

ORDINANCE NO. 038-23

AN ORDINANCE AUTHORIZING AND DIRECTING THE EXECUTION OF A WATER PURCHASE CONTRACT BETWEEN THE CITY OF NAPOLEON, OHIO AND THE VILLAGE OF MALINTA, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, in Resolution No. 045-90, authorized the City Manager to enter into a Water Purchase Contract with the Village of Malinta; and,

WHEREAS, the City of Napoleon, previously terminated said Water Purchase Contract per Resolution No. 051-13, passed September 16, 2013; and,

WHEREAS, the City of Napoleon 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 City Finance Director and to accomplish this purpose, the Village of Malinta will require a supply of treated water; and,

WHEREAS, the City of Napoleon owns and operates a water supply distribution system with a capacity currently capable of serving the present customers of the City of Napoleon's system and the estimated number of water users to be served by the Village of Malinta as shown in the plans of the system now on file in the office of the City Finance Director; and,

WHEREAS, the City of Napoleon again desires to authorize the City Manager to enter into a Water Purchase Contract with the Village of Malinta; **Now Therefore**,

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

Section 1. That, the provisions of a Water Purchase Contract, attached hereto as Exhibit A and by reference made a part hereof, between the City of Napoleon, Ohio and the Village of Malinta, Ohio which provides that the City will furnish and sell water to the Village, is hereby approved.

Section 2. That, the City Manager is authorized and directed to execute and deliver said Water Purchase Contract in the name of and on behalf of the City of Napoleon, such instrument to include any other necessary or advisable provisions as determined by the City Manager and as approved by the City Law Director.


Section 3. 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 4. 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.

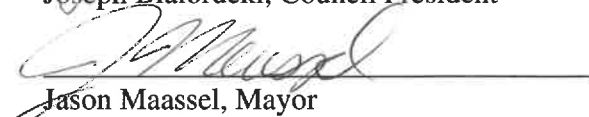
Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time because the addition of Malinta would provide additional water users and income for the City; 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. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for the commencement of the project to begin at the earliest possible time, and for further reasons as stated in the Preamble hereof.

Passed: 10-2-23



Joseph Bialorucki, Council President

Approved: 10-2-23


Jason Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:


Marrison Flogaus, Clerk of Council

I, Marrison Flogaus, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 038-23 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 7 day of October, 2023; & 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.


Marrison Flogaus, Clerk of Council

Sally Heaston, being first duly sworn, says that she is the Publisher 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 7th day of October, 2023.

Sally Heaston

Sally Heaston

Subscribed and sworn to before me this 8th day of October, 2023.

Caroline Ellen Betts Notary Public

Caroline Ellen Betts

Caroline Ellen Betts
Notary Public, State of Ohio
My Commission Expires:
June 25, 2028

PUBLISHERS FEE: \$172.25
NOTARY FEE: \$4.00

Summary of Ordinance No.(s) 038-23, 039-23, 040-23 and Resolution No.034-23

(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(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 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 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 therefore.

Ordinance No. 038-23
An Ordinance authorizing and directing the execution of a Water Purchase Contract between the City of Napoleon, Ohio and the Village of Malinta, Ohio; and declaring an Emergency in this legislation, the City of Napoleon authorized a water purchase contract between the City and the Village of Malinta.

Ordinance No. 039-23
An Ordinance supplementing the annual appropriation measure (Supplement No. 3) for the year 2023; and declaring an Emergency in this legislation, the City of Napoleon supplemented the budget for the year 2023.

Ordinance No. 040-23
An Ordinance authorizing the Finance Director to make appropriation transfers (Transfer of Appropriation 3) from one appropriation line item to another appropriation line item pursuant to ORC Section 5705.40 for the fiscal year ending December 31, 2023 as listed in Exhibit A, and declaring an Emergency in this legislation, the City of Napoleon authorized the Finance Director to make Appropriation Transfer No. 3 pursuant to ORC 5705.40 for fiscal year 2023.

Resolution No. 034-23
A Resolution authorizing the City Manager to enter into a donation agreement for the construction of a baseball field; and declaring an Emergency in this legislation, the City of Napoleon authorized the City Manager to enter into a donation agreement for the construction of a baseball field.