

RESOLUTION NO. 051-13

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
TERMINATE OR ASSIGN THE CITY OF NAPOLEON'S WATER
PURCHASE AGREEMENT WITH THE VILLAGE OF MALINTA,
OHIO; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Napoleon, in Resolution Numbers 045-90, authorized the City Manager to enter into a Water Purchase contract with the Village of Malinta; and,

WHEREAS, the City of Napoleon, now desires to either terminate said Water Purchase contract or assign said contract to the Henry County Regional Water and Sewer District; and,

WHEREAS, the City of Napoleon in terminating or assigning said contract will be able to have access to additional water customers, specifically the Village of McClure, Ohio; **Now Therefore**,

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

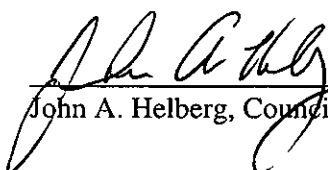
Section 1. That, the City of Napoleon authorizes the City Manager to execute any and all documents necessary to terminate the Water Purchase contract with the Village of Malinta or to assign the City's Water Purchase with the Village of Malinta contract to the Henry County Regional Water and Sewer District.

Section 2. 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 3. 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 4. 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 because this would settle issues that the District and the Village of McClure are having with the EPA also the addition of McClure would provide additional water users and income for the City, which would effect the public peace, health or safety accessible to our citizens; 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: September 16, 2013



John A. Helberg, Council President

Approved: September 16, 2013



Ronald A. Behm, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:



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. 051-13 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, Clerk/Finance Director

SUMMARY OF RESOLUTIONS NOS. 049-13, 050-13, 051-13

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance and Resolutions are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinance and Resolutions or any item mentioned in this notice may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Resolution 049-13

A RESOLUTION AUTHORIZING THE CITY FINANCE DIRECTOR TO CONDUCT AN AMNESTY PROGRAM TO ENCOURAGE THE PAYMENT OF DELINQUENT INCOME TAX ACCOUNTS

In this legislation the City of Napoleon authorizes the City Finance Director to conduct an amnesty program that will run from November 1st, 2013 to November 30th, 2013.

Resolution 050-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT OR SUBSIDY STIPULATION WITH THE PUBLIC UTILITIES COMMISSION OF OHIO ("PUCO") AND MICHIGAN SOUTHERN RAILROAD COMPANY DBA NAPOLEON, DEFIANCE, & WESTERN RAILWAY ("RAILROAD") FOR CERTAIN RAILROAD CROSSING UPGRADES; AND DECLARING AN EMERGENCY

In this legislation the City of Napoleon authorizes the City Manager to enter into an agreement with the PUCO and the railroad to allow for upgrades to certain railroad crossings in the City of Napoleon.

Resolution 051-13

A RESOLUTION TO AUTHORIZING THE CITY MANAGER TO TERMINATE OR ASSIGN THE CITY OF NAPOLEON'S WATER PURCHASE AGREEMENT WITH THE VILLAGE OF MALINTA, OHIO; AND DECLARING AN EMERGENCY

In this legislation the City of Napoleon authorizes the City Manager to terminate or assign the Water Purchase Agreement with the Village of Malinta

All of the above summaries are approved as to form and correctness by Trevor M. Hayberger, City Law Director