

**RESOLUTION NO. 026-13**

**A RESOLUTION TO ADOPT THE SOLID WASTE  
MANAGEMENT PLAN FOR THE HENRY COUNTY SOLID  
WASTE MANAGEMENT DISTRICT; AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the City of Napoleon is located within the jurisdiction of the Henry County Solid Waste Management District ("District");

**WHEREAS**, the District Policy Committee prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54, and 3734.55;

**WHEREAS**, the District has provided a copy of the Draft Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District;

**WHEREAS**, the City of Napoleon must decide whether it approves of said Solid Waste Management Plan within ninety days of receipt (June 1, 2013 – August 29, 2013) of the Final Draft Plan; now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON,  
OHIO:**

Section 1. That, the City of Napoleon either:

- a.   X   approves the District Solid Waste Management Plan; or,
- b.        disapproves the District Solid Waste Management Plan

Section 2. That, if the plan is ratified (60% approval by local jurisdictions, county commissioner approval and City of Napoleon approval), the parties agree to pass any and all lawful and appropriate resolutions and ordinances, and to do all things necessary and proper to authorize and allow for the lawful implementation of the contingent funding and the supplemental funding portions of the plan when if the contingencies manifest; and,

Section 3. The Clerk is hereby directed to send the District a copy of this Resolution to the attention of Mr. Michael Imbrock, District Coordinator, Henry County Solid Waste Management District, PO Box 96, Malinta, OH, 43535; and,

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City

and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to comply with the deadline; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: June 3, 2013  
John A. Helberg, Council President

Approved: June 3, 2013  
Ronald A. Behm, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

Gregory J. Heath / CP  
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 026-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath / CP  
Gregory J. Heath, Clerk/Finance Director