

AGENDA

Wayne County Commissioners' Special Session of July 31, 2017

- Pledge of Allegiance to the Flag
- Call to Order & Roll Call of Commissioners Present
- Approval of Agenda

Deliberation of the Village of Dalton's Petition for Detachment from Sugar Creek Twp.

(note agenda was amended to add a vote on the below resolution)

Date	Res.#	Resolution Title
7/31	2017-379	Resolution to Deny Petition from the Village of Dalton to Detach from Sugar Creek Township per ORC 503.07

Resolution

No. 2017-379

Board of Wayne County Commissioners
Ann M. Obrecht Sue A. Smail Ron Amstutz

Adopted: July 31, 2017

Subject: **Resolution to Deny Petition from the Village of Dalton to Detach from Sugar Creek Township per ORC 503.07**

It was moved by Mr. Amstutz and seconded by Mrs. Smail that the following resolution be adopted:

Whereas, the Village of Dalton passed Ordinance number 2-17 on June 12, 2017 authorizing the village solicitor to petition the Board of County Commissioners of Wayne County, Ohio to file a detachment and conformity action pursuant to ORC 503.07 and declaring an emergency; and

Whereas, the Board of Commissioners held a Public Hearing to hear Testimony regarding this petition on July 28, 2017 at 10:00a.m.; and

Whereas, the measure was passed by the Village of Dalton as an Emergency Measure stating that "...This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the citizens of the Village of Dalton and its residents and property owners"; and

Whereas, ORC 731.30 "requires that the reasons for such necessity shall be set forth in one section of the ordinance or other measure" and furthermore Ohio courts have held that in order for a resolution to be valid as an emergency the ordinance must contain a reason for the emergency above and beyond the language contained in the Ordinance passed by the Village of Dalton; and

Whereas, this board finds that Ordinance Number 2-17 passed by the Village of Dalton is legally deficient and cannot be considered in its current format;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners the Petition from the Village of Dalton to detach from Sugar Creek Township per ORC 503.07 is hereby denied.

The vote is as follows: Ann M. Obrecht yea Sue A. Smail yea Ron Amstutz yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

