of paying the purchase price of the Equipment in an amount not to exceed the Maximum Purchase Price and those funds remain otherwise unencumbered.

Section 3. That the Township Administrator is hereby authorized to execute the necessary and appropriate purchase agreement(s) and/or documentation, after review by the Law Director, to effectuate the purchase of the aforesaid Equipment in accordance with this Resolution.

Section 4. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal

requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

Mrs. Stone seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes

CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 6th day of April, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

The undersigned Fiscal Officer hereby certifies that the moneys required to meet the obligations of the Township under the foregoing Resolution during the remainder of the year 2023 have been lawfully appropriated by the Board of Township Trustees for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

This 6th day of April 2023.

Kenneth G. Dietz

Fiscal Officer

April 6, 2023

There was no further discussion.

TOWNSHIP ADMINSTRATOR

Mrs. Earhart stated Mr. Sievers and Mrs. Comey were on vacation and Lt. Daniel Downing was attending the service for the fallen officer with Springboro Township Police Department.

Limited Home Rule Resolution Reaffirming Acceptance Of Material Terms of OneOhio Subdivision Settlement

Mrs. Earhart stated a deadline was approaching for accepting the funds and wanted Board approval to act before the deadline. She further noted her belief was the best use of the money may be to give to Hamilton County Public Health since the Township falls under their umbrella.

Mrs. Lausten asked if giving the money to Public Health was possible. **Mrs. Earhart** stated she thought it was. **Mrs. Stone** stated she was open to giving the funds to Hamilton County Public Health as accepting the money increases the pool Ohio will receive from the settlement. And that would allow other Ohio communities less well-off to use the additional monies to help fund their needs to fight the opioid epidemic. **Mrs. Lausten** stated she would like to see the money utilized where it could do the most good.

Mrs. Lausten moved to adopt the following resolution. Mrs. Stone seconded the motion.

Mr. Dietz called the roll: Mrs. Lausten, yes; Mrs. Stone yes.

RESOLUTION NO. 23 – 0406 - 05

**A LIMITED HOME RULE RESOLUTION
REAFFIRMING ACCEPTANCE OF THE MATERIAL TERMS OF THE ONEOHIO
SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF
UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021
NATIONAL OPIOID SETTLEMENT AGREEMENT; AUTHORIZING
PARTICIPATION IN THE PROPOSED NEW NATIONAL OPIOID SETTLEMENTS
AND THE EXECUTION OF PARTICIPATION FORMS WITH RESPECT TO THE
SETTLEMENTS WITH ALLERGAN, TEVA, CVS, WALGREENS, AND WALMART,
CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID
SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY**

WHEREAS, by virtue of adoption of Resolution No. 03-0918-18, effective October 19, 2003, this Board of Township Trustees adopted a home rule form of government for Anderson Township, County of Hamilton, Ohio (the “Township”); and

WHEREAS, this Board deems it to be in the best interest of the Township to authorize participation by the Township, pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed Settlement Agreement available at <https://nationalopioidsettlement.com>, in the National Opioid Settlement Agreement (the “Settlement Agreement”) in order to abate and remediate the opioid crisis in the U.S. and in Ohio; and

WHEREAS, certain funds from the national settlement, if it becomes effective, will be divided among the State of Ohio and certain participating political subdivisions; and

WHEREAS, the Township is an urban township formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Companies (manufacturers) and pharmacies distributing opioids (pharmacies) accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the State of Ohio has adopted, and this Board hereby reaffirms its acceptance by resolution passed on August 19, 2021 of, the material terms of the OneOhio Memorandum of Understanding (the “MOU”) relating to the allocation and the use of the proceeds of any potential settlements therein described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, this Board understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and to explore potential effectuation of an earlier resolution of the Opioid

Litigation against Opioid Pharmaceutical Companies and pharmacies distributing opioids in Ohio; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a proposed Settlement Agreement dated November 22, 2022 (the “Allergan Settlement”) is being presented to the State of Ohio and Local Governments by Allergan to resolve governmental claims in the State of Ohio using the structure of the MOU and consistent with the material terms of the proposed Allergan Settlement; and

WHEREAS, a proposed Settlement Agreement dated November 22, 2022 (the “Teva Settlement”) is being presented to the State of Ohio and Local Governments by Teva to resolve governmental claims in the State of Ohio using the structure of the MOU and consistent with the material terms of the proposed Teva Settlement; and

WHEREAS, a proposed Settlement Agreement dated December 9, 2022 (the “CVS Settlement”) is being presented to the State of Ohio and Local Governments by CVS to resolve governmental claims in the State of Ohio using the structure of the MOU and consistent with the material terms of the proposed CVS Settlement; and

WHEREAS, a proposed Settlement Agreement dated December 9, 2022 (the “Walgreens Settlement”) is being presented to the State of Ohio and Local Governments by Walgreens to resolve governmental claims in the State of Ohio using the structure of the MOU and consistent with the material terms of the proposed Walgreens Settlement; and

WHEREAS, a proposed Settlement Agreement dated November 14, 2022 (the “Walmart Settlement” and collectively with, the Allergan Settlement, the Teva Settlement, the CVS Settlement, and the Walgreens Settlement, the “New National Opioid Settlements”) is being presented to the State of Ohio and Local Governments by Walmart to resolve governmental claims in the State of Ohio using the structure of the MOU and consistent with the material terms of the proposed Walmart Settlement; and

WHEREAS, in order to participate in the New National Opioid Settlements for the benefit of the Township, this Board must authorize the execution and timely delivery of the Settlement Participation Forms attached hereto as Exhibit A, which by this reference is incorporated herein, which constitutes the Township’s election to participate in the respective Allergan Settlement, the Teva Settlement, the CVS Settlement, the Walgreens Settlement, and the Walmart Settlement and the release of claims against Allergan, Teva, CVS, Walgreens and Walmart by the Township stated in each respective Settlement Participation Form (together, the “Election and Release”); and

WHEREAS, this Board deems it to be in the best interest of the Township to agree to the material terms of the proposed New National Opioid Settlements;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Anderson Township, Hamilton County, Ohio ("Board"), as follows:

SECTION 1. This resolution is passed in the exercise of this Board's limited home rule powers under Chapter 504 of the Revised Code.

SECTION 2. This Board hereby approves and accepts, on behalf of the Township, the material terms of the Allergan Settlement, the Teva Settlement, the CVS Settlement, the Walgreens Settlement, and the Walmart Settlement pursuant to the terms of the MOU and as a Participating Subdivision hereby agrees to become a Releasor for all purposes in the Allergan Settlement, the Teva Settlement, the CVS Settlement, the Walgreens Settlement, and the Walmart Settlement, pursuant to the terms of the MOU. This Board hereby agrees to the terms of the Allergan Settlement, the Teva Settlement, the CVS Settlement, the Walgreens Settlement, and the Walmart Settlement and the Election and Release, pursuant to the terms of the MOU, including (without limitation) the agreement to use any monies it receives through the Allergan Settlement, the Teva Settlement, the CVS Settlement, the Walgreens Settlement, and the Walmart Settlement solely for the purposes provided therein.

SECTION 3. This Board hereby authorizes the Township Administrator to execute and deliver in a timely manner, on the Board's behalf, the Township's respective Settlement Participation Forms, constituting the Township's Election and Release, in the forms attached hereto as Exhibit A.

SECTION 4. Upon majority vote, the Board hereby dispenses with the requirement that this resolution be read on two separate days, pursuant to Section 504.10 of the Revised Code, and authorizes the passage of this resolution upon its first reading.

SECTION 5. If passed by a unanimous vote, pursuant to Section 504.11(B) of the Revised Code, this resolution shall take effect immediately, and shall be posted for fifteen days in five of the most public places in the Township, as previously determined by this Board, which posting is hereby ordered.

SECTION 6. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 7. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Revised Code, except as otherwise permitted thereby.

SECTION 8. This home rule resolution is declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the Township, and in order for the Township to participate in the New National Opioid Settlements and to promptly pursue funds for the benefit of the Township to assist in abating the opioid epidemic throughout Ohio, this Board's fully executed Settlement Participation Forms must be provided to the Ohio Attorney General on or before April 18, 2023.

The roll being called by the Fiscal Officer upon the question of passage of the resolution, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes

Passed at the regular meeting of the Board of Township Trustees this 6th day of April, 2023.

FISCAL OFFICER CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Limited Home Rule Resolution duly passed at a regular interim meeting of the Board of Township Trustees of said Township on the 6th day of April, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

Dated: April 6, 2023

Kenneth G. Dietz
Fiscal Officer

CERTIFICATE OF POSTING

I, Kenneth G. Dietz, Fiscal Officer of Anderson Township, Hamilton County, Ohio, do hereby certify that in accordance with Section 731.25 of the Revised Code, the attached Resolution was posted in accordance with its terms, beginning on April 7, 2023.

This 6th day of April, 2023.

Kenneth G. Dietz
Fiscal Officer

IRS Reporting Requirements

Mrs. Earhart stated she and **Ms. Parker** attended an IRS webinar regarding reporting requirements of fringe benefits. The Township's current reporting is appropriate and wants to make sure no other benefits need to be reported to the IRS. She reached out to Frost Brown Todd and has started to compile documents of various possible fringe benefits for review what additional reporting may be needed to assure the Township is complying with requirements.

Mrs. Earhart further indicated her goal was to make sure the Board and Township Administration were aligned regarding next steps. **Mrs. Stone** stated she wanted to know how many people were given a car for commuting. **Mrs. Earhart** stated it was mostly Emergency Service which was exempt from reporting a vehicle. **Mrs. Lausten** wanted to know why logos are not on all Township owned cars. If it was the Township's responsibility for reporting as when individuals are preparing taxes fringe benefits are asked about. **Mrs. Parker** stated the Township most likely is underreporting benefits and additional clarification is needed from counsel. **Mrs. Stone** asked why a mechanic received a car for commuting and if gas was also included. **Mr. Martin** stated he was highly sought after, and they want him to come in when a truck is down, and the vehicle has tools for responding. **Mrs. Lausten** said she wanted to make sure the system was fair for all employees that are on call. **Mrs. Earhart** stated the webinar brought up per diems and mileage is not taxable and the per diem is taxable and wanted to make sure continuing compilation of documents for attorney review was appropriate. **Mrs. Stone** said it was.

Flock Cameras and FUSUS

Mrs. Earhart stated Flock Camera are enhanced license plate readers, and six cameras have been installed by the County and are currently active on Township roadways. Flock Cameras have helped law enforcement with stolen vehicles and child abductions. The County wants to install an additional 10 cameras; the current contract with the Sheriff's department has the Township providing funds for the purchase of cameras; the County will own and operate them. **Mrs. Stone** asked if monies could come out of TIF dollars. **Mrs. Earhart** stated they could not because the Township would not be owning them. **Mrs. Stone** asked for clarification on TIF funds. **Mrs. Earhart** stated she did not believe it was TIF fund eligible as the Township would be provided with a service and would not own the equipment. Additionally, FUSUS is software that connects all Flock Cameras, and she will learn regarding FUSUS at a meeting later this month.

2023 Planning Meeting Topics

Mrs. Earhart noted the agenda was rough and was looking for additional input. She indicated significant time would be spent at the Operations Center. **Mrs. Stone** asked about a tour of the arboretum. **Mr. Drury** said he would continue to work with staff to put together agenda with timelines. **Mrs. Lausten** noted she appreciated all the effort that goes into the meeting and is looking forward to it.

Resolution Ratifying AEP as Electric Provider for Street Lighting

Mrs. Earhart stated there was a rate change from AEP and a new resolution was needed. **Mrs. Stone** asked what the rate was. **Mr. Magna** stated it fluctuates; currently ¢5.876 per KWH and the rate would be locked in for two years. Current rate for Duke is ¢9.5 per KWH. **Mrs. Lausten** clarified this was the rate the Township would be paying for Township owned facilities.

Mrs. Lausten introduced the following resolution for approval. **Mrs. Stone** seconded the motion.

Mr. Dietz called the roll: **Mrs. Lausten**, yes; **Mrs. Stone** yes.

There was no further discussion.

RESOLUTION No. 23-0406-06

A RESOLUTION RATIFYING ACTION TAKEN BY THE TOWNSHIP ADMINISTRATOR IN DESIGNATING AEP ENERGY, INC. AS ELECTRIC SUPPLY PROVIDER TO THE TOWNSHIP FOR TOWNSHIP STREET LIGHTING AND NON-STREET LIGHTING ACCOUNTS, AND EXECUTING AND DELIVERING AN AGREEMENT WITH THE DESIGNATED ELECTRIC SERVICES SUPPLY PROVIDER.

WHEREAS, on March 2, 2020, the Township entered into that certain Ohio Electricity Supply Agreement with Constellation NewEnergy, Inc., as supplier, for the purchase by the Township and sale and supply by Constellation NewEnergy, Inc., of all electricity requirements of Township street lighting (other than Lighting Districts) and non-street lighting accounts for a term commencing with the meter read dates in May 2020 and ending with the meter read dates in May 2023, which agreement will expire May 21, 2023; and

WHEREAS, this Board desires to engage the services of that electric supply provider for the Township street lighting (other than Lighting Districts) and non-street lighting accounts who provides the best and most economic service to the Township and accordingly, due to market conditions, this Board by Resolution No. 23-0323-07, deemed it to be necessary to provide, and provided, the Township Administrator with flexibility in soliciting and designating an electric supply provider for that purpose; and

WHEREAS, the Township has solicited bids from electric supply providers for the provision of electric supply requirements for Township street lighting and non-street lighting accounts; and

WHEREAS, upon review of those bids, Township staff recommended that AEP Energy, Inc., an electric supply provider qualified to provide the electric supply requirements for Township street lighting (other than Lighting Districts) and non-street lighting accounts, was the bidder providing the best and most responsible bid, and should, therefore, be selected; and

WHEREAS, the Township Administrator selected AEP Energy, Inc. to provide electric supply requirements for Township street lighting (other than Lighting Districts) and non-street lighting accounts and executed that certain Master Energy Purchase Agreement-Electric Commodity Sales dated and effective as of April 4, 2023, and Exhibit A and Attachment A-1 thereto (the "Agreement") with AEP Energy, Inc. providing for the provision of electric supply requirements by AEP Energy, Inc., at a cost of \$5.939 per kWh on the terms and conditions stated therein;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES (the "Board") OF ANDERSON TOWNSHIP, HAMILTON COUNTY, STATE OF OHIO (the "Township"), as follows:

SECTION 1. This Board hereby ratifies the actions taken by the Township Administrator, who has reviewed bids of electric supply providers in consultation with Township staff, and has designated AEP Energy, Inc., as the electric supply provider to the Township for the electric supply requirements of Township street lighting (other than Lighting Districts) and non-street lighting accounts, at a cost of \$5.939 per kWh of electric service to be provided on the terms and conditions stated in the Agreement.

SECTION 2. This Board hereby approves the Agreement and ratifies the action of the Township Administrator in executing and delivering the Agreement.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 4. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Revised Code Section 121.22, except as otherwise permitted thereby.

Mrs. Stone seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes

CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 6th day of April, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

The undersigned further hereby certifies that the moneys required to meet the obligations under the attached Resolution and Agreement authorized thereby during the remainder of fiscal year

2023 have been lawfully appropriated by the Board of Township Trustees for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances, and is not appropriated for any other purpose. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: April 6, 2023

Kenneth G. Dietz
Fiscal Officer
Anderson Township, Ohio

Resolution Authorizing the Administrator to Enter Agreement with Service Provider

Mrs. Earhart stated rate had increased. **Mr. Magna** noted the service provider and the Township couldn't come to agreement in accordance with the plan of governance. Hence a delay in the agreement.

Mrs. Lausten introduced the following resolution for approval. **Mrs. Stone** seconded the motion.

Mr. Dietz called the roll: **Mrs. Lausten**, yes; **Mrs. Stone** yes

Mrs. Stone thanked **Mr. Magna** for all his work.

RESOLUTION No. 23-0406-07

**A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO
DESIGNATE AN ELECTRIC SERVICES SUPPLY PROVIDER TO THE TOWNSHIP
IN CONNECTION WITH THE ANDERSON TOWNSHIP ELECTRIC AGGREGATION
PROGRAM AND
AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO ENTER INTO AN
AGREEMENT WITH THE DESIGNATED ELECTRIC SERVICES SUPPLY
PROVIDER.**

WHEREAS, the Ohio Legislature enacted electric deregulation legislation which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, subject to opt-out provisions, competitive electric service for the retail electric loads located in the respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for the electric loads, all pursuant to Section 4928.20 of the Revised Code (the "Statute"); and

WHEREAS, this Board by Resolution No. 16-0818-11 engaged Energy Alliances, Inc., an Ohio corporation (the “Consultant”), to provide consulting services to the Township in connection with the Anderson Township Electric Aggregation Program (the “Electric Aggregation Program”) approved by the electors of the Township at the general election held on November 8, 2016; and

WHEREAS, the Township entered into a Master Agreement with Dynegy Energy Services (East), LLC d/b/a Dynegy Energy Services LLC (the “Dynegy Agreement”) for a thirty-six month term, commencing with the meter read date of May 2017, which agreement was subsequently renewed pursuant to a First Amendment effective January 17, 2020 for a an extended term which will expire June 2023; and

WHEREAS, the Consultant is in the process of soliciting bids from electric supply services providers for the provision of electric supply services to the Electric Aggregation Program; and

WHEREAS, upon review of those bids with Township staff, the Consultant will recommend an electric supply services provider qualified to provide electric supply services to the Township and providing the best and most responsible bid for providing electric supply services to the Electric Aggregation Program; and

WHEREAS, this Board desires to engage the services of that electric supply services provider for the Electric Aggregation Program who provides the best and most economic service to the Township and accordingly, due to market conditions, deems it to be necessary to provide the Consultant with flexibility in soliciting and recommending an electric supply services provider;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF ANDERSON TOWNSHIP, HAMILTON COUNTY, STATE OF OHIO, as follows:

SECTION 1. This Board hereby authorizes the Township Administrator, after review of bids of electric supply service providers and consultation with the Consultant and Township staff with respect thereto, to designate the electric supply services provider to the Township for the Electric Aggregation Program in accordance with the following guidance of this Board: that the maximum price per kWh of electric service to be provided to participants in the Electric Aggregation Program shall not exceed \$.09 per kWh, and such service shall be provided pursuant to an agreement otherwise advantageous to participants in the Electric Aggregation Program.

SECTION 2. This Board further authorizes the Township Administrator to enter into a written agreement with the designated electric supply services provider for the provision of electric supply services to the Electric Aggregation Program in a form recommended by the Consultant and which, after consultation with the Law Director, she deems to be advantageous to the Township and participants in the Electric Aggregation Program, her execution of said agreement to be conclusive evidence of such determination.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 4. Notice of the passage of this Resolution and the aforesaid agreement (when available) shall be posted to the Township's website.

SECTION 5. Resolution No. 23-0323-06 duly passed by this Board on March 23, 2023, is hereby repealed.

SECTION 6. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Revised Code Section 121.22, except as otherwise permitted thereby.

Mrs. Stone seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 6th day of April, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

Dated: April 6, 2023

Kenneth G. Dietz
Fiscal Officer
Anderson Township, Ohio

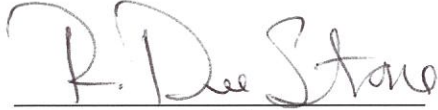
There was no further discussion.

Facility Rental Summary

Mrs. Earhart stated there has been a huge increase in the number of rentals. **Mrs. Lausten** indicated full-time staff made sense, as once someone attends an event at a location, more people will want to host events at that location. **Mrs. Earhart** noted the building belongs to the community and should be available and staffed when being used for events.

Mrs. Stone moved to adjourn the meeting. Mrs. Lausten seconded.

Mr. Dietz called the roll: Mrs. Lausten, yes; Mrs. Stone yes.



R. Dee Stone, Chair



Kenneth G. Dietz, Fiscal Officer

CERTIFICATION

The undersigned duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true excerpt from the minutes of a regular meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township held on the 18th day of May 2023, and that said minutes have been duly entered upon the Journal of said Township.

This 18th day of May, 2023.



Kenneth G. Dietz, Fiscal Officer