

Ordinance No. 2026-01

An ordinance authorizing the Mayor of the Village of Warsaw to execute and implement a water system transfer agreement with the City of Coshocton, and declaring an emergency

Section 1. Findings and recitals

1. The Village Council previously adopted a resolution authorizing the Mayor of the Village of Warsaw to sign an agreement with the City of Coshocton to provide water service to the Village of Warsaw. ,.
2. The Village and the City entered into a "Village of Warsaw, City of Coshocton Water System Transfer Agreement," made pursuant to Village Resolution No. 2023-03 (approved February 28, 2023) and City Ordinance No. 8-23 (approved February 27, 2023), with an Effective Date defined as the later date upon which the referenced ordinances were approved.
3. The Agreement contemplates transfer of the Village's potable water infrastructure and related assets ("Water System Assets") to the City, and the City's provision of potable water service to Village water customers, subject to the Agreement's terms and contingencies. , ,.
4. The Agreement states that the City and the Village have authority to enter into the Agreement pursuant to Ohio Revised Code Section 715.21 and Chapter 743.
5. Council desires to enact this ordinance as the Village's permanent legislative authorization for execution and implementation of the Agreement and for the Village's performance of those obligations that require legislative action.

Section 2. Single subject; title

This ordinance contains a single subject, which is clearly expressed in its title. [City of Jackson v. Stacey, 96 Ohio App. 3d 169, 644 N.E.2d 1032 \(1994\)](#).

Section 3. Authorization to execute Agreement and approve Exhibit A

1. The Mayor of the Village of Warsaw is authorized and directed to execute, on behalf of the Village, the Water System Transfer Agreement with the City of Coshocton substantially in the form attached to this ordinance as **Exhibit A**.
2. The Village officials and employees are authorized to take such further actions and to execute such additional instruments as are reasonably necessary to carry out the Village's obligations contemplated by the Agreement, including instruments to transfer real property interests and personal property as contemplated by the Agreement. ..

Section 4. Relationship between this ordinance and the Agreement (Exhibit A)

1. Exhibit A is approved and adopted for purposes of authorizing the Village's contractual commitments, and the Village's performance shall be in accordance with Exhibit A except to the extent a provision is required by law to be enacted by separate ordinance or is otherwise inconsistent with applicable law.
2. The Agreement is incorporated by reference for authorization and implementation purposes; however, nothing in this ordinance is intended to codify every operational or administrative term of Exhibit A as a generally applicable rule of municipal law.
3. In the event of a conflict between a mandatory provision of the Ohio Revised Code governing municipal legislative procedure and any procedural statement in Exhibit A, the Ohio Revised Code shall control. [ORC Ann. 731.17](#), [City of Jackson v. Stacey, 96 Ohio App. 3d 169, 644 N.E.2d 1032 \(1994\)](#).

Section 5. Legislative approvals and ratifications required for implementation

1. **Ratification of Initial Warsaw Debt Reduction Fee.** Council acknowledges that Exhibit A requires the Village, within 15 days of the City's presentation of the Initial Warsaw Debt Reduction Fee to the Village, to enact legislation ratifying the Initial Warsaw Debt Reduction Fee, and further provides for reimbursement of certain planning and engineering costs (up to \$480,150.00) if the Village fails to ratify within that timeframe.
2. **Commitment of Village Water Fund upon request.** Council acknowledges that Exhibit A provides that, if requested by the City under the circumstances described in Exhibit A, the Village must commit the balance of the Village Water Fund toward the cost of constructing the Connection Project.
3. **Transfer of funds after Activation Date.** Council authorizes the Fiscal Officer and other appropriate Village officials to remit any balance of the Village Water Fund to the City within ten business days of the Activation Date for deposit into the Connection Project Maintenance Water Fund as described in Exhibit A.

4. **Wastewater billing and remittance arrangement.** Council authorizes the Village's participation in the billing and remittance arrangement described in Exhibit A, including the City's monthly remittance to the Village of amounts collected for sewer service less a fee equal to 6.75% of the total amount invoiced to Village wastewater customers for sewer service for that same period.

Section 6. Acknowledgment of contingencies; Village obligations during Interim Period and after Activation Date

1. **City contingencies acknowledged.** Council acknowledges that Exhibit A makes the City's obligation to construct the Connection Project and accept conveyance of the Water System Assets contingent upon the City receiving, in its sole discretion, sufficient Connection Project Funding, and further provides that the City has no obligation to construct the Connection Project should the Village fail to ratify the Initial Warsaw Debt Reduction Fee as set forth in Exhibit A.
2. **Interim Period operations.** Council authorizes and directs the Village to continue to operate, maintain, and manage the Water System Assets until the Activation Date as described in Exhibit A.
3. **Technical and administrative assistance.** Council authorizes the Village to provide technical and administrative assistance and guidance for a period of one year after the Activation Date if required by the City, subject to the availability and constraints described in Exhibit A.
4. **Transfer of documents.** Council authorizes the transfer of possession of Water System Assets Documents to the City on or before the Activation Date and authorizes provision of copies during the Interim Period when requested by the City, as described in Exhibit A.

Section 7. Water Committee (contractual advisory body)

Council acknowledges the Agreement's provision that the City will form a Water Committee with the membership described in Exhibit A, for an advisory (non-binding) purpose as described in Exhibit A, and authorizes the Village Administrator and the Village Council member appointed by the Mayor to participate as contemplated.

Section 8. Codification choices: what is enacted as ordinance vs. left contractual

1. The following matters are enacted by this ordinance as binding Village legislative authorizations: (a) approval of Exhibit A and authorization for execution; (b) authorization for transfers and related instruments; (c) authorization for the Village's Interim Period operations and post-Activation assistance and document transfer; (d) authorization for the wastewater billing/remittance arrangement; and (e) acknowledgment that separate future Village legislation may be required to ratify the Initial Warsaw Debt Reduction Fee when presented. , ,
2. The following matters are approved as contractual terms in Exhibit A and are not intended to be codified as generally applicable Village law by this ordinance: (a) the City's internal rate-setting and charges as described in Exhibit A; (b) the detailed calculation mechanics for the Warsaw Debt Reduction Fee and Warsaw Maintenance Fee; and (c) other operational details to be administered by the City under Exhibit A. , .

Section 9. Severability; waiver; interpretation

1. If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected and shall remain in full force and effect to the maximum extent permitted by law.
2. No waiver of any breach of this ordinance shall be deemed a waiver of any subsequent breach.
3. This ordinance shall be interpreted consistently with Exhibit A's governing-law and construction provisions to the extent not inconsistent with applicable law.

Section 10. Effective date; referendum; emergency

1. **Non-emergency effective date (default).** Except as provided in Section 10(2), this ordinance shall take effect and be in force from and after the earliest period allowed by law, and Council acknowledges that ordinances and other measures are generally subject to referendum and do not go into effect until thirty days after passage as provided by law. [ORC Ann. 731.29](#).
2. **Emergency.** This ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare, for the reason that the Village requires timely authorization to proceed with implementation steps contemplated by Exhibit A regarding the provision of potable water service and related project development. , .
3. This ordinance shall take effect immediately upon its passage, approval by the Mayor, and filing as provided by law.

Section 11. Passage procedure; readings; vote

1. This ordinance shall be read and passed in the manner required for ordinances, including the requirements for readings, voting by yeas and nays, and journal entry, except as lawfully dispensed with by the required vote. [Brunner v. Rhodes, 95 Ohio App. 259, 119 N.E.2d 105 \(1953\)](#), [ORC Ann. 731.17](#).
 2. This ordinance shall be adopted by a separate vote of Council with the yeas and nays entered upon the journal. [Brunner v. Rhodes, 95 Ohio App. 259, 119 N.E.2d 105 \(1953\)](#), [City of Jackson v. Stacey, 96 Ohio App. 3d 169, 644 N.E.2d 1032 \(1994\)](#).
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Passed: _____, 2026

President of Council

Attest: _____
Fiscal Officer

Approved: _____, 2026

Mayor

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