

RECORD OF ORDINANCES

Resolution
Ordinance No. 2019-100

Passed December 4, 2019

SPONSOR: UTILITIES COMMITTEE

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF MOGADORE, OHIO TO ALLOW AN EXCLUSIVE TRASH HAULER CONTRACT WITH THE VILLAGE AND DECLARING AN EMERGENCY

WHEREAS, the Council for the Village of Mogadore has determined that an amendment to Article XIII, Section 13.01 should be submitted to the electorate of the Village of Mogadore on March 17, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Portage and Summit, State of Ohio, that:

SECTION 1: The Council submits to the electorate that Section 13.01 of the Charter be amended to provide as follows:

SECTION 13.01 FUNCTION.

The Council may, by legislation approved by five (5) members, grant a non-exclusive franchise to any person, firm, or corporation to construct, operate and maintain a public utility system or service in, on, above, across, over or under any public street or property within the Municipality or any extension thereof for a period of not more than twenty-five (25) years. The Council may, by legislation approved by five (5) members, grant an exclusive franchise/contract to any person, firm, or corporation to operate, maintain and/or provide trash removal and/or recycling services within the Municipality or any extension thereof for a period of not more than twenty-five (25) years. Any franchise hereunder may be amended or extended in the same manner and subject to the same provisions as herein provided for an original grant.

The Council may, in like manner, prescribe the kind, quality, quantity or type of the product or service which is to be furnished, provided or supplied to the Municipality or to its inhabitants and the rates to be charged therefor.

All such grants, amendments and rights of extension within the Municipality and within annexed territory shall be made subject to the continuing right of Council to enact and enforce reasonable regulations as may be necessary to protect the interest or safety of the public.

SECTION 2: The proposed amendment to Section 13.01 of the Charter of the Village of Mogadore shall be placed before the qualified electors of the Village of Mogadore for their approval on the ballot of the March 17, 2020 election.

RECORD OF ORDINANCES

Resolution
Ordinance-No. 2019-100

Passed December 4, 2019

SECTION 3: The Village Council of Mogadore requests the following ballot language:

“Shall Section 13.01 of the Charter of the Village of Mogadore be amended, effective May 1, 2020 to allow the Village Council to select one trash hauler for the entire Village?”

 FOR THE AMENDMENT

 AGAINST THE AMENDMENT

SECTION 4: The Clerk-Treasurer shall certify a copy of this resolution to the Board of Elections, along with a copy of the proposed ballot language, in sufficient time to meet the deadline for submission of the foregoing Charter amendments at the March 17, 2020 primary election.

SECTION 5: The Village of Mogadore finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in open meetings of this council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 6: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of Village residents, to allow for the timely submission of the Charter amendment to the Board of Elections, and to allow for the continued operations of the Village Administration and other departments and shall, therefore, take effect and be in force from and immediately after its passage.

Michael Raddish 12-4-19

President of Council

Date

Pia M. 12-4-19

Mayor

Date

Attest:

[Signature]
Clerk-Treasurer