

**ORDINANCE NO. 146-22**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER  
INTO AN AMENDMENT TO THE MAS FINANCIAL ADVISORY SERVICES, LLC  
AGREEMENT TO INCLUDE TIF ADMINISTRATION FOR 2023  
AND DECLARING AN EMERGENCY**

**WHEREAS**, when considering the rapid growth of the City, the complexity of the overall development of capital planning, budgeting and financing, and changes to securities laws, there was a need to acquire the services of a municipal advisor; and

**WHEREAS**, pursuant to the Finance Director's recommendation, Council passed Ordinance No. 58-15 on May 11, 2015 to utilize the services of MAS Financial Advisory Services, LLC (hereinafter referred to as "MAS"); and

**WHEREAS**, the relationship with MAS over the past 7 years has resulted in financial decisions that have produced significant savings to the taxpayers of the City of Avon; and

**WHEREAS**, the Administration would now like to amend the agreement with MAS to include assistance with TIF (Tax Increment Financing) administration for the year 2023; and

**WHEREAS**, Council has had an opportunity to review the proposed amendment to the Agreement between the City of Avon and MAS and finds it to be acceptable and in the best interest of the health, safety and welfare of the citizens of Avon to adopt same.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:**

Section 1 - That the Mayor is hereby authorized to enter into an amendment to the Agreement with MAS Financial Advisory Services, LLC, in substantially the form as set forth in the attached Exhibit A, which is incorporated herein by this reference, for the purpose of including TIF (Tax Increment Financing) administration for the year ending December 31, 2023.

Section 2 - The Finance Director is authorized to appropriate all sums necessary to fulfill the obligations incurred under said amended Agreement from the General Fund No. 101 not to exceed Forty Thousand Dollars (\$40,000.00) for said year of 2023. Payment of said amounts are to be made to MAS Financial Advisory Services, LLC pursuant to directives of the Finance Director.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of

Avon, the immediate emergency being the necessity to amend the agreement with MAS Financial Advisory Services, LLC to include TIF administration for the year 2023; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: December 27, 2022 DATE SIGNED: December 27, 2022

Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: December 28, 2022

[Signature]  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara Brooks  
Barbara Brooks, Clerk of Council

POSTED: December 30, 2022  
Electronically and at City Hall  
As Provided by Council

Prepared by:  
John A. Gasior, Esq.  
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 146-22, passed by the Council of said City on December 27, 2022.

IN WITNESS WHEREOF, I have on this 28th day of December, 2022, affixed my signature and official seal.

Barbara J. Brooks  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio

**EXHIBIT A TO ORDINANCE NO.146-22**  
**(Revised 12/20/22)**

MAS Financial Advisory Services, LLC  
TIF Administration Proposal  
December 20, 2022

Responsibilities

1. Maintain and keep updated the TIF Master List excel file and the TIF Revenue Projections excel file. Currently there are over 500 parcels that are covered under TIF Agreements and the City is collecting on over 350 of these. This includes reconciling the Cash Report received from the County Auditors' Office with the City's database/the TIF Master List. Troubleshoot and resolve any discrepancies between the County and City's records.
2. Complete and submit to the County Auditors' Office DTE 24 Exemption Application forms with all necessary documentation, including City Ordinances and property record cards.
3. Maintain Determination Letters received from the Department of Taxation and update the TIF Master List excel file accordingly.
4. Complete and submit to the Development Services Agency the Annual Reports for each TIF District (presently 14 reports).
5. Represent the City at the annual Lorain County Tax Incentive Review Committee (TIRC) meetings. Provide reports to and communicate with the Avon Schools' Treasurer all pertinent information.
6. Prepare the payment requests for the Avon Schools and the Lorain County Joint Vocational School as necessary.

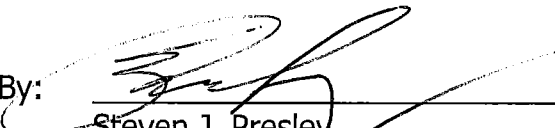
Fee Proposal

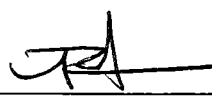
The City shall pay MAS Advisory Services a fee equal to 1.00% of the "net revenue" the City receives after distributions to Avon Local Schools and the Lorain County Joint Vocational School. The fee will be computed before county auditor and treasurer deductions. This fee shall be paid twice annually after the updating of the TIF Master List excel file (historically March and August). In any case the fee shall not exceed Forty Thousand Dollars (\$40,000) for the year 2023. The City shall apply the MAS annual retainer fee of \$12,000. The City shall apply the MAS annual retainer fee of \$12,000 toward

the TIF Administration fee. This proposal if accepted will serve as an Amendment to the MAS Agreement passed by City Council with Ordinance No. 58-15 on May 11, 2015. Said amendment shall expire on December 31, 2023.

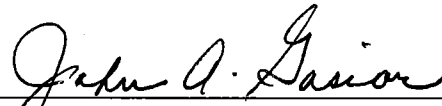
Agreed to and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2022

By: \_\_\_\_\_  
Matthew A. Stuczynski  
MAS Financial Advisory Services, LLC

By:  \_\_\_\_\_  
Steven J. Presley  
Director of Finance  
City of Avon

By:  \_\_\_\_\_  
Bryan K. Jensen  
Mayor, City of Avon

APPROVED AS TO FORM:

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John A. Gasior, Law Director  
City of Avon