

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 13-25

INTRODUCED BY: Mayor Stefanik, Marnecheck, Kasaris

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT TO SETTLE ONGOING LITIGATION AND TO RESOLVE THE ISSUES OF BILLING FOR NORTH ROYALTON SEWER DISTRICT "C" CUSTOMERS, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton and the Northeast Ohio Regional Sewer District (NEORS) are engaged in ongoing litigation in the matter of NEORS vs. Bath Township, et al., Case No. 714945; and

WHEREAS: The NEORS is authorized to begin implementation of its Stormwater Initiative including the charging and invoicing of its customers including all of North Royalton Sewer District "C" customers; and

WHEREAS: This Council has previously recognized the obligation of the city to treat such charges in a manner consistent with its obligation to treat all wastewater charges throughout the city pursuant to North Royalton Codified Ordinance 1045.05; and

WHEREAS: An agreement has been reached that, if approved, would resolve all pending litigation between the city and the NEORS and resolve the issues involved in the matter of billing to "C" District customers; and

WHEREAS: This proposed agreement will also allow for a substantial financial participation on the part of the NEORS in the design and construction of the Cedar Estates Detention Basin Project; and

WHEREAS: Council desires to enact legislation to authorize the Mayor to sign this agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Northeast Ohio Regional Sewer District, pursuant to terms and conditions approved by the Director of Law and substantially similar to a copy of which is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

Section 2. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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.

Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to authorize the Mayor to enter into an agreement with the Northeast Ohio Regional Sewer District.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: February 5, 2013

DATE APPROVED: February 5, 2013

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading February 5, 2013

YEAS: Antoskiewicz, Nickell, Petrusky
Marnecheck, Muller, Kasaris

NAYS: none