

**RESOLUTION NO. R-2009-13**

A RESOLUTION ACKNOWLEDGING PREVIOUS SANITARY SEWER BILLING ERRORS, DIRECTING THE APPROPRIATE TREATMENT OF THOSE ERRORS, AND DECLARING AN EMERGENCY.

**WHEREAS**, Ordinance 0-2008-4 as passed on March 20, 2008, by the Windham Village Council in Section 1 established a minimum charge of \$47.96 per month for the first 2,000 gallons of wastewater volume for a consumer unit; and

**WHEREAS**, due to an error in billing, customers who should otherwise have been charged \$47.96 per month were actually billed and charged \$47.12 per month for the first 2,000 gallons of wastewater volume for a consumer unit; and

**WHEREAS**, the under billing and under charges are a result of errors in the administration of the utility department of the Village of Windham; and

**WHEREAS**, the reduced charge of \$0.82 per month was and is not the fault of those customers who received and paid inaccurate billing statements; and

**WHEREAS**, the Council of the Village of Windham desires to instruct the administration in the Utility Department as to how to treat this undercharge.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Village of Windham, a majority or more the members elected thereto concurring that:

**Section 1:** In each instance where a consumer was charged \$47.12 as the minimum charge corresponding to wastewater volume of 2,000 gallons per month, but only during the time period commencing April 1, 2008 and terminating on May 1, 2009, the Utility Department of the Village of Windham shall treat the payment of that amount as the full payment required by the Village of Windham of the minimum charge corresponding to wastewater volume of 2,000 gallons.

**Section 2:** All prior actions taken by any employee of the Village of Windham which is consistent with the direction set forth in this Resolution is hereby ratified and confirmed.

**Section 3:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section of 121.22 of the Ohio Revised Code.

PASSED IN COUNCIL as an emergency on this the 28<sup>th</sup> day of April, 2009.

Vote of Council:      Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder.  
                             Nays: None.

APPROVED: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
                         Mayor, Robert Donham                                 Fiscal Officer, Lloyd Billman

I hereby certify that that above resolution was duly published by public posting at predetermined posting places.

\_\_\_\_\_  
Fiscal Officer, Lloyd Billman

Approved as to form:

\_\_\_\_\_  
Interim Solicitor, Thomas Reitz