

**RESOLUTION NO. 2018-47**  
**INTRODUCED BY: MAYOR & COUNCIL**

**4122**

**A RESOLUTION OPPOSING THE ADOPTION OF HOUSE BILL 602, CURRENTLY BEING CONSIDERED BY A COMMITTEE OF THE OHIO HOUSE OF REPRESENTATIVES, WHICH PROPOSES TO REGULATE AND RESTRICT RATES THAT CAN BE CHARGED FOR UTILITY SERVICES TO NON-RESIDENTS OF THE VILLAGE AND IMPOSES SEVERE PENALTIES FOR FAILURE TO COMPLY.**

**WHEREAS**, the Mayor and Council have been advised of a bill introduced into the Ohio House of Representatives, known as House Bill 602 ("HB 602") which purports to deny to municipalities the ability to charge higher utility rates to non-residents of the Village; and

**WHEREAS**, the Village Council and Mayor strongly oppose proposed HB 602 which will have a significant and detrimental effect upon the Village and its residents who bear the burden, through the General Fund and other funds paid solely by residents and businesses located in the Village for sewer and water utility systems that are not covered by water and sewer rates; and

**WHEREAS**, HB 602 would disincentivize the Village to provide needed sewer and water services to non-residents and businesses located outside of the Village of Chagrin Falls and would undermine the financial position and home rule authority of municipalities who have a constitutional right to own and operate utility systems and, if HB 602 is adopted the Village would be unable to recover all costs for extending services outside of the Village for sewer and/or water; and

**WHEREAS**, HB 602 would hinder development and harm the economic well being of the Village and its neighboring communities; and

**WHEREAS**, under HB 602 municipalities would see substantial reductions in local government fund payments if they fail to come into compliance and would further erode state support of those municipalities who took the risk of developing and operating sewer and water services which promote the health, environment and well being of its residents and neighboring communities.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, COUNTY OF CUYAHOGA, AND STATE OF OHIO:**

**SECTION 1.** The Ohio General Assembly and all of its applicable Committees should immediately take action to oppose the referral of HB 602 out of Committee and to deny passage of HB 602 for all of the reasons set forth in the Whereas provisions of this Resolution as well as statements of position presented by other communities including, but not limited to, the City of

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Cleveland that provides the Village with a portion of its water resources, as HB 602 could jeopardize continued supply of water from the City of Cleveland to the Village.

**SECTION 2.** The Clerk of Council is hereby directed to forward a certified copy of this Resolution to the Speaker of the Ohio House, the Honorable Ryan Smith, the President of the Ohio Senate, the Honorable Larry Obhof, Representative Marlene Anielski and State Senator Matt Dolan and the Ohio House Finance Committee Chair, Scott Ryan.

**SECTION 3.** That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

**SECTION 4.** That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Resolution shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

**SECTION 5.** That this Resolution shall take effect and be in full force and effect upon the earliest date allowed by law.

PASSED: June 25, 2018

  
Karl Maersch, Council President

Submitted to the Mayor for  
his approval on this  
26 day of June, 2018

Approved by the Mayor  
June 26, 2018

  
Mayor William Tomko

I hereby certify that Resolution No. 2018- 47 was duly enacted on the 25 day of June, 2018, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

  
Clerk of Council