

ORDINANCE O-2020-2

AN ORDINANCE AUTHORIZING THE ABATING THE RENTS INITIALLY ESTABLISHED IN ORDINANCE O-2012-3 AND AMENDED BY THE ENACTMENT OF ORDINANCE 2012-49 AND ESTABLISHING THE AMOUNT OF RENT TO BE PAID BY THE WATER REVENUE FUND AND THE SEWER REVENUE FUND TO THE GENERAL FUND FOR USE OF MUNICIPAL PROPERTY ON WHICH THE WATER AND SEWER PLANTS ARE LOCATED

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, filing 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.

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

SECTION 1. The actual rent to be charged to the water and sewer departments for use of the Village property on which the respective plants are located should be based on fair market value of the property and remains as is set forth in Ordinance 2012-49.

SECTION 2. In recognition of the additional and unexpected expenses which have been incurred by both the Water Department the rent to the Water Department is abated by \$1,045.44 per month.

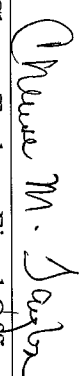
SECTION 3. In recognition of the additional and unexpected expenses which have been incurred by both the Sewer Department the rent to the Sewer Department is abated by \$914.76 per month.

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.

First reading: January 28, 2020
Second reading: February 25, 2020
Third reading: March 24, 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
pre-designated posting places.


Cheree, Fiscal Officer

APPROVED AS TO FORM:


Thomas Reitz, Solicitor