

**ORDINANCE NO. 2016- 13****AN ORDINANCE TO PLACE ON THE BALLOT THE QUESTION OF WHETHER THE VILLAGE OF CENTERBURG SHOULD ENTER INTO AN AGREEMENT FOR THE SALE AND LEASE OF CERTAIN ASSETS AND PROPERTIES OF ITS WATER DISTRIBUTION SYSTEM TO DEL-CO WATER COMPANY INC. AND GRANTING A FRANCHISE TO DEL-CO WATER COMPANY INC. TO OPERATE A WATER DISTRIBUTION SYSTEM AND TO SELL WATER TO THE VILLAGE OF CENTERBURG CUSTOMERS AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Centerburg is the owner and operator of certain assets and properties constituting a public water works system situated in the Village; and,

**WHEREAS**, the Village Council and staff have studied the cost effectiveness of maintaining a self-operated water works system within the Village; and,

**WHEREAS**, Council has determined that entering into an agreement with Del-Co Water Company Inc. for distribution and provision of water to Village customers is more cost-effective to customers than maintaining a self-operated water works system; and,

**WHEREAS**, Council now wishes to allow Village residents to determine by public ballot the question of whether the Village shall enter into an agreement with Del-Co Water Company Inc. for provision of water services to customers of the Village; and,

**WHEREAS**, Council has the authority to place issues and questions on the ballot to be voted on by the electors of the Village (see *City of Bedford v. Board of Elections of Cuyahoga County*, 1991, 62 Ohio St. 3d 17 and R.C. Section 743.24).

**NOW, THEREFORE, BE IT ORDAINED** by the Council for the Village of Centerburg, Knox County, State of Ohio, that:

**SECTION I:** Council hereby directs that a local issue be placed on the ballot within the Village of Centerburg, Ohio on or about the November 8, 2016 General Election on the question of whether the Village of Centerburg should enter into an Agreement for sale and lease of assets and properties of its water distribution system to Del-Co Water Company Inc. and to grant a franchise to Del-Co Water Company Inc. to operate and maintain the water system and to distribute and sell water to the Village of Centerburg customers.

**SECTION II:** The Village Administrator and the Village Fiscal Officer are hereby directed to immediately cause a copy of this Ordinance upon its passage to be certified to the Board of Elections of Knox County, Ohio as required by the election laws of this state and to take whatever other action is needed to cause such election to be held in accordance with this Ordinance.

**SECTION III:** The ballot language of the question to be voted on by the voters of the Village of Centerburg as provided for in this Ordinance shall be the following:

Shall the Village of Centerburg, Ohio enter into an agreement for the sale and lease of assets and properties of its water distribution system to Del-Co Water Company Inc.

and to grant a franchise to Del-Co Water Company Inc. to operate and maintain a distribution system and to sell water to the Village of Centerburg customers?

The ballot shall provide the electors of the Village may vote "Yes" or "No" on the question.

**SECTION III:** It is found and determined that all formal actions of this Council concerning and related to the adoption of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION IV:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Village of Centerburg, Ohio, for reason that immediate language is necessary in order to place this question on the ballot in November 2016 to meet the time restrictions that are set forth in state statute, and to preserve healthy, safe and continuing water service to the Village.

**WHEREFORE,** this Ordinance shall take effect and be in force from and after its passage.

DATE PASSED 8-1-16

ATTEST SIGNATURE ON FILE  
CLERK OF COUNCIL

SIGNATURE ON FILE

PRESIDENT OF COUNCIL

SIGNATURE ON FILE

MAYOR

DATE APPROVED 8/1/16

APPROVED AS TO FORM:

SIGNATURE ON FILE

LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on August 4, 2016 and August 11, 2016 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

SIGNATURE ON FILE

CLERK-TREASURER

**CERTIFICATION**

I hereby certify on this 1 day of August, 2016, that the foregoing is a true and accurate copy of the Ordinance passed at the meeting held on 8-1, 2016, of the Village of Centerburg, County of Knox, State of Ohio.

SIGNATURE ON FILE

Clerk of Council