

RESOLUTION 2010-17

A RESOLUTION ACKNOWLEDGING AN ERROR IN SEWER BILLING, DETERMINING AND ANNOUNCING A DETERMINATION TO FORGIVE THE BALANCE OWED BY CITIZENS AS THE RESULT OF THE UNDERCHARGE, REPEALING INCONSISTANT LEGISLATION AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Hiram established sewer rates for customers of utilities sold by the Village of Hiram on September 12, 2006 by Ordinance 2006-21; and

WHEREAS, subsequently the Council of the Village of Hiram determined an increase in sewer rates for customers of utilities sold by the Village of Hiram was needed, and enacted and increase by the passage of Ordinance 2007-24, effective for all sewer bills due on or after January 1, 2008; and

WHEREAS, the former billing clerk for the Village of Hiram did not charge the increased rates for customers outside the Village of Hiram established by the Council of the Village of Hiram by virtue of Ordinance 2007-24. This error has now been discovered and beginning with the billing cycle for September 2010 meter readings, which billing is due to be paid by customers on or before October 28, 2010 the current rates established by the Council are being charged; and

WHEREAS, the Council of the Village of Hiram has determined that it would be a burden to the utility customers of the village to pay the increased rate as was enacted by Council of the Village of Hiram but not charged for the period beginning January 1, 2008 and ending with the meter reading in September 30, 2010; and

WHEREAS, the utility department has determined that the total loss of revenue to the waste water fund as the result of the under billing is \$153.18.

WHEREAS, It will work an unnecessary and unusual hardship on the customers of the wastewater utilities sold by the Village of Hiram to charge, up to thirty two months after the fact, the increase in rates established by Ordinance 2007-24, which thirty-three month period covers the months commencing in January, 2008 and ending with the meter reading in September of 2010.

NOW THEREFORE BE IT RESOLVED, by the Council of the Village of Hiram, Portage County, Ohio, two thirds or more of the members thereto concurring that:

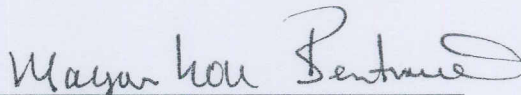
SECTION 1: It is the decision of the Council of the Village of Hiram to forego the amounts not charged to customers of the wastewater utilities sold by the Village of Hiram from January 2008 through the meter reading in September of 2010.

SECTION 2: The Council of the Village of Hiram acknowledges that this decision to not pursue the customers of the wastewater utilities of the Village of Hiram results in a loss to the waste water fund of \$153.18.

SECTION 3: This resolution be declared an emergency measure which shall take effect and be in force immediately after passage because it is necessary for the preservation of the public peace, health, safety and general welfare of the residents of this Village and for the further reason that it is essential to assure the citizens of the Village that the record keeping and accounts of the Village are maintained in accordance with law, and to act before another month of under charges takes place.

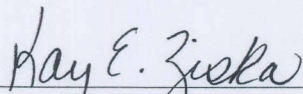
SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of the State of Ohio.

First Reading: August 10, 2010
Second Reading: September 14, 2010



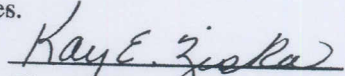
Mayor Lou Bertrand


ATTEST:



Fiscal Officer

Approved as to Form:

I Kay E. Ziska, Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing Resolution or Ordinance No. 2010-17 has been duly posted in the required 5 places.
9-16-10 
Date Fiscal Officer, Village of Hiram



Solicitor