

VILLAGE COUNCIL OF WAKEMAN, OHIO
ORDINANCE NO.: 2022-O-05

AN ORDINANCE AUTHORIZING AND DIRECTING THE FISCAL OFFICER TO EXPEND MONEY FROM THE SEWER RESERVE/REPLACEMENT FUND TO PAY FOR CERTAIN NECESSARY IMPROVEMENTS TO THE VILLAGE SEWER SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, the Village owns and operates a sewer together with facilities and appurtenances, (See RC 715.40 and has established a schedule of rates or charges of rents for such use. (See RC 729.49 and 729.50). See also Chapter 925 of the Wakeman Codified Code of Ordinances; and

WHEREAS, Section 729.52 of the Ohio Revised Code, provides that funds received from the collection of sewer rentals under Section 729.49 of the Revised Code shall be kept as a separate and distinct fund and shall be known as the sewer fund; and

WHEREAS, Section 729.52 of the Ohio Revised Code, also requires that the sewer fund shall be used for the payment of the cost of the management, maintenance, operation, and repair of the sewerage system and sewage pumping, treatment, and disposal works; and

WHEREAS, the village has previously established and maintains a Sewer Reserve/Replacement Fund 5202-543-560-5611 within the Sewer Fund to be utilized for emergency repairs and improvements to the village sewer system; and

WHEREAS, the Village Administrator reports that Franklin Pump Station requires immediate repairs and replacement; and Fiscal Officer Reports TTL Associates INC is requesting payment for soil samples for Franklin St. Pump Station Replacement Project; and

WHEREAS, the Village Administrator and Fiscal Officer both report that the estimated costs for the requested soil samples are up to Ten Thousand Dollars (\$10,000.00); and

WHEREAS, the Fiscal Officer advises that there are insufficient funds in the Sewer Fund (the sewer system operating fund) to pay for the requested and necessary repairs, and/or services; and

WHEREAS, the Fiscal Officer requests authorization to expend money from the Sewer Reserve /Replacement Fund to pay for the requested and necessary repairs and/or services.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAKEMAN, STATE OF OHIO: (RC 731.18)

SECTION 1. That Council hereby finds and determines that it is necessary to provide for the immediate emergency funds for the Franklin St. Pump Station Replacement Project.

SECTION 2. That Council further finds and determines that it is necessary to expend funds from the Sewer Reserve/Replacement Fund 5202-543-560-5611 to pay the expenses of the improvements to the sewer system.

SECTION 3. That the Fiscal Officer is hereby authorized and directed to expend money from the Sewer Reserve/Replacement Fund 5202-543-560-5611 for the Franklin St Pump Station Replacement Project not to exceed Ten Thousand Dollars (\$10,000.00).

SECTION 4. DISPENSE WITH THREE READINGS. [R.C. 731.17(A)(2)] That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days.

SECTION 5. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this Ordinance is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s): *For the preservation and efficient operation of a safe sewer system.*

SECTION 6. PUBLIC MEETING. It is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

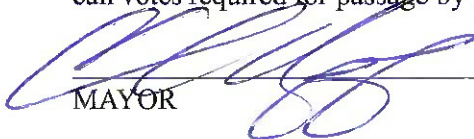
PASSED AND ADOPTED on this 14 day of march, 2022.

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 5 NAYS: 0 ABSTAIN: 0

AUTHENTICATION and ATTESTATION
(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

First Reading: march 14, 2022
Second Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))
Third Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:

SP (JLAS)
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF POSTING
(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not

less than fifteen days prior to the effective date at the following locations:

- 1) Wakeman Public Library, 18 East Abbott Street; and
- 2) Electronically online at official Village website; and
- 3) Wakeman Post Office, 17 West Main Street; and
- 4) Village of Wakeman Municipal Building, 59 Hyde Street; and
- 5) Mickey Mart, 52 West Main Street.


FISCAL OFFICER/COUNCIL CLERK