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## COMMISSIONERS' OFFICE

October 17, 2011

**IN THE MATTER OF: DESIGNATING SENECA COUNTY AS AN ALTERNATIVE ENERGY ZONE; APPROVING ALL APPLICATIONS SUBMITTED BY THE DEPARTMENT OF DEVELOPMENT; REQUIRING ANNUAL SERVICE PAYMENTS AND ADDITIONAL SERVICE PAYMENTS; AND SPECIFYING THE TIME AND MANNER OF SUCH PAYMENTS**

\_\_\_\_ Mr. Nutter \_\_\_\_ presented and moved the adoption of the following resolution, which was duly seconded by \_\_\_\_ Mr. Wagner \_\_\_\_.

**WHEREAS**, The Seneca County Board of Commissioners, David G. Sauber, Benjamin E. Nutter, and Jeffrey D. Wagner met this 18<sup>th</sup> day of October, 2011 in open and regular session, and

**WHEREAS**, the Board of Seneca County Commissioners desires to encourage the development of alternative energy facilities; and

**WHEREAS**, developers of alternative energy facilities have expressed interest in constructing energy projects in Seneca County; and

**WHEREAS**, this Board is willing to enter into a PILOT (Payment In Lieu Of Taxes) alternative taxing procedure to support the development of alternative energy facilities, provided the PILOT payments are made; and

**WHEREAS**, pursuant to ORC 5752.75 (E) the Board can declare Seneca County to be Alternative Energy Zone (AEZ); therefore be it

**RESOLVED**, by this Board of Seneca County Commissioners that:

**SECTION 1:** The Board declares Seneca County to be an Alternative Energy Zone pursuant to ORC 5727.75 (E) (1) (c).

**SECTION 2:** The Board declares that all applications for property tax exemption submitted to and approved by the Director of the Ohio Department of Development pursuant to ORC 5727.75 (E) after the adoption of this resolution, and prior to its repeal, are approved.

**SECTION 3:** The approval provided in Section 2 of this resolution is expressly conditioned upon the payment of an annual service payment **in addition** to the annual "BASE" service payment required under ORD 5727.75 (G)

- A. The amount of each additional annual service payment shall be the difference between \$9,000 (nine thousand dollars) and the "BASE" payment required and made under ORC 5727.75 (G) per megawatt, multiplied by the nameplate capacity in megawatts of the energy project in Seneca County
- B. The owner or lessee of a qualified energy project that is exempted from taxes and assessments under this section shall make annual service payments in lieu of taxes to the Seneca County Treasurer. Service payments shall be required for each tax year for which the property is exempt. The payment shall equal \$9,000 (nine thousand dollars) for each megawatt of nameplate capacity of the energy facility. The payment shall be charged, collected, and distributed at the same time and in the same manner as the taxes imposed on taxable property subject to assessment under ORC 5727.
- C. The annual service payment required by this resolution shall be paid by the owner of the energy project, or by the lessee of the project pursuant to a sale and leaseback transaction.
- D. The County Treasurer is directed to deposit the annual "BASE" service payments required by this resolution into the appropriate fund of the County.

E. The County Auditor and County Treasurer shall make distribution of those funds derived from the "BASE" service payment to taxing districts according to voted millage in the respective taxing districts. The additional service payments will be dispersed as decided by the Board of County Commissioners upon acceptance of the approved Ohio Department of Development (ODOD) Project. E" service payment to taxing districts according to voted millage in the respective taxing districts. The additional service payments will be dispersed as decided by the Board of County Commissioners upon acceptance of the approved Ohio Department of Development (ODOD) project.

**RESOLVED**, the Clerk of the Board of County Commissioners is directed to send a copy of this resolution by certified mail to the Director of ODOD and to the owner of each energy project that is the subject of an application submitted by the Director of ODOD to the Board of County Commissioners within 30 days after the application is received by the Board of County Commissioners. The Clerk shall also provide a copy of this resolution to the County Auditor and County Treasurer within 30 days after the application from the Director of the ODOD is received by the Board.

**RESOLVED**, That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board, and that all deliberations of the Board and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with the law.

Mr. Wagner - yes      Mr. Nutter - yes      Mr. Sauber - yes

[Signature]  
[Signature]  
David H. Sauber

Attest: Niede Smith  
Clerk to the Board

I, the undersigned, Clerk to the Board of County Commissioners Seneca County, Ohio, do hereby certify that the foregoing is true and correct copy from the official record of said Board of County Commissioner as recorded in Journal 87, Page 386 & 387

Niede Smith  
Clerk to the Board