

ORDINANCE NO. 049-21

AN ORDINANCE ESTABLISHING A WATER RATE REVIEW COMMISSION AND AMENDING TITLE FIVE OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO, SPECIFICALLY ADDING CHAPTER 183, "WATER RATE REVIEW COMMISSION;" AND DECLARING AN EMERGENCY

WHEREAS, on August 2, 2021, the City of Napoleon, Ohio (referred to as the Seller) entered into a Water Purchase Contract with the Village of Florida, Ohio (referred to as the Purchaser); and,

WHEREAS, the Purchaser is organized and established under the provisions of the Ohio Revised Code, for the purpose of constructing and operating a water supply distribution system serving water users within the area described in plans now on file in the Office of the Purchaser and to accomplish this purpose, the Purchaser will require a supply of treated water; and,

WHEREAS, the Seller owns and operates a water supply distribution system with a capacity currently capable of serving the present customers of the Seller's system and the estimated number of water users to be served by the Purchaser as shown in the plans of the system now on file in the Office of the Purchaser; and,

WHEREAS, Resolution No. 013-21 was enacted on May 3, 2021, by the Seller for the sale of water to the Purchaser in accordance with the provisions of this Agreement; and,

WHEREAS, Resolution No. 2021-05 was enacted on April 12, 2021, by the Purchaser for the purchase of water from the Seller in accordance with the provisions of this Agreement; and,

WHEREAS, the Water Purchase Contract provides for the creation of a Water Rate Review Commission within one hundred eighty (180) days from the execution of the Contract; and,

WHEREAS, Section 5.08 of the Charter of the City of Napoleon, Ohio authorizes that "Council may establish or abolish other boards and commissions as it decides necessary, and may provide them with those powers and duties as it decides necessary. The method and duration of appointment to any other boards and commissions shall be as Council may provide; however, each appointee shall be a resident and qualified elector of the City;" and,

WHEREAS, That, Title Five of the Codified Ordinances of the City of Napoleon shall be amended to add Chapter 183, entitled "Water Rate Review Commission;" and,

WHEREAS, Council now desires to establish a Water Rate Review Commission.

Now Therefore,

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

Section 1. That, the Council of the City of Napoleon, Ohio hereby establishes with this Ordinance the Water Rate Review Commission for the purposes described herein and in accordance with the above-described agreement with Purchaser.

Section 2. That, Title Five of the Codified Ordinances of the City of Napoleon shall hereby be amended to add Chapter 183, "Water Rate Review Commission" and shall read as follows:

"183.01 Establishment of a Water Rate Review Commission; Members; Meetings.

- (a) Establishment and Purpose. There is established a Water Rate Review Commission. This Commission shall review water rates and make recommendations to City Council related to the establishment of water rates. The Water Rate Review Commission shall also review and thereafter advise Council about prospective agreements with communities seeking to purchase water from the City.
- (b) Members. The Commission will consist of at least two (2) members from the City of Napoleon, appointed by City Council, and one (1) member of any community that is party to a contract to purchase water with the City of Napoleon. Each member representing the City of Napoleon shall be a resident and qualified elector of the City.
- (c) Meetings. The Commission shall meet, on an as needed basis, with the Napoleon Board of Public Affairs and the Water, Sewer, Refuse, Recycling and Litter Committee to review items that may affect water rates.
- (d) Chair. City Council shall appoint the Chair of this Commission to be chosen from among the members representing the City.
- (e) Rules. This Commission shall be governed by the established Rules and Procedures Governing Boards and Commissions."

Section 3. Further, that Title Five, Chapter 183, "Water Rate Review Commission" shall be adopted and effective with the passage of this Ordinance No. 049-21.

Section 4. That, the function of this Commission shall be a standing body that shall review water rates on an as needed basis and make recommendations to this Council related to the review and establishment of water rates. Further, this Commission shall meet with the City of Napoleon Board of Public Affairs and the City Council Water, Sewer, Refuse, Recycling and Litter Committee at the designated times to review items that could impact water rates. This Commission shall also review contracts for any communities that would enter into contracts with the City of Napoleon Water System.

Section 5. That, this Commission shall consist of at least two (2) members from Napoleon, these members being appointed by City Council, and one (1) member of any community that is party to a contract with the City of Napoleon for purchasing water.

Section 6. That, this Commission shall be governed by the established Rules and Procedures Governing Boards and Commissions.

Section 7. That, this Commission shall be established within one hundred eighty (180) days from the execution of the Water Purchase Contract with the Village of Florida, Ohio.

Section 8. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance 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 9. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 10. That, this Ordinance 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, namely, to allow the City of Napoleon to create the Water Rate Review Commission in a timely manner, as directed in the Water Purchase Contract; 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: 12-20-2021



Joseph D. Bialorucki, Council President

Approved: 12-20-2021



Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:


Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 049-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 14th day of January, 2021; & 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.


Roxanne Dietrich, Clerk of Council

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, says that she is the General Manager of The Northwest Signal a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, publishing on the 23rd day of December, 2021.

Sally Heaston

Sally Heaston

Subscribed and sworn to before me this 4th day of January, 2022

Ramona L. Engelberth

Notary Public

Ramona L. Engelberth

PUBLISHERS FEE: \$462.60
NOTARY FEE \$3.00

RAMONA L. ENGELBERTH
NOTARY PUBLIC, STATE OF OHIO
DEFIANCE COUNTY
My Commission Expires 7/11/2022

Summary of Ordinance No.(s) 048-21, 053-21, 058-21, 067-21, 069-21 and Resolution No.(s) 048-21, 061-21, 062-21, 066-21, 068-21

(PURSUANT TO ARTICLE II, SECTION 2.18 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(s) and Resolution(s) 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 3:00 PM, Monday through Friday, at the office of the Finance Director, the location being 288 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefor.

Ordinance No. 048-21

An Ordinance establishing a Water Rate Review Commission and amending Title Five of the Codified Ordinances of the City of Napoleon, Ohio, specifically adding Chapter 133, "Water Rate Review Commission" and declaring an Emergency

In this legislation, the City of Napoleon established a Water Rate Review Commission, amending Title 5 of the City Codified Ordinances.

Ordinance No. 053-21

An Ordinance establishing a new position classification pay plan for employees of the City of Napoleon, Ohio for the year 2022; repealing Ordinance No. 067-20; and declaring an Emergency

In this legislation, the City of Napoleon established a new position classification pay plan for City employees for the year 2022.

Ordinance No. 058-21

An Ordinance establishing the appropriation measure (budget) of the City of Napoleon, Ohio for the fiscal year ending December 31, 2022, listed in exhibit "A" and declaring an Emergency

In this legislation, the City of Napoleon established the City budget for the fiscal year ending December 31, 2022.

Ordinance No. 067-21

An Ordinance amending the allocation of funds as found in Sections 193.11 and 194.013 of the Codified Ordinances of the City of Napoleon, Ohio and declaring an Emergency

In this legislation, the City of Napoleon amended the allocation of funds in Sections 193.11 and 194.013 of the City Codified Ordinances.

Ordinance No. 069-21

An Ordinance apportioning the expenses incurred including wages, salaries and fringe benefits of the Mayor, Council, and various other departments of the City of Napoleon which are not otherwise directly charged to special and/or capital projects among various accounts effective January 1, 2022; amending Ordinance No.(s) 104-20, 067-19, and 049-20; and declaring an Emergency

In this legislation, the City of Napoleon apportioned various expenses incurred which are not otherwise directly charged to special and/or capital projects among various accounts effective January 1, 2022.

Resolution No. 048-21

A Resolution amending Resolution No. 063-20, the City's yearly recurring costs legislation; and declaring an Emergency

In this legislation, the City of Napoleon amended the City's yearly recurring costs legislation.

Resolution No. 061-21

A Resolution authorizing expenditure of funds in excess of twenty five thousand dollars (\$25,000) in and for the year 2022 as it relates to recurring costs associated with the operation of the City, for payment of expenses, and for purchases associated with vendors utilized by multiple departments within the City; elimination of necessity of competitive bidding in and for the year 2022 as it relates to certain transactions; and declaring an Emergency

In this legislation, the City of Napoleon authorized the expenditure of funds in excess of \$25,000 in and for the year 2022 for recurring costs associated with the operation of the City, including expenses and purchases associated with vendors utilized by multiple City departments, and elimination of the necessity of competitive bidding in and for the year 2022 related to certain transactions.

Resolution No. 063-21

A Resolution authorizing the expenditure of funds and authorizing a department director to take bids on certain projects, services, equipment, materials, or supplies without the requirement for additional legislation to do so in the year 2022; and declaring an Emergency

In this legislation, the City of Napoleon authorized the expenditure of funds and authorizing a department director to take bids on certain projects, services, equipment, materials, or supplies without requiring additional legislation in the year 2022.

Resolution No. 068-21

A Resolution authorizing the Finance Director to transfer certain fund balances from respective funds to other funds per section 5705.14 ORC on an as needed basis in fiscal year 2022, listed in exhibit "A" and declaring an Emergency

In this legislation, the City of Napoleon authorized the Finance Director to transfer certain fund balances on an as needed basis per ORC, 5705.14.

Resolution No. 069-21

A Resolution authorizing a contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the year 2022; and declaring an Emergency

In this legislation, the City of Napoleon authorized a contribution to the CIC in and for the year 2022.

The above summaries are approved as to form and correctness by Billy D. Hansen, City Law Director.