

**Village of Mantua, Ohio  
RESOLUTION 2019-45**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE COUNCIL OF  
THE VILLAGE OF MANTUA, TO ENTER INTO A MEMORANDUM OF  
UNDERSTANDING WITH THE PORTAGE COUNTY COMMISSIONERS RELATING  
TO THE LEGISLATIVE PROCESS REQUIRED FOR TRANSFERRING THE  
VILLAGE'S WATER AND WASTEWATER UTILITIES, AND DECLARING AN  
EMERGENCY.**

**WHEREAS**, as authorized by Ordinance Numbers 2018-56 and 2018-57, the Village of Mantua initiated a competitive bid process, and issued a formal Request for Qualifications and Request for Proposal (“RFQ/RFP”), for the sale of its water and wastewater systems; and

**WHEREAS**, on April 9, 2019, Portage County (“the County”) submitted a Proposal and Statement of Qualifications for the purpose of merging the Village’s Water and Wastewater Utilities into the County Water and Wastewater Utilities; and

**WHEREAS**, the County's proposal was the only proposal received which was responsive to the Village's RFQ/RFP; and

**WHEREAS**, since submission of the County's proposal, teams representing both entities have engaged in extensive discussions regarding the details of a merger; and

**WHEREAS**, a proposed “MANTUA VILLAGE, COUNTY OF PORTAGE WATER AND SANITARY SEWER SYSTEMS TRANSFER AGREEMENT” has been developed for this Council's consideration; and

**WHEREAS**, it is this Council's intention that the authorizing legislation for such agreement will be given three readings per Ohio Revised Code Section 731.17, and if approved, would go into effect thirty days after its passage by this Council per Ohio Revised Code Section 731.29; and

**WHEREAS**, the Mantua Village Council desires to enter into a Memorandum of Understanding with the County as an expression of both parties' good faith intentions to see this process through to its conclusion.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Village of Mantua, two-thirds or more of the members elected thereto concurring, that:

**SECTION 1.** The Mayor of the Village of Mantua is hereby authorized to execute a Memorandum of Understanding with the Portage County Commissioners, as set forth in “Exhibit A”, attached hereto and incorporated herein by reference.

**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Village of Mantua, Ohio  
RESOLUTION 2019-45**

**SECTION 3.** This Resolution is hereby declared to be an emergency measure, in order to facilitate continued operation of the Village's Water and Wastewater utilities by Portage County and the legislative process relating to the proposed Transfer Agreement, and for that reason this Resolution shall take effect immediately upon proper passage by at least two thirds of the Mantua Village Council.

**PASSED AS EMERGENCY**, this 27th day of September, 2019.

Attest:

\_\_\_\_\_  
Linda Clark, Mayor

\_\_\_\_\_  
Jenny August, Clerk of Council

I hereby certify that this Resolution was duly published by public posting at pre-designated posting places in the Village of Mantua on the \_\_\_\_ day of September, 2019.

\_\_\_\_\_  
Jenny August, Clerk of Council

Approved as to legal form:

\_\_\_\_\_  
Michele Stuck, Solicitor

**Village of Mantua, Ohio  
RESOLUTION 2019-45**

**“Exhibit A”**

**Memorandum of Understanding**

**Portage County Board of Commissioners  
And  
Village of Mantua, Ohio**

This Memorandum of Understanding is between the Portage County Board of Commissioners, hereinafter referred to as the County, and the Village of Mantua, hereinafter referred to as the Village.

The County and Village hereby recognize that the County on April 9, 2019 submitted a Proposal and Statement of Qualifications for the purpose of merging the Village’s Water and Wastewater Utilities into the County Water and Wastewater Utilities.

Since submission of the County's proposal, teams representing both entities have engaged in extensive discussions regarding the details of a merger, resulting in a proposed “MANTUA VILLAGE, COUNTY OF PORTAGE WATER AND SANITARY SEWER SYSTEMS TRANSFER AGREEMENT” developed for consideration by the Portage County Board of Commissioners and the Mantua Village Council.

The legislative process which the Village of Mantua must follow relative to legislation authorizing such an agreement requires three readings per Ohio Revised Code Section 731.17, and if approved, said legislation would go into effect thirty days after its passage per Ohio Revised Code Section 731.29, resulting in an anticipated Closing Date of January 1, 2020.

The Village commits to the County and the County commits to the Village to act in good faith in all matters relating to the goal of concluding the legislative process legally, equitably and fairly.

The County and Village agree that this Memorandum of Understanding terminates on or before December 31, 2019.

Portage County Commissioners

Village of Mantua

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