

**ORDINANCE O-2020-11**

**AN ORDINANCE CORRECTING THE ABATEMENT OF RENTS ESTABLISHED IN ORDINANCE 2020-2 AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio Revised Code Section 729.52 indicates that funds from sewer rentals shall be used for the payment or the cost of the maintenance, management, operation and repair of the sewage system and the sewage pumping treatment and disposal works; and

**WHEREAS**, Ohio Revised Code 743.04 indicates that the Village Administrator shall charge a water rent, or charge a sufficient amount which he determines, to be used for the purposes of conducting and managing the water works of a municipal corporation; and

**WHEREAS**, the Council of the Village of Windham has previously established that the Village real estate and associate buildings on and in which the Village Water Plant and on which the Village Sewer plant are located are owned by the Village, and not by the Water or Sewer Departments of the Village, and in conformity with law rent should be paid by the water revenue fund and the sewer revenue fund to the general fund of the Village; and

**WHEREAS**, the Village of Windham Water and Sewer Departments have each experienced substantial unexpected expenses: the need to replace the water softener, a flood in one of the plants which destroyed various pump motors, filling lift stations and the need to pursue a claim for failed waste water treatment replacement filters; and

**WHEREAS**, the Council of the Village of Windham has decided to reduce, for the time being, the rent paid by each of the departments for the use of the Village land and buildings so as to assist each of the department in meeting the substantial unexpected expenses and formally established the amount of the reduction by the passage of Ordinance 2020-2 on March 24, 2020; and

**WHEREAS**, as passed Ordinance 2020-2 contained two clerical errors, the errors being that the amounts of the abated rents were incorrectly stated in Sections 2 and 3: specifically the intended abatement for the Sewer Department was granted to the Water Department, and the intended abatement for the Water Department was granted to the Sewer Department; and

**WHEREAS**, by passing this ordinance the Council intends to correct the clerical error.

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

**SECTION 1.** The amount of the abatement granted to the Water Department, as set forth in Section 2 of Ordinance 2020-2 is corrected to be in the amount of \$914.76 per month.

**SECTION 2.** The amount of the abatement granted to the Sewer Department, as set forth in Section 3 of Ordinance 2020-2 is corrected to be in the amount of \$1,045.44 per month.

**SECTION 3.** In all other respects Ordinance 2020-2 is ratified, confirmed and approved.

**SECTION 4.** 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.

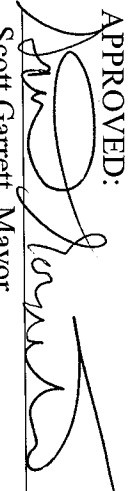
**SECTION 5.** This Ordinance is hereby declared to be an emergency measure, becoming effective immediately on passage by Council and approval by the Mayor, necessary to protect the health, safety, morals and general welfare of the community, and for the further reason that the Village of Windham Water and Sewer Departments are presently suffering unusual expenses at a time when revenues are diminishing.

Passed as an emergency on First reading: April 28, 2020.

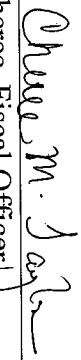
Vote of Council:   Ayes: 6  
                          Nays: 0

ATTEST:

  
Cheree Taylor, Fiscal Officer

APPROVED:  
  
Scott Garrett, Mayor

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

  
Cheree, Fiscal Officer

APPROVED AS TO FORM:

  
Thomas Reitz, Solicitor