

RESOLUTION R-2006-7

A RESOLUTION WAIVING REPAYMENT OF OVERTIME PAYMENTS MADE TO CERTAIN LICENSED UTILITY EMPLOYEES WITH RESPECT TO OVERTIME PAYMENTS WHICH WAS ERRONEOUSLY PAID BECAUSE IT INCLUDED THEIR LICENSING FEES IN CALCULATING THEIR HOURLY RATE AND DECLARING AN EMERGENCY

WHEREAS, in the past due to conflicting advice from the FLSB and the State Auditor certain utility employees were paid overtime based upon their rate plus licenses that they held; and

WHEREAS, after seeking clarification of this from the FLSB it has been ascertained that the licensing fees should not have been included in the calculation; and

WHEREAS, these sums were paid in good faith based upon prior opinion relied on by both the Village and its employees; and

WHEREAS, this is determined to be an emergency measure necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village of Windham, and shall be in full force upon its passage.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Windham, three-fourths or more of the members elected thereto concurring that:

Section One: That the Village of Windham does hereby waive the repayment of all erroneously paid overtime made to utilities department employees with respect to their licensing fees.

Section Two: It is hereby determined that all formal actions of this Council concerning and relating to the adoption of this resolution 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 of Section 121.22 of the Ohio Revised Code.

Section Three: This Resolution hereby declared to be an emergency measure necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village of Windham, Ohio and this Resolution shall go into full force and effect immediately upon its passage by three-fourths (3/4's) of the members of Council.

Passed in Council this 29th day of June, 2006.

ATTEST:

Lloyd C. Billman
Village Fiscal Officer

APPROVED:

C. James Moore
Mayor

I do hereby certify this to be a true and accurate copy according to the records in the Office.

Lloyd C. Billman
Village Fiscal Officer