

**ORDINANCE O-2018-19**

**AN ORDINANCE APPROVING AN ADVISORY ELECTION QUESTION TO BE PLACED ON A VILLAGE WIDE BALLOT AT THE NEXT SCHEDULED GENERAL ELECTION WITHIN THE VILLAGE AND REQUESTING THAT THE PORTAGE COUNTY BOARD OF ELECTIONS PLACE THIS ISSUE ON THE BALLOT**

**WHEREAS**, the Council of the Village of Windham has for many years debated the issue of whether the Village should mandate that refuse collection within the Village be provided by a single hauler; and

**WHEREAS**, input and guidance from citizens of the Village of Windham to the Council of the Village of Windham has not been clear so that the Council is satisfied that the direction of the citizens in in favor of or opposed to a single refuse hauler for the whole of the Village; and

**WHEREAS**, prior to expending substantial funds on drafting and enacting legislation to require a single refuse hauler and then competitively bidding to select a single refuse hauler the Village Council wishes to obtain the voters' input as to requiring a single hauler; and

**WHEREAS**, the Village Solicitor has advised that a proper method to accomplish inquiry is through an advisory election being conducted prior to the Council's action; and

**WHEREAS**, the Village Council wishes to transmit such an advisory election request to the Portage County Board of Elections to be placed before the electorate of the Village of Windham at the next Village wide general election.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Village of Windham, Portage County and State of Ohio, the majority or more of the members thereto concurring that:

SECTION 1. The Village Council hereby expresses its desire to learn of the preference of the Village of Windham's voters concerning the proposed mandatory use of a single refuse hauler for all citizens within the Village of Windham.

SECTION 2. Pursuant to Article XVIII, Section 3 of the Ohio Constitution, the Village Council hereby directs the Fiscal Officer to transmit the following ballot issue to the Portage County Board of Elections, for inclusion in the next Windham, Village wide general election.

“Shall the Village of Windham require all citizens to use a single refuse (trash) hauler throughout the whole of the Village of Windham?”

SECTION 3. This issue shall be referred to the Portage County Board of Elections for submission to a referendum vote of the qualified electors of the Village of Windham at the general election to be held on November 6, 2018.

SECTION 4. That the ballots at said election shall, at the top thereof, be entitled "Advisory Election on a Single Municipal Refuse Hauler", and the question to be submitted on said ballot shall be in the following words:

“Shall the Village of Windham require the use of a single refuse (trash) hauler by all customers throughout the Village of Windham?”

To the side of said wording, with an appropriate space for marking, shall appear the words "Yes" and "No" and each voter shall indicate his or her vote in the space provided.

SECTION 5. That the Fiscal Officer is hereby authorized and directed to certify a copy of this Ordinance to the Board of Elections on or before August 8, 2018, by 4:00 pm.

SECTION 6. That the Fiscal Officer is hereby authorized and directed to request that notice of election be given, as provided and/or required by law.

SECTION 7. 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.

PASSED IN COUNCIL on first reading this 24th day of July, 2018.

Vote of Council:      Ayes: 6  
                                     Nays: 0

Ayes:

ATTEST:

APPROVED:

\_\_\_\_\_  
Cheree Taylor, Fiscal Officer

\_\_\_\_\_  
Deborah Blewitt, Mayor

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

\_\_\_\_\_  
Cheree Taylor, Fiscal Officer

APPROVED AS TO FORM:

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