

RESOLUTION 2008-06

A RESOLUTION FORMALLY WITHDRAWING THE VILLAGE OF SUNBURY FROM THE EASTERN DELAWARE COUNTY JOINT RECREATION DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 755.181 AND REPEALING RESOLUTION 2006-07 AND DECLARING AN EMERGENCY

WHEREAS, on September 6, 2006, Council for the Village of Sunbury passed Resolution 2006-07 establishing a Joint Recreation District pursuant to Ohio Revised Code 755.14(C) known as the Eastern Delaware County Joint Recreation District, contingent upon the participation of the Big Walnut School District the boundaries of which were to be boundaries of the Big Walnut School District; and

WHEREAS, the Board of Trustees of the Eastern Delaware County Joint Recreation District at their most recent meeting formally requested the various political subdivisions who have authorized the district withdraw from the district, terminating its existence; and

WHEREAS, the Big Walnut Board of Education on or about Monday, September 8, 2008 adopted a resolution to withdraw from the Eastern Delaware County Joint Recreation District; and

WHEREAS, Council for the Village of Sunbury now wishes to withdraw from the Eastern Delaware County Joint Recreation District pursuant Ohio Revised Code Section 775.181 and to formally repeal resolution 2006-07 which previously authorized participation in said Joint Recreation District, contingent upon passage of similar legislation by the Big Walnut School District.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the Village of Sunbury, County of Delaware, State of Ohio, as follows:

SECTION I: The Council for the Village of Sunbury hereby formally withdraws as a member of the Eastern Delaware County Joint Recreation District pursuant to Ohio Revised Code Section 775.181.

SECTION II: Resolution 2006-07 is hereby repealed.

SECTION III: The Village of Sunbury Fiscal Officer is hereby directed to deliver a certified copy of this Resolution to the Eastern Delaware County Joint Recreation District Board of Trustees and to make such further certifications and/or notifications as directed by the Village of Sunbury Solicitor.

SECTION IV: It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were made in open meetings of the council, and that all deliberations of this council and of its committees, if any, which resulted in this formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION V: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the citizens of the Village of Sunbury, Ohio to allow certification of this council's position to be delivered to members of the Board of Trustees of the Eastern Delaware County Joint Recreation District at the earliest possible time as requested and to provide notice at the earliest possible time to any remaining members of the Eastern Delaware County Joint Recreational District of the Village of Sunbury's intention to withdraw from participation in any joint recreation district which may remain pursuant to Ohio Revised Code 755.14 because the initial legislation passed by the Village of Sunbury was expressly contingent upon participation by the Big Walnut School District which has now officially withdrawn.

WHEREFORE, this Resolution shall take effect and be in force immediately after its passage.

VOTE ON SUSPENSION OF THE RULES:	YEAS	NAYS
	_____	_____
VOTE ON THE EMERGENCY:	YEAS	NAYS
	_____	_____
VOTE ON RESOLUTION 2008-06	YEAS	NAYS
	_____	_____

PASSED: _____, 2008

Leonard R. Weatherby, Mayor

ATTEST:

John Lane, Fiscal Officer

CERTIFICATION

I hereby certify on this _____ day of _____, 2008 that the foregoing is a true and accurate copy of the Resolution passed at the meeting held on _____, 2008, of the Council of the Village of Sunbury of the County of Delaware, State of Ohio.

Clerk of Council

CERTIFICATION

I hereby certify on this _____ day of _____, 2006, that the foregoing is a true and accurate copy of the Resolution passed at the meeting held on _____, 2006 of the Council of the Village of the County of Delaware, State of Ohio.

Clerk of Council

Big Walnut Local Schools

Tel: (740) 965-2706
Fax: (740) 965-4688

70 Walnut Street, P.O. Box 218
Galena, Ohio 43021
www.bigwalnut.k12.oh.us

October 9, 2008

Village of Sunbury
9 East Granville Street
Sunbury, OH 43074

Dear Village Council Members:

On Monday, September 8, 2008, the Big Walnut Board of Education publically discussed the request to withdraw from the Eastern Delaware County Joint Recreation District submitted by the JRD Board. After discussion, the Board voted 5-0 to approve the resolution to withdraw. Attached please find a copy of the signed resolution.

If you should have any questions, please do not hesitate to contact me.

Sincerely,



April Domine
Superintendent

Enclosures

cc: Len Weatherby, Mayor
David Martin, Village Administrator
David Brehm, Village Solicitor

April Domine
Superintendent

James Szabo
Treasurer

Steven Mazzi
Assistant Superintendent

BOARD OF EDUCATION
BIG WALNUT LOCAL SCHOOL DISTRICT
DELAWARE COUNTY, OHIO

The Board of Education (the "Board") of the Big Walnut Local School District, Delaware County, Ohio (the "School District") met in regular session on September 8, 2008 at 7:00 p.m., at the Big Walnut High School Library, 555 S. Old 3C Highway, Sunbury, OH 43074 with the following members present:

Ms. Butts, Mr. Hildreth, Mrs. Hines, Mr. Hobelman, Mrs. Grunewald

Mr. Hobelman introduced the following resolution and moved its passage:

RESOLUTION THAT THE BIG WALNUT DISTRICT BOARD OF EDUCATION WITHDRAW FROM THE
EASTERN DELAWARE COUNTY JOINT RECREATION DISTRICT

WHEREAS, the members of the Big Walnut School District Board of Education, Delaware County, Ohio believe that the inclusion of the Big Walnut School District Board of Education in Eastern Delaware County Joint Recreation District is not in the best interests of said School District, at this time.

NOW, THEREFORE BE IT RESOLVED, the members of the Big Walnut School District Board of Education, Delaware County, Ohio resolve that the Big Walnut District Board of Education withdraw from the Eastern Delaware County Joint Recreation District and from this day forward be exempt from any future tax levies and that a copy of this Resolution be forwarded by the Fiscal Officer of the Big Walnut School District Board of Education to the Eastern Delaware County Joint Recreation District.

Mrs. Hines seconded the motion and, after discussion, a roll call vote was taken and the results were:

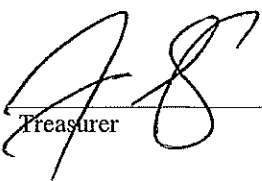
YAES: Mrs. Grunewald, Mr. Hildreth, Ms. Butts, Mrs. Hines, Mr. Hobelman

The resolution passed: September 8, 2008

BOARD OF EDUCATION
BIG WALNUT LOCAL SCHOOL DISTRICT
DELAWARE COUNTY, OHIO


Board President

Attest:


Treasurer

CERTIFICATE

The undersigned Treasurer of the Big Walnut Local School District, Delaware County, Ohio hereby Certifies that the foregoing is a true copy of the Resolution duly passed by the Board of Education of said School District on September 8, 2008.


Treasurer

Big Walnut Local School District,
Delaware County, Ohio

ORDINANCE NO. 2007-11

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A JOINT VENTURE AGREEMENT WITH THE EASTERN DELAWARE COUNTY JOINT RECREATION DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 755.16

WHEREAS, Ohio Revised Code Section 755.16 provides that parties may jointly acquire, equip, operate and maintain parks, recreational facilities and community centers; may appropriate money therefore and may contribute such lands, money, personal property or services to such joint venture as may be agreed upon; and

WHEREAS, Council for the Village of Sunbury has identified a need to enter into a joint venture agreement with the Eastern Delaware County Joint Recreation District established pursuant to ORC Section 755.14; and

WHEREAS, Council now wishes the Mayor to sign a Joint Venture Agreement with the Eastern Delaware County Joint Recreational District contingent upon passage of a bond levy to secure necessary funds for a community recreation center.

NOW THEREFORE, BE IT ORDAINED by the Council for the Village of Sunbury, Delaware County, State of Ohio, that:

SECTION I: The Joint Venture Agreement between the Eastern Delaware County Joint Recreation District and the Village of Sunbury attached hereto as Exhibit "A" is hereby approved.

SECTION II: The Mayor of the Village of Sunbury is authorized to execute said Joint Venture Agreement as well as any and all documents necessary to carry out the provisions of this Ordinance.

SECTION III: It is found and determined that all formal actions of this Council concerning and related to the adoption of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

WHEREFORE, this Ordinance shall be in effect from and after the earliest time permitted by law.

VOTE ON ORDINANCE 2007-11

YEAS

NAYS

PASSED: _____, 2007

Leonard R. Weatherby, Mayor

ATTEST:

CERTIFICATION

I hereby certify on this ____ day of _____, 2007, that the foregoing is a true and accurate copy of the Ordinance passed at the meeting held on _____, 2007, of the Village of Sunbury, County of Delaware, State of Ohio.

RESOLUTION NO. 2006-07

A RESOLUTION ESTABLISHING A JOINT RECREATION DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 755.14(C) KNOWN AS THE EASTERN DELAWARE COUNTY JOINT RECREATION DISTRICT CONTINGENT UPON THE APPROVAL OF THE BIG WALNUT LOCAL SCHOOL DISTRICT

WHEREAS, Council for the Village of Sunbury believes that a joint recreation district formed pursuant to Ohio Revised Code Section 755.14 may be an effective means of acquiring property for, constructing, operating and maintaining parks, playgrounds, play fields, gymnasiums, public baths, swimming pools, indoor recreation centers or community centers for governmental, civic, educational or recreational activities for the benefit of all citizens including but not limited to children and families;

WHEREAS, Council for the Village of Sunbury has determined that it is in the best interest of the Village and the community to, in conjunction with the Big Walnut Local School District, establish a joint recreation district, the boundaries of which should be the boundaries of the Big Walnut Local School District;

WHEREAS, Council for the Village of Sunbury believes that it is in the public's interest to obtain broad representation on the governing body for such a joint recreation district;

NOW THEREFORE, BE IT RESOLVED by the Council for the Village of Sunbury that:

SECTION I: Contingent upon passage of a similar, mirror image resolution by the Big Walnut School District, hereby is established a joint recreation district, pursuant to Ohio Revised Code Section 755.14(C), which shall be known as the Eastern Delaware County Joint Recreational District, the boundaries and territory of which shall be the boundaries and territory of the Big Walnut Local School District.

SECTION II: The Eastern Delaware County Joint Recreation District shall have all of those powers enumerated under Ohio Revised Code Sections 755.12 et seq.

SECTION III: The Eastern Delaware County Joint Recreation District shall be governed by the Eastern Delaware County Joint Recreation District Board of Trustees, which shall consist of nine (9) trustees. Every trustee on the Board of Trustees shall reside in the District. The Boards of Trustees of Berkshire, Porter, Kingston, Trenton, Genoa, and Harlem Townships each shall have the discretion to designate one resident of their own respective township to serve on the Board of Trustees of the Joint Recreation District. Additionally, the Councils of the Village of Sunbury and the Village of Galena and the Big Walnut Local School District Board of Education each shall have the discretion to designate one individual to serve on the Board of Trustees of the Joint Recreation District. In the event that any entity with discretion to designate an individual to serve as trustee fails to do so within sixty (60) days of being notified

in writing of a vacancy, the vacancy shall be filled by majority vote of the remaining trustees on the Board of Trustees of the Joint Recreation District. In voting to fill a vacancy, the Board of Trustees of the Joint Recreation District shall endeavor to fill the vacancy with a resident of any township or village which did not fill its respective vacancy, but the Board of Trustees is not obligated to do so.

SECTION IV: Each Trustee on the Board of Trustees of the Joint Recreation District shall serve a three (3) year term, with the exception that the initial terms, in order to stagger the respective terms, shall be as follows:

- | | | |
|----|------------------------------------|--------------|
| 1. | Berkshire Township designee: | 1 year; |
| 2. | Genoa Township designee: | 1 year; |
| 3. | Harlem Township designee: | 1 year; |
| 4. | Kingston Township designee: | 2 years; |
| 5. | Porter Township designee: | 2 years; |
| 6. | Trenton Township designee: | 2 years; |
| 7. | Village of Galena designee: | 3 years; |
| 8. | Village of Sunbury designee: | 3 years; and |
| 9. | Big Walnut Local Schools designee: | 3 years. |

SECTION V: It is 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 this Board and of any of its committees resulting in such formal action, were meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

WHEREFORE, this Resolution shall take effect and be in force from and after the earliest time permitted by law.

VOTE ON RESOLUTION 2006-07

YEAS

NAYS

PASSED _____, 2006

Leonard R. Weatherby, Mayor

ATTEST:

_____, Clerk of Council