

## EXHIBIT A

### **371.02 - Imposition of tax.**

(a) For the purpose of providing revenue for the advancement of the cultural development of the community, for promotion and publicizing of the city of Columbus as a desirable location for conventions, trade shows and similar events to encourage the patronage and business of cultural, educational, religious, professional, sports, and other organizations to utilize the city of Columbus and its numerous facilities for such events, to support the production of affordable housing and create home ownership opportunities within the city of Columbus through the Affordable Housing Trust for Columbus and Franklin County, and for the further purpose of providing emergency human service needs to the community, all for the benefit of the citizens of the city of Columbus, an excise tax of three (3) percent is hereby levied on transactions by which lodging by a hotel or transient accommodations, including short-term rentals, is or is to be furnished to transient guests or short-term rental guests, pursuant to former Ohio Revised Code Sec. 5739.02(C)(1) (currently Ohio Revised Code Sec. 5739.08(A)) and furthermore, an additional excise tax of three (3) percent is hereby levied on transactions by which lodging by a hotel or transient accommodations, including short-term rentals, is or is to be furnished to transient guests or short-term rental guests, pursuant to former Ohio Revised Code Sec. 5739.02(C)(2) (currently Ohio Revised Code Sec. 5739.08(B)). Effective January 1, 1989, the excise tax of three (3) percent levied pursuant to former Ohio Revised Code Sec. 5739.02 (C)(1) (currently Ohio Revised Code Sec. 5739.08(A)) above shall be reduced to two and one-tenths (2.1) percent and shall be levied on transactions by which lodging by a hotel or transient accommodations is or is to be furnished to transient guests.

(b) Although the above levies are separate and distinct, for purposes of determining distribution, the combined amounts are hereinafter referred to as the "Hotel-Motel—Short-Term Rental Excise Taxes".

(c) Except as otherwise provided in this Chapter, all All-revenues received by the city from the hotel/motel/short-term rental excise taxes each year shall be divided for the use of promoting and publicizing the city of Columbus as a desirable location for conventions, trade shows, and similar events; for use in purchasing cultural services for the enrichment of the community; for support of the production of affordable housing and creation of home ownership opportunities in Columbus; and for emergency human service needs. Of the combined rates of five and one-tenths percent (5.1%) the amount of tax allocated for the purpose of promoting the city of Columbus from funds generated by the hotel/motel/short-term rental excise taxes shall be two and thirty-nine-hundredths percent (2.39%) effective January 1, 2014. The maximum amount of said tax to be allocated for the purpose of expanding cultural services for the enrichment of the community shall not exceed a rate of one and sixty-eight-hundredths percent (1.68%) in relation to the five and one-tenths percent (5.1%) combined rate effective January 1, 2014. By December of each year, recipients of funding pursuant to promoting the city and for cultural enrichment shall provide the mayor and city council a performance report of that year's activities. The maximum amount of said tax to be allocated for the purpose of providing emergency human service needs to the community shall not exceed a rate of six-tenths percent (.6%) in relation to the five and one-tenths percent (5.1%) combined rate, effective January 1,

2014, of which up to three hundred thousand dollars (\$300,000.00) annually may be allocated by city council to assist social service agencies in the city with the capital costs of maintaining their facilities. The amount of tax allocated to support the production of affordable housing and create home ownership opportunities within the city of Columbus through the Affordable Housing Trust for Columbus and Franklin County shall be up to forty-three-hundredths percent (.43%) in relation to the five and one-tenths percent (5.1%) combined rate, effective January 1, 2014.

(d) The payment scheduled for each of the aforementioned allocations in Section 371.02(c) shall be determined by the city auditor, provided that the city shall disperse at least fifty (50) percent of the revenue from the three (3) percent tax levied pursuant to former Ohio Revised Code Sec. 5739.02(C)(2) (currently Ohio Revised Code Sec. 5739.09), to make contributions to convention and visitors bureaus operating within the county, annually. The payment schedule for contributions to convention and visitors bureaus operating within the county shall be determined by the city auditor and shall follow the priorities established below:

(1) The first priority is for said contributions to be paid to the Franklin County Convention Facilities Authority, a duly constituted convention and visitors bureau operating within the county of Franklin, Ohio, to the extent necessary to satisfy the city's obligation under Section 3.06 of the lease agreement dated as of June 1, 1990 between the Franklin County convention facilities authority, as lessor, and the city and the county of Franklin, Ohio, as lessees.

(2) The second priority is for said contributions to be made pursuant to authorization of council to convention and visitors bureaus operating within the county of Franklin, Ohio, when in the judgment and opinion of the city auditor such contributions are not required to meet the first priority. The city auditor may make contributions on a monthly basis provided no second priority contribution shall be made in a month until such time as a first priority contribution is either satisfied or deemed not required.

(3) Receipts attributed to the full service convention center hotel located on High Street in Columbus, Ohio across from the existing Columbus Convention Center shall be allocated for use as directed under Section 3.4 of the Cooperative Agreement ~~among~~ by and between the City, the County of Franklin and the Franklin County Convention Facilities Authority beginning January 1, 2013 for a period of up to 30 years or the life of the bonds for the project, whichever is greater.

~~(d)~~ Each recipient organization of funds pursuant to the above described allocation shall within one hundred twenty (120) days after the end of their fiscal year provide to the city auditor financial statements of the organization for such fiscal year prepared in accordance with generally accepted accounting principles, with an opinion thereon by a firm of certified public accountants.

~~(e)~~ The tax imposed herein applies and is collectible at the time the lodging is furnished regardless of the time when the price is paid. The tax does not apply to lodging furnished to the state, or any of its political subdivisions, or any charitable organization for the lodging of transient indigent individuals, when such charitable organization pays the hotel or transient

accommodation, including short-term rentals, for such lodging.

(fg) For the purpose of the proper administration of this chapter and to prevent evasion of the tax it is presumed that all lodging furnished by hotels or short-term rentals to transient guests and short-term rental guests is subject to the tax until the contrary is established.

(gh) To defray the expenses incurred in the collection and administration of the tax, the auditor may retain one-half percent (0.5%) of the collected gross revenues from the city's proportion of the tax on short-term rental guests paid to either the hosting platform or the short-term rental host.

### **371.18 - Convention Center Hotel.**

Subject to Section 371.02(c)(1), Hotel-Motel Excise Taxes receipts attributed to the full-service convention center hotel located on High Street, in Columbus, Ohio across from the existing Columbus Convention Center shall be paid to the Franklin County Convention Facilities Authority for use as directed under Section 3.4 of the Cooperative Agreement ~~among~~ by and between the City, the County of Franklin and the Franklin County Convention Facilities Authority governing the acquisition, construction, installation, equipping and financing of such full-service convention center hotel.

### **371.20 – North Market Hotel.**

Notwithstanding anything in this Chapter to the contrary, the hotel-motel excise taxes receipts attributed to the full-service hotel located on the real property, or parts thereof, identified as Franklin County Tax ID Parcel Numbers 010-054645-00, 010-307273-00, 010-307274-00, 010-307275-00, 010-307276-00, on the date of the passage of this Ordinance, as may be later divided (the “North Market Development Site”), shall be subject to the following: Of the combined rates of five and one-tenths percent (5.1%) constituting the hotel-motel excise taxes as defined in Section 371.02(b), the receipts constituting a rate of one and five-tenths percent (1.5%) of the overall tax rate shall be made for contributions to convention and visitors bureaus operating within the county annually in accordance with Section 371.02(d). The remaining receipts constituting a rate of three and six tenths percent (3.6%) (the “Available Hotel Tax Proceeds,”) shall, in lieu of being distributed as required by Section 371.02(c), be allocated to a housing fund and capital maintenance fund for use pursuant to Section 4(A) of the Economic Development Agreement entered into the 11<sup>th</sup> of September 2019 by and between the City of Columbus, North Market Development Authority, Inc., and NM Developer LLC, as modified by the letter dated August 9, 2021 from the City of Columbus to NM Developer LLC.