

**Village of Mantua, Ohio**  
**ORDINANCE 2020-54**

**AN ORDINANCE AMENDING ORDINANCE 2019-49, THE “MANTUA VILLAGE,  
COUNTY OF PORTAGE WATER AND SANITARY SEWER SYSTEMS  
TRANSFER AGREEMENT”, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on November 19, 2019, the Council of the Village of Mantua approved Ordinance 2019-49, authorizing execution of the “Mantua Village, County Of Portage Water and Sanitary Sewer Systems Transfer Agreement” (“the Transfer Agreement”), to become effective January 1, 2020; and

**WHEREAS**, pursuant to Ohio Revised Code section 731.29, citizens of the Village of Mantua circulated petitions seeking referendum relating to Ordinance 2019-49 and ordering that such Ordinance be submitted to the electors of the Village for their approval or rejection; and

**WHEREAS**, on October 20, 2020, this Council approved Resolution 2020-45, authorizing a Memorandum of Understanding with the Portage County Commissioners relative to proposed amendments to Ordinance 2019-49, which would be put into effect in the event that Ordinance 2019-49 was approved by the voters of the Village of Mantua on November 3, 2020; and

**WHEREAS**, at the November 3, 2020 general election, the voters of the Village of Mantua approved Ordinance 2019-49; and

**WHEREAS**, this Council now desires to approve the proposed amendments to Ordinance 2019-49 in order that the Transfer Agreement authorized thereby may be executed and become effective at the earliest possible time.

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

**SECTION 1.** “Exhibit A” to Ordinance 2019-49, passed by this Council on November 19, 2019, and subsequently approved by the voters of the Village of Mantua at the general election of November 3, 2020, incorporating the approved modifications enumerated in Resolution 2020-45, along with all modifications to correct dates, indexes and typographical error corrections found necessary, is hereby amended and re-stated in “Exhibit A”, attached hereto and incorporated herein by reference.

**SECTION 2.** Appendices “F”, “J”, “N”, “R”, “S” and “T” to Ordinance 2019-49, “Exhibit A”, are hereby amended as set forth in “Exhibit B”, attached hereto and incorporated herein by reference.

**SECTION 3.** It is understood that Appendices “E”, “G” and “P” to Ordinance 2019-49, “Exhibit A”, cannot be finalized prior to December 31, 2020, and will be approved by supplemental legislation after January 1, 2021.

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**SECTION 4.** This Council, has reviewed the terms of the attached “Exhibit A” and all Appendices thereto, and finds and confirms that its adoption and execution remain in the best interests if the inhabitants of the Village of Mantua.

**SECTION 5.** This Council hereby authorizes and directs the Mayor, on behalf of this Council and the Village of Mantua, to execute the “MANTUA VILLAGE, COUNTY OF PORTAGE WATER AND SANITARY SEWER SYSTEMS TRANSFER AGREEMENT”, as amended, attached hereto as “Exhibit A” and incorporated herein by reference.

**SECTION 6.** This Council further authorizes and directs the Mayor, the Village Administrator, the Clerk-Treasurer, the Village Engineer and the Village Solicitor to take all steps necessary to carry out any and all terms and conditions set forth in the Transfer Agreement, “Exhibit A”, and all Appendices thereto, in order to effect the transfer of ownership and operation of the Utilities to Portage County.

**SECTION 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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.

**SECTION 8.** This Ordinance is hereby declared to be an emergency measure, in order that the amendments to the “Mantua Village, County Of Portage Water and Sanitary Sewer Systems Transfer Agreement” may be put into effect immediately and the Transfer Agreement executed at the earliest possible time so as to be effective January 1, 2021, and for that reason this Ordinance shall take effect immediately upon proper passage by at least two thirds of the members of the Mantua Village Council.

**PASSED AS EMERGENCY** this 15th day of December, 2020.

ATTEST

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

\_\_\_\_\_  
Jenny August, Clerk-Treasurer

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny August, Clerk-Treasurer

Approved as to Legal Form:

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