

**SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT
P.O. BOX 215, ETNA, OH 43018**

**BOARD MEETING MINUTES
July 13, 2023**

1. OPENING

The July 13, 2023, Regular Board Meeting of the Southwest Licking Community Water and Sewer District was called to order by Mr. Kretzmann at 4:00 p.m. The Pledge of Allegiance was led by Mr. Kretzmann. Mr. Kretzmann, Mr. Stepp, and Mrs. Carter were present at roll call. Also present were Josephine Carrelli, Nick Eippert, Kathy Killen and those members of the public who signed the sign in sheet. The meeting was also live streamed for public viewing.

2. ADOPTION OF AGENDA

Mr. Stepp made a motion, second by Mrs. Carter, to approve the agenda as presented. Upon roll call vote, all voted aye. Motion carried. Agenda adopted.

3. APPROVAL OF MINUTES

Mr. Kretzmann made a motion, seconded by Mr. Stepp to approve the meeting minutes from the June 27, 2023, Special Meeting.

Upon roll call vote, all voted aye. Motion carried.

4. PAYMENT OF BILLS

Mrs. Carter moved to approve payment of the bills as presented. Mr. Kretzmann seconded. Upon roll call vote, all voted aye. Motion carried.

5. COMMUNICATIONS

There were no communications.

6. PUBLIC COMMENTS

Gary Burkholder said that several meetings ago it was discussed that talks between the District and Etna Township would resume regarding the TIF on SR 310 and he asked for a progress report on those talks. Mr. Burkholder said that Mr. Platte stated in that meeting that he would be reaching out to Etna Township. Mr. Platte said it would be part of his report.

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Mark Evans said he was concerned about delays in talks with Etna Township as it has been over a year since the last meeting with Mr. Platte. He said he has also heard of talks to add seats to the Board and he thinks it would be a mistake to do that. He said it seems like the focus of the Board has been up north, outside of the District. He said there are numerous developments that need to be addressed in Etna Township and it seems like the entire focus is north. He also asked the Board to copy him on any communications with Etna Township. He also said he still has concerns that the Jersey Township Administrator is also a consultant of the District.

7. GENERAL MANAGER'S REPORT

PNB LOAN RESOLUTION:

Mr. Eippert presented a resolution for the Board's consideration and approval:

RESOLUTION:

Mr. Kretzmann made a motion, second by Mrs. Carter

R 2023-079

RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,622,117 WATER RESOURCE REVENUE BONDS, SERIES 2023 OF THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT FOR THE PURPOSE OF PAYING OR REIMBURSING COSTS OF ACQUIRING LAND TO BE USED FOR ACQUIRING, CONSTRUCTING, EXPANDING, RENOVATING OR IMPROVING THE EXISTING WATER SUPPLY AND DISTRIBUTION SYSTEM AND/OR THE SANITARY SEWER COLLECTION AND TREATMENT SYSTEM OF THE DISTRICT AND FOR THE PURPOSE OF PAYING PART OF THE COSTS OF ANY RELATED FURNITURE, FIXTURES AND EQUIPMENT RELATED THERETO; PROVIDING FOR THE SECURITY AND THE PAYMENT OF SUCH BONDS; AND PROVIDING FOR THE SEGREGATION AND DISTRIBUTION OF REVENUES OF THE DISTRICT AND THE RIGHTS OF THE OWNERS OF SUCH BONDS.

WHEREAS, BY ORDER OF THE COMMON PLEAS COURT OF LICKING COUNTY, OHIO, DATED OCTOBER 31, 1989 AND PURSUANT TO CHAPTER 6119 OF THE OHIO REVISED CODE (THE "ACT"), THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT (THE "ISSUER") HAS BEEN DULY ORGANIZED AS A REGIONAL

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WATER AND SEWER DISTRICT OF THE STATE OF OHIO, WITH TERRITORIAL BOUNDARIES AS FIXED AND DESCRIBED IN SUCH COURT ORDER; AND

WHEREAS, THE ISSUER WAS ORGANIZED FOR THE PURPOSES OF SUPPLYING WATER TO USERS AND PROVIDING FOR THE COLLECTION, TREATMENT AND DISPOSAL OF WASTE WATER WITHIN THE TERRITORIAL BOUNDARIES OF THE SERVICE AREA OF THE ISSUER (AS THE SAME MAY BE AMENDED FROM TIME TO TIME, THE "DISTRICT"), AND TO DO ALL OTHER THINGS INCIDENTAL THERETO; AND

WHEREAS, THE ISSUER HAS HERETOFORE DETERMINED THE NECESSITY OF ACQUIRING, CONSTRUCTING, EXPANDING, RENOVATING, OR IMPROVING THE WATER SUPPLY AND DISTRIBUTION SYSTEM AND THE SANITARY SEWER COLLECTION AND TREATMENT SYSTEM OF THE DISTRICT (WHICH SYSTEMS, ALONG WITH ANY ENLARGEMENTS AND EXTENSIONS THEREOF ARE COLLECTIVELY REFERRED TO HEREIN AS THE "SYSTEMS"), WHICH IMPROVEMENTS CONSTITUTE "WATER RESOURCE PROJECTS" AS DEFINED IN THE ACT; AND

WHEREAS, THE ISSUER HAS APPLIED FOR A LOAN FROM PARK NATIONAL BANK (THE "BANK") FOR THE PURPOSE OF PAYING OR REIMBURSING COSTS OF ACQUIRING LAND TO BE USED FOR ACQUIRING, CONSTRUCTING, EXPANDING, RENOVATING OR IMPROVING THE EXISTING WATER SUPPLY AND DISTRIBUTION SYSTEM AND/OR THE SANITARY SEWER COLLECTION AND TREATMENT SYSTEM OF THE DISTRICT AND FOR THE PURPOSE OF PAYING PART OF THE COSTS OF ANY RELATED FURNITURE, FIXTURES AND EQUIPMENT RELATED THERETO (THE "PROJECT"), WHICH LOAN IS TO BE IN THE FORM OF WATER RESOURCE REVENUE BONDS, SERIES 2023 (THE "BONDS") OF THE ISSUER IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,622,117 (THE "BANK LOAN"), TO BE SECURED BY A PLEDGE OF AND LIEN ON THE REVENUES, AS HEREINAFTER DEFINED; AND

WHEREAS, THE ISSUER HAS ESTABLISHED OR WILL ESTABLISH WATER AND SANITARY SEWER USER FEES AND CHARGES TO BE CHARGED TO AND COLLECTED FROM ALL PERSONS WHOSE PREMISES ARE SERVED BY A CONNECTION TO THE SYSTEMS (SUCH FEES AND CHARGES, AS AMENDED FROM TIME TO TIME, AND ANY OTHER MONEYS RECEIVED BY OR FOR THE ACCOUNT OF THE SYSTEMS ARE COLLECTIVELY REFERRED TO HEREIN AS THE "REVENUES") WHICH ARE OR WILL BE DESIGNED AND INTENDED TO PROVIDE A SURPLUS, AFTER THE PAYMENT OF COSTS OF OPERATING AND MAINTAINING THE SYSTEMS, FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON OBLIGATIONS INCURRED AND TO BE INCURRED IN CONNECTION WITH THE SYSTEMS (INCLUDING THE BONDS REPRESENTING THE BANK LOAN) AND THE PROVISION OF ADEQUATE RESERVES; AND

WHEREAS, THE BANK HAS OFFERED TO PURCHASE SUCH REVENUE BONDS UPON THE TERMS SET FORTH HEREIN; AND

WHEREAS, THE ISSUER HAS NO OUTSTANDING BONDS, NOTES OR OTHER OBLIGATIONS HAVING A CLAIM OR LIEN ON THE REVENUES PRIOR TO THE PLEDGE TO BE MADE OF AND LIEN TO BE GRANTED ON THE REVENUES BY THIS RESOLUTION; AND

WHEREAS, THIS BOARD OF TRUSTEES FINDS THAT ALL CONDITIONS PRECEDENT TO THE ISSUANCE AND SALE OF THE HEREIN-AUTHORIZED BONDS HAVE BEEN MET OR CAN BE MET PRIOR TO THE CLOSING OF SUCH BOND ISSUE;

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES (THE "BOARD OF TRUSTEES") OF THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT, COUNTY OF LICKING, OHIO:

SECTION 1. THAT IT IS NECESSARY TO ISSUE AND SELL \$4,622,117 OF WATER RESOURCE REVENUE BONDS, SERIES 2023 OF THE ISSUER PURSUANT TO THE ACT FOR THE PURPOSE OF REIMBURSING THE ISSUER FOR MONEY EXPENDED TO PAY COSTS OF THE PROJECT OR OTHERWISE PAYING PART OF THE COSTS OF THE PROJECT. THE BONDS SHALL BE SUBSTANTIALLY IN THE FORM OF EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, SHALL BE DESIGNATED "WATER RESOURCE REVENUE BONDS, SERIES 2023", SHALL BE IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,622,117, SHALL BE NUMBERED FROM R-1 UPWARDS IN ORDER OF ISSUANCE, SHALL BE DATED THE DATE OF THEIR INITIAL ISSUANCE, SHALL BEAR INTEREST ON THE UNPAID PRINCIPAL AMOUNT THEREOF AT THE RATE OF FIVE AND FIVE HUNDRED THIRTY-FIVE THOUSANDTHS PERCENT (5.535%) PER ANNUM ON THE BASIS OF A 365-DAY YEAR, FROM THE LAST DATE TO WHICH INTEREST HAS BEEN PAID, OR IF NO INTEREST HAS BEEN PAID, FROM THE DATE OF THEIR INITIAL ISSUANCE, AND SHALL MATURE IN SEMIANNUAL INSTALLMENTS NOT LATER THAN JUNE 1, 2038. THE BONDS SHALL BE SIGNED BY THE PRESIDENT AND THE VICE PRESIDENT OR TREASURER OF THE BOARD OF TRUSTEES, AND ATTESTED BY THE SECRETARY OF THE BOARD OF TRUSTEES, PROVIDED THAT ALL BUT ONE OF SUCH SIGNATURES MAY BE FACSIMILES. THE BONDS SHALL BE IN THE DENOMINATION EQUAL TO THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS. IT IS HEREBY DETERMINED THAT THE ISSUANCE OF THE BONDS UPON THE TERMS DESCRIBED HEREIN WILL BE IN THE BEST INTERESTS OF THE ISSUER.

SECTION 2. THAT INSTALLMENTS OF PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE PAYABLE IN LAWFUL MONEY OF THE UNITED STATES OF AMERICA TO THE REGISTERED OWNER THEREOF AS SHOWN ON THE REGISTRATION RECORDS FOR THE BONDS WHICH SHALL BE MAINTAINED BY THE ISSUER. NO TRANSFER OF OWNERSHIP OF THE BONDS SHALL BE VALID UNLESS MADE AT THE REQUEST OF THE REGISTERED OWNER THEREOF ON THE REGISTRATION RECORDS OF THE ISSUER. THE ISSUER MAY DEEM AND TREAT THE REGISTERED OWNER OF THE BONDS AS THE ABSOLUTE OWNER THEREOF FOR ALL PURPOSES, AND THE ISSUER SHALL NOT BE AFFECTED BY ANY NOTICE TO THE CONTRARY. THE SECRETARY OF THE BOARD OF TRUSTEES SHALL SERVE AS REGISTRAR FOR THE BONDS, AND PAYMENTS OF INSTALLMENTS OF PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE MADE BY CHECK OR DRAFT MAILED TO THE REGISTERED OWNER THEREOF AT THE ADDRESS SHOWN ON THE REGISTRATION RECORDS OF THE ISSUER, EXCEPT THAT THE FINAL INSTALLMENT OF PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE MADE UPON PRESENTATION AND SURRENDER THEREOF TO THE ISSUER.

SECTION 3. THAT PRINCIPAL OF THE BONDS SHALL BE PAYABLE IN INSTALLMENTS ON THE DATES AND IN PRINCIPAL AMOUNTS TO BE SET FORTH IN THE BONDS, PROVIDED THAT THE FIRST SUCH PAYMENT SHALL BE ON DECEMBER 1, 2023. INTEREST ON THE OUTSTANDING PRINCIPAL AMOUNT OF THE BONDS FROM TIME TO TIME SHALL BE PAYABLE ON EACH DATE PRINCIPAL IS PAYABLE.

SECTION 4. THAT THE BONDS SHALL BE SUBJECT TO REDEMPTION IN WHOLE OR IN PART, ON ANY DATE ON WHICH PRINCIPAL IS PAYABLE, AT THE OPTION OF THE ISSUER AT 103% OF THE PRINCIPAL AMOUNT TO BE REDEEMED PLUS ACCRUED INTEREST TO THE DATE OF REDEMPTION. NOTICE OF THE EXERCISE OF SUCH RIGHT OF REDEMPTION SHALL BE GIVEN BY WRITTEN NOTICE TO THE REGISTERED

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OWNER OF THE BONDS MAILED NOT LESS THAN 30 DAYS PRIOR TO THE REDEMPTION DATE.

SECTION 5. THAT THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES DEPOSITED IN THE ISSUER'S ENTERPRISE FUND (THE "REVENUE FUND") HERETOFORE CREATED IN THE CUSTODY OF THE ISSUER, AFTER PROVISION ONLY FOR THE PAYMENT OF COSTS OF OPERATING AND MAINTAINING THE SYSTEMS, WHICH ARE HEREBY PLEDGED TO THE PAYMENT OF THE BONDS UPON THE TERMS SET FORTH HEREIN. THE BONDS SHALL NOT CONSTITUTE AN INDEBTEDNESS OF THE ISSUER, THE STATE OF OHIO, OR ANY POLITICAL SUBDIVISION THEREOF WITHIN THE MEANING OF THE LAWS AND THE CONSTITUTION OF THE STATE OF OHIO, AND THE REGISTERED OWNER OF THE BONDS SHALL NOT HAVE THE RIGHT TO HAVE TAXES OR EXCISES LEVIED BY THE ISSUER, THE STATE OF OHIO, OR ANY POLITICAL SUBDIVISION THEREOF FOR THE PAYMENT OF PRINCIPAL OF OR INTEREST ON THE BONDS.

SECTION 6. THAT THE ISSUER SHALL BE THE CUSTODIAN OF ALL FUNDS AND ACCOUNTS BELONGING TO OR ASSOCIATED WITH THE SYSTEMS.

SECTION 7. THAT SO LONG AS ANY OF THE BONDS ARE OUTSTANDING, THE ISSUER SHALL DEPOSIT THE REVENUES WHEN RECEIVED INTO THE REVENUE FUND, AND SHALL MAKE THE FOLLOWING PAYMENTS IN THE FOLLOWING ORDER FROM AMOUNTS IN THE REVENUE FUND:

- (I) FROM TIME TO TIME, ALL REASONABLE AND PROPER EXPENSES OF OPERATING AND MAINTAINING THE SYSTEMS, AND ALL ITS APPURTENANCES;**
- (II) NOT LATER THAN THE DAY PRECEDING EACH DATE ON WHICH PRINCIPAL OF OR INTEREST ON THE BONDS IS DUE AND PAYABLE, TO THE REVENUE BOND PAYMENT FUND HERETOFORE CREATED IN THE CUSTODY OF THE ISSUER (THE "BOND PAYMENT FUND"), AN AMOUNT AT LEAST EQUAL TO THE AMOUNT DUE AND PAYABLE WITH RESPECT TO THE BONDS ON THE NEXT SUCCEEDING DATE ON WHICH PRINCIPAL OF OR INTEREST ON THE BONDS IS DUE AND PAYABLE.**

SURPLUS REVENUES OF THE SYSTEMS SHALL BE RETAINED IN THE RESPECTIVE REVENUE FUND AND MAY BE USED FOR MAKING EXTENSIONS OR IMPROVEMENTS TO THE SYSTEMS, REDEEMING OUTSTANDING BONDS PRIOR TO MATURITY, PAYING JUNIOR OR SUBORDINATE OBLIGATIONS, AND ANY OTHER SYSTEMS PURPOSE PERMITTED BY LAW.

SECTION 8. THAT THE MONIES IN THE REVENUE FUND AND THE BOND PAYMENT FUND MAY BE INVESTED AS PROVIDED IN THE ACT OR CHAPTER 135 OF THE OHIO REVISED CODE. ANY SUCH INVESTMENT AND THE INTEREST EARNED THEREON SHALL BE CREDITED TO AND BECOME A PART OF THE RESPECTIVE FUND FROM WHICH SUCH INVESTMENT WAS MADE. ALL MONEYS AND INVESTMENTS IN THE BOND PAYMENT FUND ARE HEREBY PLEDGED TO AND SHALL BE USED ONLY FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS WHEN DUE OR AS OTHERWISE PROVIDED HEREIN.

SECTION 9. THAT THE BONDS SHALL BE AND ARE HEREBY SOLD TO THE BANK AT PAR AND ACCRUED INTEREST IN ACCORDANCE WITH ITS OFFER TO PURCHASE WHICH IS HEREBY ACCEPTED. ALL PROCEEDS RECEIVED FROM THE SALE OF THE BONDS, OTHER THAN ACCRUED INTEREST, SHALL BE DEPOSITED IN THE APPROPRIATE FUNDS AND ACCOUNTS OF THE ISSUER AND USED TO PAY OR REIMBURSE THE ISSUER FOR COSTS OF THE PROJECT AS PERMITTED BY THE ACT

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AND FOR NO OTHER PURPOSE. SUCH PROCEEDS SHALL BE DISBURSED TO THE ISSUER IN A SINGLE INSTALLMENT UNLESS OTHERWISE DIRECTED BY THE ISSUER.

IT IS HEREBY DETERMINED THAT THE PROJECT CONSTITUTES A "WATER RESOURCE PROJECT" AS DEFINED IN THE ACT.

SECTION 10. THAT THE ISSUER COVENANTS AND AGREES SO LONG AS ANY OF THE BONDS REMAIN UNPAID AS FOLLOWS:

- (A) THE RATES AND CHARGES FOR ALL SERVICES AND FACILITIES RENDERED BY THE SYSTEMS SHALL BE REASONABLE AND JUST, TAKING INTO CONSIDERATION THE COSTS AND VALUE OF THE SYSTEMS AND COSTS OF MAINTAINING, REPAIRING AND OPERATING THE SAME AND THE AMOUNTS NECESSARY FOR THE RETIREMENT OF THE BONDS, AND THERE SHALL BE CHARGED SUCH RATES AND CHARGES AS SHALL BE ADEQUATE TO MEET THE REQUIREMENTS OF THIS RESOLUTION.**
- (B) THE ISSUER WILL COMPLY WITH APPLICABLE STATE LAWS AND THE REGULATIONS AND CONTINUALLY OPERATE AND MAINTAIN THE SYSTEMS IN GOOD CONDITION.**
- (C) NO CUSTOMER OF THE SYSTEMS, INDIVIDUAL, CORPORATION OR MUNICIPALITY, SHALL RECEIVE FREE SERVICES OR ANY SERVICE WITHOUT BEING CHARGED THE RATES PRESCRIBED IN THE RULES AND REGULATIONS OF THE SYSTEMS. THE REASONABLE COST AND VALUE OF ANY SERVICE RENDERED TO THE ISSUER IN ITS INDIVIDUAL CAPACITY BY THE SYSTEMS, INCLUDING REASONABLE CHARGES FOR PUBLIC HEALTH BENEFITS, SHALL BE PAID FOR MONTHLY AS SUCH SERVICE ACCRUES OUT OF THE CURRENT REVENUES OF THE ISSUER.**
- (D) THE ISSUER WILL MAINTAIN COMPLETE BOOKS AND RECORDS RELATING TO THE OPERATION OF THE SYSTEMS AND ITS FINANCIAL AFFAIRS AND WILL CAUSE SUCH BOOKS AND RECORDS TO BE AUDITED AT THE END OF EACH FISCAL YEAR AND AN AUDIT REPORT PREPARED, AND THE ISSUER WILL FURNISH TO THE BANK UPON REQUEST SO LONG AS IT IS THE OWNER OF ANY OF THE BONDS, AND TO ANY OTHER OWNER OF ANY OF THE BONDS UPON WRITTEN REQUEST, A COPY OF EACH AUDIT REPORT. AT ALL REASONABLE TIMES, THE OWNERS OF ANY BONDS SHALL HAVE THE RIGHT TO INSPECT THE SYSTEMS AND THE RECORDS, ACCOUNTS AND DATA RELATING THERETO.**
- (E) THE ISSUER WILL MAINTAIN SUCH REASONABLE INSURANCE COVERAGE ON THE SYSTEMS AS SHALL BE DETERMINED FROM TIME TO TIME BY THIS BOARD OF TRUSTEES.**
- (F) THE ISSUER SHALL NOT TRANSFER OR USE ANY PORTION OF THE REVENUES FOR ANY PURPOSE NOT HEREIN SPECIFICALLY AUTHORIZED.**
- (G) THE ISSUER HEREBY GRANTS TO THE OWNERS OF THE BONDS FROM TIME TO TIME A FIRST LIEN ON THE REVENUES AND THE MONEYS AND INVESTMENTS IN THE BOND PAYMENT FUND, UPON THE TERMS SET FORTH HEREIN. IF AT ANY TIME IT SHOULD APPEAR TO THE ISSUER**

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THAT THE REVENUES WILL BE INSUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WHEN DUE AS WELL AS ANY OTHER OBLIGATIONS OF THE ISSUER, THE ISSUER SHALL PAY SUCH PRINCIPAL OF AND INTEREST ON THE BONDS PRIOR TO PAYING ANY OTHER SUCH OBLIGATIONS.

EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, SO LONG AS ANY BONDS ARE OUTSTANDING, NO ADDITIONAL BONDS OR OTHER OBLIGATIONS PLEDGING ANY PORTION OF THE REVENUES SHALL BE INCURRED OR ISSUED BY THE ISSUER UNLESS THE SAME SHALL BE JUNIOR AND SUBORDINATE IN ALL RESPECTS TO THE BONDS HEREIN AUTHORIZED.

THE ISSUER MAY ISSUE ADDITIONAL PARITY OBLIGATIONS FOR THE PURPOSE OF MAKING REASONABLE REPAIR, REPLACEMENT OR EXTENSIONS OF THE SYSTEMS IF THE BANK CONSENTS IN WRITING SO LONG AS IT IS OWNER OF ANY BONDS. OTHERWISE, PARITY BONDS MAY BE ISSUED UPON WRITTEN CONSENT OF TWO-THIRDS (2/3) OF THE OWNERS OF THE OUTSTANDING BONDS. NOTWITHSTANDING THE FOREGOING, THE ISSUER MAY ISSUE ONE ISSUANCE OF ADDITIONAL PARITY OBLIGATIONS TO BE PURCHASED BY THE UNITED STATES OF AMERICA, ACTING THROUGH THE RURAL UTILITIES SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE (THE "GOVERNMENT") AND THE GOVERNMENT SHALL BE ENTITLED TO PURCHASE THE OBLIGATIONS ON A PARITY BASIS WITH THE BONDS, AND SHALL BE PERMITTED TO CREATE ANY ADDITIONAL FUNDS, ACCOUNTS, OR SUBACCOUNTS, OR OTHERWISE RESTRUCTURE THIS BOND ISSUANCE FOR THE GOVERNMENT'S ADDITIONAL PARITY OBLIGATIONS, WITHOUT THE FUTURE CONSENT OF THE BANK.

THE FUNDS AND ACCOUNTS HEREIN ESTABLISHED SHALL BE APPLIED TO ALL PARITY OBLIGATIONS ISSUED PURSUANT TO THIS SECTION AS IF SUCH PARITY OBLIGATIONS WERE PART OF THE ORIGINAL BOND ISSUE, AND ALL REVENUES FROM ANY SUCH EXTENSION OR REPLACEMENT CONSTRUCTED BY THE PROCEEDS OF A PARITY OBLIGATION ISSUE SHALL BE PAID TO THE REVENUE FUND.

- (H) THE ISSUER WILL NOT CAUSE OR PERMIT ANY VOLUNTARY DISSOLUTION OF ITS ORGANIZATION, MERGE OR CONSOLIDATE WITH ANY OTHER POLITICAL SUBDIVISION, DISPOSE OF OR, WITHOUT THE CONSENT OF THE BANK OR TWO-THIRDS (2/3) OF THE OWNERS OF THE OUTSTANDING BONDS, TRANSFER ITS TITLE TO THE SYSTEMS OR ANY PART THEREOF INCLUDING LANDS AND INTEREST IN LANDS, BY SALE, MORTGAGE, LEASE OR OTHER ENCUMBRANCE.**
- (I) PRIOR TO THE BEGINNING OF EACH FISCAL YEAR THE ISSUER WILL PREPARE AN ANNUAL BUDGET OF THE SYSTEMS FOR THE ENSUING FISCAL YEAR ITEMIZED ON THE BASIS OF MONTHLY REQUIREMENTS. A COPY OF SUCH BUDGET SHALL BE MAILED UPON REQUEST TO THE BANK SO LONG AS THE BANK IS THE OWNER OF ANY OF THE BONDS AND UPON WRITTEN REQUEST TO ANY OTHER BONDOWNER.**
- (J) THE PROVISIONS OF THIS RESOLUTION SHALL CONSTITUTE A CONTRACT BETWEEN THE ISSUER AND THE OWNERS OF ANY OF THE**

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BONDS, AND AFTER THE ISSUANCE OF THE BONDS THIS RESOLUTION SHALL NOT BE REPEALED OR AMENDED IN ANY RESPECT WHICH WILL ADVERSELY AFFECT THE RIGHTS AND INTERESTS OF THE OWNERS OF THE BONDS, NOR SHALL THIS BOARD OF TRUSTEES ADOPT ANY LAW, ORDINANCE OR RESOLUTION IN ANY WAY ADVERSELY AFFECTING THE RIGHTS OF THE OWNERS OF THE BONDS SO LONG AS ANY OF THE BONDS OR INTEREST THEREON REMAINS UNPAID.

- (K) ALL OF THE OBLIGATIONS SET FORTH AND COVENANTS MADE UNDER THIS RESOLUTION ARE HEREBY ESTABLISHED AS DUTIES SPECIFICALLY ENJOINED BY LAW AND RESULTING FROM AN OFFICE, TRUST OR STATION UPON THE ISSUER WITHIN THE MEANING OF SECTION 2731.01 ET SEQ. OF THE OHIO REVISED CODE.**

SECTION 11. THAT IF THERE SHALL BE DEFAULT IN THE PROVISIONS OF THIS RESOLUTION OR IN THE PAYMENT OF PRINCIPAL OF OR INTEREST OF ANY OF THE BONDS, UPON THE FILING OF A SUIT BY ANY OWNER OF ANY OF THE BONDS, ANY COURT HAVING JURISDICTION OF THE ACTION MAY APPOINT A RECEIVER TO ADMINISTER SAID SYSTEMS ON BEHALF OF THE ISSUER WITH POWER TO CHARGE AND COLLECT RATES SUFFICIENT TO PROVIDE FOR THE PAYMENT OF THE BONDS AND FOR THE PAYMENT OF OPERATING EXPENSES AND TO APPLY INCOME AND REVENUES IN ACCORDANCE WITH THIS RESOLUTION AND THE LAWS OF OHIO.

OWNERS OF TWENTY PERCENT (20%) OF THE OUTSTANDING BONDS IN THE EVENT OF DEFAULT MAY REQUIRE BY MANDATORY INJUNCTION THE RAISING OF RATES IN A REASONABLE AMOUNT EXCEPT AS OTHERWISE PROVIDED BY LAW.

NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT ANY OTHER REMEDIES WHICH THE HOLDERS OF THE BONDS MAY HAVE UNDER APPLICABLE LAW.

SECTION 12. THAT THIS BOARD OF TRUSTEES HEREBY COVENANTS THAT IT WILL RESTRICT THE USE OF THE PROCEEDS OF THE BONDS HEREBY AUTHORIZED IN SUCH MANNER AND TO SUCH EXTENT, IF ANY, AS MAY BE NECESSARY, AFTER TAKING INTO ACCOUNT REASONABLE EXPECTATIONS AT THE TIME THE DEBT IS INCURRED, SO THAT THEY WILL NOT CONSTITUTE "ARBITRAGE BONDS" UNDER SECTIONS 103(B)(2) AND 148 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE") AND THE REGULATIONS PRESCRIBED THEREUNDER AND WILL, TO THE EXTENT POSSIBLE, COMPLY WITH ALL OTHER APPLICABLE PROVISIONS OF THE CODE AND THE REGULATIONS THEREUNDER TO RETAIN THE FEDERAL INCOME TAX EXEMPTION FOR INTEREST ON THE BONDS, INCLUDING ANY EXPENDITURE REQUIREMENTS, INVESTMENT LIMITATIONS, REBATE REQUIREMENTS, OR USE RESTRICTIONS. THE TREASURER OR ANY OTHER OFFICER HAVING RESPONSIBILITY WITH RESPECT TO THE ISSUANCE OF THE BONDS IS AUTHORIZED AND DIRECTED TO GIVE AN APPROPRIATE CERTIFICATE ON BEHALF OF THE ISSUER ON THE DATE OF DELIVERY OF THE BONDS FOR INCLUSION IN THE TRANSCRIPT OF PROCEEDINGS, SETTING FORTH THE FACTS, ESTIMATES AND CIRCUMSTANCES AND REASONABLE EXPECTATIONS PERTAINING TO THE USE OF THE PROCEEDS THEREOF AND THE PROVISIONS OF THE CODE AND REGULATIONS THEREUNDER.

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THE BONDS ARE HEREBY DESIGNATED AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" TO THE EXTENT PERMITTED BY SECTION 265(B)(3) OF THE CODE. THIS BOARD OF TRUSTEES FINDS AND DETERMINES THAT THE REASONABLY ANTICIPATED AMOUNT OF TAX-EXEMPT OBLIGATIONS (WHETHER OR NOT DESIGNATED AS QUALIFIED) ISSUED AND TO BE ISSUED BY THE BOARD OF TRUSTEES DURING THIS CALENDAR YEAR, INCLUDING THE BONDS DOES NOT, AND THIS BOARD OF TRUSTEES HEREBY COVENANTS THAT, DURING SUCH YEAR, THE AMOUNT OF TAX-EXEMPT OBLIGATIONS ISSUED BY THIS BOARD OF TRUSTEES AND DESIGNATED AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" FOR SUCH PURPOSE WILL NOT, EXCEED \$10,000,000. THE TREASURER AND OTHER APPROPRIATE OFFICERS, AND ANY OF THEM, ARE AUTHORIZED TO TAKE SUCH ACTIONS AND GIVE SUCH CERTIFICATIONS ON BEHALF OF THIS BOARD OF TRUSTEES WITH RESPECT TO THE REASONABLY ANTICIPATED AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE ISSUER DURING THIS CALENDAR YEAR AND WITH RESPECT TO SUCH OTHER MATTERS AS APPROPRIATE UNDER THE CODE.

SECTION 13. THAT THE LAW FIRM OF DINSMORE & SHOHL LLP BE AND IS HEREBY RETAINED AS BOND COUNSEL TO THE ISSUER TO PREPARE THE NECESSARY AUTHORIZATION AND RELATED CLOSING DOCUMENTS FOR THE ISSUANCE, SALE AND DELIVERY OF THE BONDS AND, IF APPROPRIATE, RENDERING ITS APPROVING LEGAL OPINION IN CONNECTION THEREWITH IN ACCORDANCE WITH THE WRITTEN AGREEMENT PRESENTLY ON FILE WITH THE ISSUER WHICH THE PRESIDENT, THE VICE PRESIDENT, TREASURER, OR THE SECRETARY OF THE BOARD OF TRUSTEES ARE EACH HEREBY SEPARATELY AUTHORIZED TO EXECUTE AND DELIVER ON BEHALF OF THE ISSUER, WITH SUCH CHANGES THERETO NOT SUBSTANTIALLY ADVERSE TO THE ISSUER AS MAY BE APPROVED BY SUCH OFFICERS. THE APPROVAL OF SUCH CHANGES BY SUCH OFFICERS, AND THAT THE SAME ARE NOT SUBSTANTIALLY ADVERSE TO THE ISSUER, SHALL BE CONCLUSIVELY EVIDENCED BY THE EXECUTION OF SUCH AGREEMENT BY SUCH OFFICERS. SUCH LAW FIRM SHALL BE COMPENSATED BY THE ISSUER FOR THE ABOVE SERVICES IN ACCORDANCE WITH SUCH WRITTEN AGREEMENT.

SECTION 14. THAT IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THIS BOARD OF TRUSTEES CONCERNING AND RELATING TO THE ADOPTION OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THIS BOARD OF TRUSTEES, AND THAT ALL DELIBERATIONS OF THIS BOARD OF TRUSTEES AND OF ANY OF ITS COMMITTEES THAT RESULTED IN SUCH FORMAL ACTION, WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH THE LAW, INCLUDING SECTION 121.22 OF THE OHIO REVISED CODE.

SECTION 15. THAT ALL RESOLUTIONS AND ORDERS OF THE ISSUER, OR PARTS THEREOF, IN CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION ARE TO THE EXTENT OF SUCH CONFLICT HEREBY REPEALED, AND EACH SECTION OF THIS RESOLUTION IS INDEPENDENT AND THE FINDING OR HOLDING OF ANY SECTION OR SUBDIVISION HEREOF TO BE INVALID OR VOID SHALL NOT BE DEEMED OR HELD TO AFFECT THE VALIDITY OF ANY OTHER SECTION OR SUBDIVISION OF THIS RESOLUTION. THE PROVISIONS OF THIS RESOLUTION ARE SUBJECT TO THE LAWS OF THE STATE OF OHIO.

SECTION 15. THAT THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION.

THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THIS BOARD OF

SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT

P.O.Box 215 Etna, Ohio 43018
69 Zellers Lane Pataskala, Ohio 43062
Phone (740)927-0410 Fax (740)927-4700

TRUSTEES, AND THAT ALL DELIBERATIONS OF THIS BOARD OF TRUSTEES AND OF ANY OF ITS COMMITTEES RESULTING IN SUCH FORMAL ACTION, WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH THE LAW, INCLUDING SECTION 121.22 OF THE REVISED CODE OF OHIO.

UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2023-079 WAS APPROVED.

PRESENTATION FROM ERIKA LEE:

Mrs. Erika Lee with Argonaut Marketing Solutions provided a presentation on how she can help the District. She will work with Mr. Eippert to provide a more detailed plan and cost analysis to be presented to the Board.

RMP DEVELOPMENT UPDATE:

Rob Platte said he continues to work with Mr. Eippert and Mr. Gilcher and is happy to answer any questions from the Board. He said to address the question that was brought up in public comments, that meeting has not been scheduled yet. He said he and Ms. Nita Hanson discussed the need to schedule that meeting and it should be set up soon.

Mr. Platte said he and Mr. Eippert recently met with the Village of Alexandria. He said they provide sewer services within the Village, but it is a very limited capacity. He said they do have the ability to upgrade but it is not a feasible option at this time. He said this follows a discussion from a few years ago about the possibility of some sort of partnership with them to help them out. He said he felt like it was a good meeting, and it was good to be able to bring Mr. Eippert up to speed as he was not part of those initial discussions. He said the State of Ohio recently met and is looking at a very large regional solution to water and/or sewer because there is such a demand. That meeting included the District, Delco Water and Johnstown. He said he and Mr. Gilcher have since followed up with Delco Water and it does seem like there is interest of the parties to try and participate in that State solution, whatever that ends up being. He said there would be a follow up meeting tomorrow regarding a regional solution that will involve both water and sewer.

Mr. Platte also said he has had conversations with the Mayor of Kirkersville and there does seem to still be an interest in moving forward with getting water to their residents and he will continue to be a part of that project and help in any way he can.

RESOLUTION TO APPROVE ADVERTISEMENT FOR BIDS FOR THE SR 161 ELEVATED STORAGE TANK PROJECT:

Mr. Eippert presented a resolution for the Board's consideration and approval:

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RESOLUTION:

Mr. Stepp made a motion, second by Mrs. Carter.

R 2023-080

TO APPROVE THE BIDDING DOCUMENTS AND ADVERTISE FOR BIDS ON THE SR 161 ELEVATED STORAGE TANK PROJECT; AND,

THAT IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THIS BOARD OF TRUSTEES CONCERNING AND RELATING TO THE ADOPTION OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THIS BOARD OF TRUSTEES, AND THAT ALL DELIBERATIONS OF THIS BOARD OF TRUSTEES AND OF ANY OF ITS COMMITTEES RESULTING IN SUCH FORMAL ACTION, WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH THE LAW, INCLUDING SECTION 121.22 OF THE REVISED CODE OF OHIO.

UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2023-080 WAS APPROVED.

RESOLUTION TO APPROVE ADVERTISEMENT FOR BIDS FOR THE COLLECTIONS SYSTEM TRUCK BODY/CRANE EQUIPMENT

Mr. Eippert presented a resolution for the Board's consideration and approval:

RESOLUTION:

Mr. Stepp made a motion, second by Mrs. Carter.

R 2023-081

TO APPROVE THE BIDDING DOCUMENTS AND ADVERTISE FOR BIDS ON THE COLLECTIONS SYSTEM TRUCK BODY AND CRANE PROJECT; AND,

THAT IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THIS BOARD OF TRUSTEES CONCERNING AND RELATING TO THE ADOPTION OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THIS BOARD OF TRUSTEES, AND THAT ALL DELIBERATIONS OF THIS BOARD OF TRUSTEES AND OF ANY OF ITS COMMITTEES RESULTING IN SUCH FORMAL ACTION, WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH THE LAW, INCLUDING SECTION 121.22 OF THE REVISED CODE OF OHIO.

UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2023-081 WAS APPROVED.

8. OFFICE MANAGER'S REPORT

Mrs. Carrelli had nothing to present at this meeting.

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9. ATTORNEY'S REPORT

Mr. Eippert presented a resolution for the Board's consideration and approval:

RESOLUTION:

Mr. Kretzmann made a motion, second by Mr. Stepp

R 2023-082

RESOLUTION TO APPROVE ACCESS AGREEMENT WITH MARK VAN BUREN AND DAVID VAN BUREN.

THE BOARD AUTHORIZES THE BOARD PRESIDENT, TO EXECUTE AN AGREEMENT FOR TEMPORARY ACCESS OVER A PORTION OF MARK VAN BUREN AND DAVID VAN BUREN'S PROPERTY IN HARRISON TOWNSHIP FOR ACCESS TO THE DISTRICT'S ADJACENT PROPERTY.

THAT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THIS BOARD OF TRUSTEES CONCERNING AND RELATING TO THE ADOPTION OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THIS BOARD OF TRUSTEES, AND THAT ALL DELIBERATIONS OF THIS BOARD OF TRUSTEES AND OF ANY OF ITS COMMITTEES RESULTING IN SUCH FORMAL ACTION, WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH THE LAW, INCLUDING SECTION 121.22 OF THE REVISED CODE OF OHIO.

UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2023-082 WAS APPROVED.

10. EXECUTIVE SESSION

Mr. Kretzmann made a motion, second by Mr. Stepp, to enter into executive session Pursuant to Ohio Revised Code 121.22 (G)(1) To consider the appointment, employment, promotion, demotion, or compensation of a public employee or official.
The 3 board members and Nicholas Eippert were included in the executive session.

Upon roll call vote, all voted aye.

Entered executive session at 5:00 p.m.

Mr. Kretzmann made a motion, second by Mrs. Carter to return from executive session.
Upon roll call vote, all voted aye.

Returned from executive session at 5:45 p.m.

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Mr. Kretzmann stated No resolution, rule, or formal action was taken during the executive sessions.

11. TRUSTEES' COMMENTS

There were no Trustee comments.

12. ADJOURNMENT

Mr. Stepp made a motion, second by Mrs. Carter that the meeting would be adjourned.

Upon Roll Call vote, all voted aye. The meeting was adjourned at 5:45 p.m.

ATTEST:



Melissa Carter, Secretary

**SWLCWSD
OFFICE REPORT
07/13/23**

1) Connection Fees Collected

	2021	2022	1st Qtr. 2023	2nd Qtr. 2023	3rd Qtr. 2023	4th Qtr. 2023	Total 2023
Water	\$3,302,569.87	\$1,509,126.87	\$57,750.97	\$636,596.80	\$166,185.10		\$860,532.87
Sewer	\$2,160,023.93	\$1,127,636.52	\$28,712.00	\$304,699.36	\$38,896.00		\$372,307.36
Total	\$5,462,593.80	\$2,636,763.39	\$86,462.97	\$941,296.16	\$205,081.10	\$0.00	\$1,232,840.23

2) Billing Charges

	2021	2022	1st Qtr 2023	2nd Qtr. 2023	3rd Qtr. 2023	4th Qtr. 2023	Total 2023
Water	\$3,020,543.16	\$3,083,747.26	\$796,260.94	\$555,572.74			\$1,351,833.68
Sewer	\$6,596,057.67	\$6,661,980.99	\$1,645,164.51	\$1,105,521.49			\$2,750,686.00
Total	\$9,616,600.83	\$9,745,728.25	\$2,441,425.45	\$1,661,094.23	\$0.00	\$0.00	\$4,102,519.68

3) Capacity Fees

	2021	2022	1st Qtr. 2023	2nd Qtr. 2023	3rd Qtr. 2023	4th Qtr. 2023	Total 2023
Water	\$91,740.00	\$41,133.13	\$0.00	\$18,765.00	\$4,170.00		\$22,935.00
Sewer	\$84,095.00	\$40,438.12	\$0.00	\$96,075.50	\$4,170.00		\$100,245.50
Total	\$175,835.00	\$81,571.25	\$0.00	\$114,840.50	\$8,340.00	\$0.00	\$123,180.50

4) Assessment Revenue

	2021	2022	2023	Total 2023
1st Half	\$302,195.30	\$164,451.34	\$109,578.58	\$109,578.58
2nd Half	\$249,139.14	\$141,199.87		
Total	\$551,334.44	\$305,651.21	\$109,578.58	\$109,578.58

	As of 07/13/23	As of 07/12/22
Cash in Bank	\$15,626,409.85	\$24,153,397.96
*Does not allow for future expenses		
Loan Payment Due 01/01/24	\$2,000,000.00	\$3,200,000.00
Balance Available	\$13,626,409.85	\$20,953,397.96