

AN ORDINANCE REPEALING ORDINANCE O-2011-16

WHEREAS, the Village of Windham owned the real estate on which the municipal Water and Sewer Plants are located before the Water and Sewer Plants were constructed; and

WHEREAS, there is no record of the Water and Sewer Funds of the Village of Windham ever purchasing or otherwise paying the Village General Fund for use of the real estate on which the Water and Sewer Plants are located; and

WHEREAS, the Council of the Village of Windham enacted 2011-16 on April 27, 2011 to establish compensation to the Village for use of Village owned property by the Water and Sewer Departments of the Village; and

WHEREAS, the Council of the Village of Windham acknowledges the factual information set forth in Ordinance 2011-16 but has revisited the issue of desirability of charging the rent set forth in 2011-16; and

WHEREAS, the Council of the Village of Windham has determined that it should repeal Ordinance 2011-16 and in the event the Fiscal Officer has made payments under Ordinance 2011-16 the Council directs that those payments should be reversed.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Windham, Portage County, Ohio, two thirds or more of all members elected thereto concurring that:

Section One: Ordinance 2011-16 is hereby repealed.

Section Two: Any transactions or transfers which have been undertaken by the Village Fiscal Officer in compliance with the direction set forth in Ordinance 2011-16 shall be henceforth, to the extent allowed under applicable law, be hereby reversed and the Fiscal Officer is hereby directed to take steps to reverse payments previously made under Ordinance 2011-16.

Section Three: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted 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 meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

First Reading: July 19, 2011

Second Reading: September 29, 2011

Third Reading: November 3, 2011

Passed in Council this 3rd day of November, 2011

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

ATTEST:



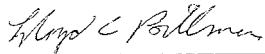
Lloyd Billman, Fiscal Officer

APPROVED:



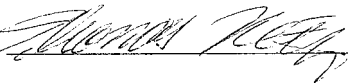
Robert Donham, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.



Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:



Thomas Reitz, Solicitor