

VILLAGE COUNCIL OF WAKEMAN, OHIO  
RESOLUTION NO. 2022-R-32

OPERATOR OF RECORD  
WATER/SEWERAGE  
OAC 3745-7-02

A RESOLUTION DESIGNATING AN OPERATOR OF RECORD TO OVERSEE THE TECHNICAL OPERATION OF THE PUBLIC WATER AND SEWERAGE SYSTEMS AND AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO CONTRACT

WHEREAS, the Village owns and operates a public water system provided by RC 715.08. See also Chapter 921 of the Wakeman Codified Municipal Code; and

WHEREAS, the Village also owns and operates a sewerage system provided by RC 715.40. See also Chapter 925 of the Wakeman Codified Municipal Code; and

WHEREAS, Section 3745-7-02 of the Ohio Administrative Code requires that the owner or operator of a public water and/or sewerage system shall designate one or more operator of record to oversee the technical operation of the works, systems, plants and facilities; and

WHEREAS, the Fiscal Officer has informed Council that the contract/agreement for the previously designated licensed water/sewerage Operator of Record will expire on December 31, 2022; and

WHEREAS, in those villages that have established the position of village administrator, the village administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the administrator's supervision involving not more than fifty thousand dollars. [Section 731.141 of the Ohio Revised Code; See also Section 133.02 of the Wakeman Codified Municipal Code]

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

SECTION 1. That Village Council hereby determines it is necessary to retain the services of a licensed Operator of Record to oversee the technical operation of the public water system and the sewerage system and comply with Ohio Environmental Protection Agency rules and regulations.

SECTION 2. DESIGNATION OF OPERATOR OF RECORD. That as required by Sections 3745-7-02(A)(1) and (2), the following is hereby designated as Operator of Record for the village public water and sewerage systems:

**BRETT DUNCAN**  
**Water #WS3-1102050**  
**Wastewater #WWS 1102050**

SECTION 3. AUTHORIZE AGREEMENT. That the Administrator is hereby

authorized and directed to enter into a contract/agreement ATTACHED HERETO and incorporated herein by reference, by and between the Village and the designated licensed Operator of Record.

SECTION 4. That the contract shall be executed in the name of the village and signed on its behalf by the village administrator. [Section 731.141 of the Ohio Revised Code; See also Section 133.02 of the Wakeman Codified Municipal Code]

SECTION 5. DURATION. That the term of the contract/agreement authorized herein shall be for the period of TWELVE (12) MONTHS.

SECTION 6. SCHEDULE OF PAYMENT. That Council hereby authorizes payment to the Operator of Record as follows:

Ninety-five Dollars (\$95.00) monthly, plus  
Fifty dollars and 00/100 (\$50.00) per visit.

SECTION 7. NOTIFICATION. That pursuant to Section 3745-7-02(A)(1)(a) and (2)(b) the Village of Wakeman shall notify the director of the Ohio Environmental Protection Agency of the identity of an operator of record upon initiation or termination of service or upon request by the director.

SECTION 8. That this Resolution shall supersede any and all other previous Resolutions/Ordinances relating to the designation of the licensed Operator of Record.

SECTION 9. PUBLIC MEETING. That 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 Ordinance/Resolution shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED on this 12 day of December, 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: \_\_\_\_\_ ABSTAIN: 1

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:  
Second Reading:  
Third Reading:

October 10, 2022  
November 14, 2022  
December 12, 2022

(may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))  
(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 (JLA)

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

ATTACHMENT