

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH PORTAGE COUNTY,
OHIO FOR WATER PURCHASE AND SANITARY SEWER DISCHARGE AND
DECLARING AN EMERGENCY**

WHEREAS, the Village of Windham has previously been approached by Portage County for the purpose of selling potable water to Portage County, and accepting sanitary discharge from Portage County; and

WHEREAS, the Village of Windham water plant has excess ability to provide potable water beyond the demand of the existing customers, and the Village of Windham waste water treatment plant has capacity above that needed to service its existing customer base; and

WHEREAS, the Council of the Village of Windham has determined that it is in the Village's best interest to sell potable water and accept sanitary sewer discharge from Portage County; and

WHEREAS, the Council of the Village of Windham has previously passed Resolution 2010-49 with respect to sale of potable water and acceptance of sanitary discharge from Portage County, but further discussions between the Village and Portage County have resulted in the need for this Resolution, and the need to repeal Resolution 2010-49 and the agreement authorized by it; and

WHEREAS, Portage County and the Village of Windham have now reached an accord with respect to the sale of potable water and acceptance of sanitary sewer discharge, and have decided to enter into a written document to set forth that agreement.

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

Section 1: Resolution 2010-49 is hereby repealed and as the agreement authorized by it has not been fully executed that agreement is hereby set aside, held for naught, and of no force and effect.

Section 2: That the sale of water to Portage County and the acceptance of sanitary sewer discharge from Portage County upon the terms and conditions in substantial conformity with those set forth in the Exhibit attached hereto, marked for identification as Exhibit "A" are hereby approved.

Section 3: 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 meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 4: This Resolution is hereby declared to be an emergency measure, becoming effective immediately on passage by Council and approval by the Mayor, necessary to preserve the health, safety and general welfare of the citizens of the Village of Windham, and so as to have an agreement in place at the time the Portage County Board of Commissioners award a contract to establish the connection between water and waste water customers of Portage County and the Village of Windham infrastructure.

First Reading: March 22, 2011

Second Reading: April 27, 2011

Approved by the Village Council as an emergency on the 27th day of April, 2011.

Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mr. Snyder, Mrs. Miranda
Nays: None.

Attest:

Approved:

Village Fiscal Officer, Lloyd Billman

Mayor, Robert Donham II

Approved as to Legal Form:

Solicitor, Thomas Reitz