

**Joint Public Meeting of Tuscarawas County Commissioners and Village Council of
Baltic to Present a Preliminary Study of Reasons for the Proposed Establishment of
Tuscarawas Water & Sewer District, and to Receive Comments**

**December 21, 2023 @ 7:00 p.m.
Baltic Village Hall, 102 W. Main Street, Baltic, Ohio 43804**

AGENDA

1. Welcome, Introductions and Opening Remarks- John B. Albers, Albers and Albers, Attorneys at Law
2. Call to Order- John B. Albers
 - 2.1. Roll Call Attendance of the County Commissioners of Tuscarawas County
 - 2.2. Roll Call Attendance of the Village Council of the Village of Baltic
3. Purpose of Meeting – John B. Albers
 - ◆ Statement of Purpose
 - ◆ Introduction of the Preliminary Study of Reasons for the Proposed Establishment of Tuscarawas Water & Sewer District
 - ◆ Introduction of the District Boundary Map
4. Background Information and Benefits of a Regional District- John B. Albers
5. Organization Procedure- John B. Albers
6. Comments from the General Public
7. Roll Call Vote of Tuscarawas County Commissioners on a Resolution Approving a Petition and Authorizing its Filing in the Court of Common Pleas of Tuscarawas, Coshocton, and Holmes Counties to Establish Tuscarawas Water & Sewer District
8. Roll Call Vote of the Village Council of the Village of Baltic on an Ordinance Approving a Petition and Authorizing its Filing in the Court of Common Pleas of Tuscarawas, Coshocton, and Holmes Counties to Establish Tuscarawas Water & Sewer District
9. Adjourn

Page 1 of 1

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN SPECIAL SESSION THURSDAY, THE 21ST DAY OF DECEMBER, 2023, AT THE VILLAGE OF BALTIC, WITH THE FOLLOWING IN ATTENDANCE:

Chris Abbuhl – Commissioner
Greg Ress – Commissioner

Michael Jones – Sanitary Engineer
Rhonda Jordan – Clerk to the Board

Village of Baltic Village Council

Zach Fanning – Council President Pro Tem
Dave Finzer
Robert Miller
Douglas Frautschy – Baltic Solicitor
John Albers – Attorney

Tom Richter
Doug Plyler
Chris Miller
Rose Baxter – Village Administrator

Attorney John B. Albers presiding.

John Albers called the meeting to order with Roll Call Attendance of the County Commissioners and the Village Council of the Village of Baltic. There was a quorum of County Commissioners and Village Council to proceed with meeting.

PURPOSE OF MEETING: Joint meeting of the County Commissioners and Village Council to receive comments from the public on the proposed formation of the Tuscarawas Water and Sewer District and to present a preliminary study on the reasons for the establishment of the District. All is required under ORC 6119.02 (B).

As a preliminary matter, Mr. Albers would like the record to reflect that Notice of this joint meeting was provided by publication notice in three different newspapers in three different counties on December 7th and December 14th, 2023, and by posting the meeting as required by law.

PRELIMINARY STUDY: The preliminary study shows the County has been operating the Village Water & Sewer Systems under an operating agreement for some years. The Village and County have had many discussions on the best method to manage for operating the Village's system on an ongoing basis into the future. The most cost-effective way and best method to proceed is to have the parties form a Regional District and have the Village's facilities transferred to the at Regional District and then have the Regional District contract with the County to provide services to the Village. Since Baltic has area within three Counties, the best method under Ohio Law for multi-jurisdictional areas is a Regional District.

The Regional District's role in this is very limited, but it does have a role. There will be a three-person Board formed. The Village will appoint one person to the Board and the Commissioners will appoint two people to the Board.

BENEFITS OF REGIONAL DISTRICT: Forming a Regional District reduces costs by increasing efficiency, personnel, equipment and facilities under a single umbrella. The impetus and the trend in Ohio are for more and more systems to Regionalize. It is getting more and more difficult to afford the costs of regulations as the Environmental Protection Agency (EPA) continues to implement more and more strict regulations. Especially for sewer systems around the State of Ohio.

**PRELIMINARY STUDY OF REASONS
FOR THE
PROPOSED ESTABLISHMENT
OF
TUSCARAWAS
WATER & SEWER DISTRICT**

Presented to the general public at the
Joint Public Meeting of the Village Council of Baltic and the Board of
County Commissioners of Tuscarawas County
held pursuant to Ohio Revised Code Chapter 6119
with notice to all electors, on December 21, 2023 at 7:00 p.m.
at the Baltic Village Hall, 102 W. Main Street, Baltic, Ohio 43804.

Statement of Purpose:

The Board of County Commissioners of Tuscarawas County (hereinafter, the "County") and the Village Council of Baltic (hereinafter, the "Village") are proposing to establish a regional water and sewer district under Chapter 6119 of the Ohio Revised Code within the Village (which Village is located within Tuscarawas, Holmes and Coshocton Counties) (the District"). The purpose for establishing the District is to advance, maintain and preserve the health, safety, convenience, and welfare of the residents of the Village by providing for competent and efficient management of the Village's water and sewer facilities by the County. Such District is proposed to be called "Tuscarawas Water and Sewer District". A map is attached hereto as Appendix A which delineates the proposed District boundaries which are the boundaries of the Village of Baltic.

Background Information:

As a result of the working relationships established between County and the Village in providing operators of record for the Village's water and sewer systems under an operations agreement, ongoing discussions have occurred between the parties relating to the best method for operating the Village systems. In reviewing current and future service needs, both the Village and County agree that the most cost-effective method is for the County to operate the Village water and sewer system. Because the Village lies in three counties, the best way for the Village to service its customers is to 1) form a regional district under Chapter 6119 of the Ohio Revised Code, 2) transfer its water and sewer facilities to the District, along with an exclusive franchise to provide water and sewer services within the Village,

2

and 3) for the District to enter into an agreement with the County to operate the facilities. Chapter 6119 districts are especially authorized and empowered under Ohio law to serve customers located within multiple jurisdictions such as the Village. The territory of the District will include the properties serviced currently by the Village, the Village territory and those properties upon which current Village water and sewer assets are located.

Benefits:

1. Regionalization, including the creation of a district which will serve as a single entity owning, operating, and constructing future needed facilities if necessary, will reduce costs by achieving cost efficiencies through economies of scale, and provide for future growth as it occurs.
2. A District will qualify as an applicant for grants and low interest loans from the U.S. government, the State of Ohio, the OEPA, and others, to help finance the construction of projects.
3. An efficiently operated central sanitary sewer system will promote the safe collection, treatment and discharge of the District's sanitary wastewater in accordance with Ohio Environmental Protection Agency regulations, thereby reducing the risks of pollution and unsanitary conditions.
4. An efficiently operated and constructed central water system will assure the safe treatment and distribution of potable water in accordance with Ohio EPA regulations.

3

5. Residents will be afforded the opportunity to serve on the District Board and will, therefore, have local representation regarding issues of cost, operation and maintenance of the water and sewer systems.
6. A contract between the District and the County will enable the provision of water and sanitary sewer services in a more efficient and cost effective manner than the Village can alone, thus reducing the cost of services to the consumers.

Organization Procedure:

ORC Chapter 6119 permits the Village and Tuscarawas County to petition the Court of Common Pleas of Tuscarawas County, Ohio, and request that a water and sewer district be organized. Because the Village is in three counties, judges from Coshocton County and Holmes County will also be part of the tribunal at the Court of Common Pleas of Tuscarawas County to conduct a hearing upon the petition. The Manager of the Tuscarawas County Metropolitan Sewer District office will prepare, with assistance from legal counsel, the plan of operations for the District. The Plan of Operations will also provide information regarding financial projections, such as water and sewer rates, for the operation of the Village system.

Once formed, the District will be a political subdivision of the State of Ohio and will be empowered under law to operate water and sanitary sewer services, to plan and construct such services when necessary, and apply for grant and loan assistance to fund such projects. The District will be governed by a Board which will be comprised of three (3) persons. The District will be a separate entity,

4

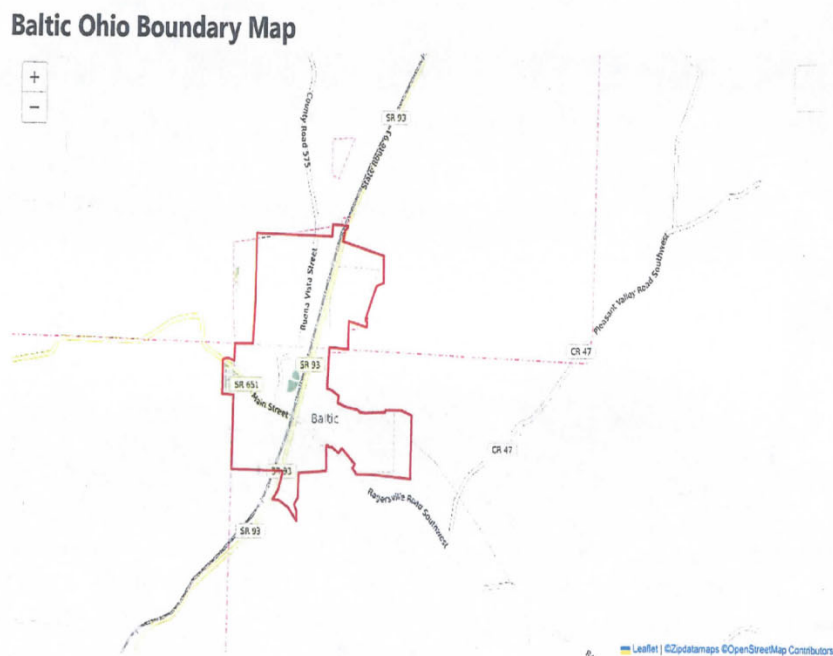
independent of the Village and Tuscarawas County, but the Village and Tuscarawas County will appoint all of the members of the District Board of Trustees. One member shall be selected by the Village and two members selected by Tuscarawas County.

District Operations:

Upon appointment of the Board of Trustees, the Board will enter into a Transfer Agreement with the Village, which will convey to the District, to the extent feasible, an exclusive franchise for providing water and sewer services within the Village. In addition, the Village will transfer its water and sewer facilities to the District at no cost including, but not limited to, transmission and collection lines, lift stations, force mains, wells, water storage towers, treatment plants, equipment and spare parts, and all necessary appurtenances thereto. A description of the facilities intended to be transferred by the Village is attached hereto as **Appendix B**.

After the Board enters into the Transfer Agreement with the Village, the Board will also contract with Tuscarawas County under R.C. 6119.06 and R.C. 6119.09 to operate, maintain and be responsible for the former Village water and sewer facilities moving forward. The Board will also convey to the County the exclusive franchise for providing water and sewer services within the Village that the District received from the Village pursuant to the Transfer Agreement. The District will have the authority to construct the necessary future water and sanitary sewer systems and associated facilities as needed, to be operated by Tuscarawas County by contract with the District.

5



ORGANIZATION AND PROCEDURE: The County and Village have entered into a Memorandum of Understanding (MOU) providing for all of the above that was talked about, how this will be accomplished and it has been approved by both parties. If both Boards act to approve the filing of the Petition tonight, we will have to go through a court process in the Court of Common Pleas in Tuscarawas County. The Judges from the other two Counties will also serve. There will be three Judges that hear the case that we will present in favor of the formation of the Regional District. The Petition will be filed possibly sometime next week, try to have a hearing in late February, go through the Notice process once a week for four consecutive weeks before we can have the hearing. There is a procedure the court has to go through also.

If the District is established, it is a political sub-division of the State of Ohio with the same power and authority as a village, city or county to provide water and sewer services. The County will contract to be the operator of the Regional District. The Board will be appointed and then decide how often they want to meet.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into and effective as of the date last executed by a Party hereto by and between Tuscarawas County (the "County"), and the Village of Baltic, Ohio (the "Village"), individually a "Party" and collectively the "Parties".

I. Summary and Objective

The Village desires to discontinue providing water and sewer services to its customers and transfer that authority to a water and sewer district ("District") established under Chapter 6119 of the Ohio Revised Code. The Village lies within three counties: Tuscarawas County, Coshocton County, and Holmes County. Since the Village is in three counties, the best way for it to service its customers located in all three counties is to form a regional district. Such districts are especially authorized and empowered under Ohio law to serve customers located within multiple jurisdictions. The territory of the District will include the properties serviced currently by the Village, the Village territory and those properties upon which current Village water and sewer assets are located.

The Village will convey to the District, to the extent feasible, an exclusive franchise for providing water and sewer services within the Village. It will also convey all of its water and sewer facilities, including, but not limited to, transmission and collection lines, lift stations, force mains, wells, water storage towers, treatment plants, equipment and spare parts, and all necessary appurtenances thereto. The Village will convey these facilities and items at no cost to the District. In conjunction with the transfer of facilities and customers, the District will contract with Tuscarawas County to operate, maintain, and be responsible for these facilities, and to provide water and sewer services to residents of the Village located both within and outside of Tuscarawas County..

II. District Formation

The Village and Tuscarawas County have held discussions and propose the creation of the District in the following manner:

- a. Tuscarawas County will lead the formation process.
- b. The procedure to form the District will be initiated by a petition filed in the court of common pleas of Tuscarawas County. The petition will be signed by the Village and Tuscarawas County as the petitioners. The Baltic Village Council and Board of County Commissioners of Tuscarawas

County will approve the signing and filing of the petition. Because the Village is in all three Counties, judges from Coshocton County and Holmes County would also be part of the tribunal at the court of common pleas of Tuscarawas County to conduct a hearing upon the petition.

- c. Prior to filing the petition, a public hearing will be held by Tuscarawas County and the Village, at which time a preliminary study of the reasons for the proposed establishment of the District will be presented.
- d. The territory of the proposed District will be the territory which is served by the Village currently, and any water or sewer facilities located outside of the Village.
- e. The Manager of the Tuscarawas County Metropolitan Sewer District office will prepare, with assistance from legal counsel, the plan of operations for the District. Legal counsel will prepare all necessary pleadings, witnesses and documentary evidence to present at the final hearing to establish the District. The plan of operations will provide for the transfer of all facilities and customers to the District, which will have jurisdiction over the provision of such services, including ownership, operation, billing and rate setting for customers of the District.
- f. The tribunal will conduct the final hearing and determine whether the Petitioners have submitted evidence to prove that the District should be established.

III. District Operations

- a. After formation of the District a three-member board of trustees ("Board of Trustees") for the District would be appointed by the Village and Tuscarawas County. One member shall be selected by the Village and two members selected by Tuscarawas County
- b. Upon appointment of the Board of Trustees, the Board will enter into a Transfer Agreement with the Village, which will transfer the facilities to the District at no cost. As part of the Transfer Agreement, the Village will transfer all customers who are served by the facilities to the District, and will transfer employees to the District in accordance with Ohio law and collective bargaining agreements, if any. Also as part of transferring facilities, the Village will assign any and all contracts and agreements to the District that are necessary and incidental to the ownership, operation, maintenance, repair, or replacement of the systems.

- c. Upon completion of the Transfer Agreement, the District will, pursuant to R.C. 6119.09, enter into a Joint Cooperative Agreement with Tuscarawas County to operate the facilities.
- d. It is envisioned that the District may need, in the future, to construct new facilities. Providing the financial resources for these new facilities will be the responsibility of the District and not the responsibility of the Village or Tuscarawas County. If the District needs assistance in order to obtain financing for projects, Tuscarawas County and the Village may assist with the District in obtaining loans or grants, but will not be obligated to do so.

IV. Binding Effect

This MOU is a non-binding letter of agreement that is meant to express the intent of the Parties. As such, the obligations and/or commitments set forth herein are not binding until such time as final documents are agreed upon and executed, and related legislative actions are taken by the Parties. The Parties agree to use their best efforts to pursue the formation of the 6119 District.

This MOU shall be in full effect as of the date last signed by the Parties.


Tuscarawas County Board of County Commissioners



Name: Chris Abbuhl

Date: 11/1/2023

Village of Baltic, Ohio



Name: [Signature]

Date: 10-17-2023

TUSCARAWAS COUNTY COMMISSIONERS

Chris Abbuhl – Greg Ress – Kristin Zemis

**COMMISSIONER'S JOURNAL 87
NOVEMBER 1, 2023**

RESOLUTION (946-2023) – APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE VILLAGE OF BALTIC AND AUTHORIZING THE EXECUTION OF SAID MOU

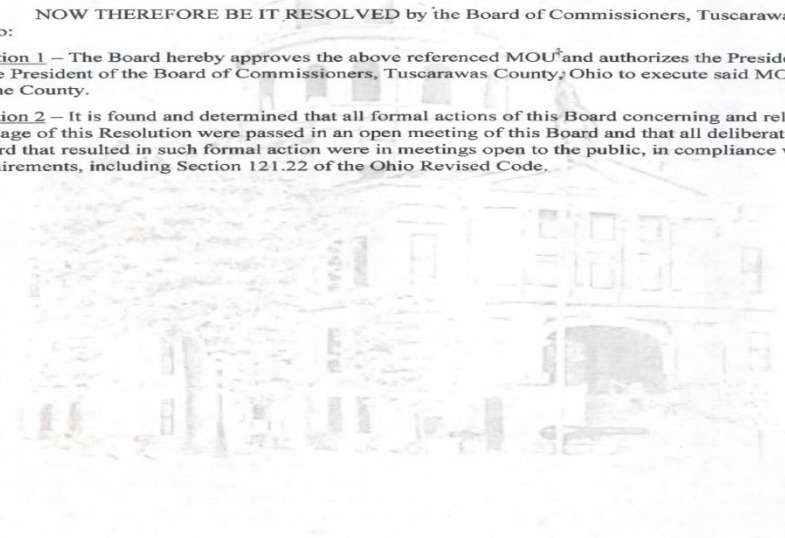
It was moved by Commissioner Zemis, and seconded by Commissioner Ress to approve the foregoing resolution:

WHEREAS, in order to proceed with the establishment of the Baltic Regional District and transfer water and sewer operations from the Village to the newly created district, it is necessary for the Board of Commissioners, Tuscarawas County, Ohio ("County") and the Village of Baltic, Ohio ("Village") to execute a Memorandum of Understanding (MOU), such MOU being attached hereto.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners, Tuscarawas County, Ohio:

Section 1 – The Board hereby approves the above referenced MOU and authorizes the President and/or Vice President of the Board of Commissioners, Tuscarawas County, Ohio to execute said MOU on behalf of the County.

Section 2 – It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board and that all deliberations of this Board 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 Ohio Revised Code.



125 East High Avenue, Room 205, New Philadelphia, Ohio 44663
(330) 365-3240 commissioners@co.tuscarawas.oh.us

Tonight we will be asking to pass the Petition and pass for the Village, an Ordinance approving the filing of the Petition to establish a District and set it up as an emergency Ordinance.

NO COMMENTS FOR OR AGAINST THE DISTRICT FROM THE PUBLIC.

A Roll Call Vote was done for the Commissioners on a **RESOLUTION APPROVING THE PETITION AND AUTHORIZING ITS FILING IN THE COURT OF COMMON PLEAS FOR TUSCARAWAS, COSHOCTON AND HOLMES COUNTIES TO ESTABLISH THE TUSCARAWAS WATER AND SEWER DISTRICT.**

RESOLUTION NO. (1109-A-2023)

Board of County Commissioners
Tuscarawas County, Ohio

The Board of County Commissioners of Tuscarawas County, Ohio, met in SPECIAL session, pursuant to notice on the 21st day of December, 2023 at 7:00 p.m. with the following members present: Chris Abbuhl, Greg Ress, and ABSENT Kristin Zemis.

WHEREAS, the Tuscarawas County Board of County Commissioners (the "County") has determined that the formation of a water and sewer district, in cooperation with the Village of Baltic (the "Village") is necessary in order to efficiently provide for the operation and maintenance of water and sewer facilities and lines for the Village which will comprise the District area;

WHEREAS, the public health and safety of residents of the Village require that potable water treatment, distribution lines and facilities, and sanitary sewer treatment, collection lines and facilities be transferred to Tuscarawas Water & Sewer District (hereinafter, the "District") and that such transfer is beneficial to the residents of said District;

WHEREAS, the creation of such water and sewer District is authorized under Chapter 6119 of the Ohio Revised Code; and,

WHEREAS, the County and Village have completed a joint public meeting and presented a Preliminary Study of the Reasons for the Proposed Establishment of the District and received public comment on this date.

NOW, THEREFORE,

C. ABBUHL moved the adoption of the following Resolution:

BE IT RESOLVED by the Board of Commissioners as follows:

1. The Board of County Commissioners of Tuscarawas County, Ohio, in cooperation with the Village of Baltic, and pursuant to the power vested in it under the laws of the State of Ohio, and more specifically, under R.C. 6119.02, hereby finds it to be necessary and advisable, and in the best interests of the County residents, to commence proceedings to create a water and sewer district under O.R.C. Chapter 6119 within the incorporated area delineated on the map labeled "District Boundary Map" attached hereto and incorporated herein by reference, and by this Resolution approves action to establish such District and further approves the Petition and the filing thereof in the Court of

Common Pleas of Tuscarawas County, Coshocton County, and Holmes County, Ohio, to accomplish the same.

2. That the Board of County Commissioners having found the provision of water and sewer services to said residents of Tuscarawas County is for the best interests of said County and its residents, authorizes all other and further action necessary and proper to implement this Resolution so as to promote the general health, safety and welfare of said residents of Tuscarawas County.
3. That it is found and determined that all formal actions of this Board of County Commissioners concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio.

G. RESS moved to second the above.

As to the above, vote resulted as follows:

Chris Abbuhl	Aye/Nay
Greg Ress	Aye/Nay
Kristin Zemis	Aye/Nay

Chris Abbuhl
Commissioner Abbuhl

Greg Ress
Commissioner Ress

Absent
Commissioner Zemis

Adopted the 21st day of December, 2023.

Attest:
Rhonda Jordan

A Roll Call Vote was done for the Village for an **ORDINANCE AUTHORIZING THE FORMATION OF TUSCARAWAS WATER & SEWER DISTRICT AND DECLARING AN EMERGENCY**

ORDINANCE NO. 2023-1278

Tuscarawas County, Ohio
Coshocton County, Ohio
Holmes County, Ohio

AN ORDINANCE AUTHORIZING THE FORMATION OF TUSCARAWAS WATER & SEWER DISTRICT AND DECLARING AN EMERGENCY

The Council of the Village of Baltic, Ohio, met in special session, pursuant to notice on the 21st day of December, 2023 at 7:00 p.m. with the following members present: Zachary Fanning, Chris Miller, Robert Miller, David Finzer, Tom Richter & Doug Plyler

WHEREAS, the Village Council of Baltic (the "Village") has determined that the formation of a water and sewer district, in cooperation with Tuscarawas County, is necessary in order to efficiently provide for the operation and maintenance of water and sewer facilities and lines for the Village;

WHEREAS, the public health and safety of residents of the Village require that potable water treatment, distribution lines and facilities, and sanitary sewer treatment, collection lines and facilities be transferred to Tuscarawas Water & Sewer District (hereinafter, the "District") and that such transfer is beneficial to the residents of said District;

WHEREAS, the creation of such water and sewer District is authorized under Chapter 6119 of the Ohio Revised Code; and,

WHEREAS, Tuscarawas County and the Village have completed a joint public meeting and presented a Preliminary Study of the Reasons for the Proposed Establishment of the District and received public comment on this date.

NOW, THEREFORE,

Zachary Fanning moved the adoption of the following Ordinance:

BE IT RESOLVED, that pursuant to the power vested in it under the laws of the State of Ohio, and more specifically, under R.C. 6119.02, the Village Council Members hereby find it to be necessary and advisable, and in the best interests of the Village residents, to commence proceedings to create a regional water and sewer district under R.C. Chapter 6119 within the incorporated area set forth on a map which is attached to the Petition and is designated "District Boundary Map", and by this Ordinance approves action to establish such water and sewer district and further approves the Petition and

the filing thereof in the Court of Common Pleas of Tuscarawas County, Coshocton County, and Holmes County, Ohio, to accomplish the same.

BE IT FURTHER RESOLVED, that the Village Council Members, having found the provision of water and sewer services to said residents is in their best interest, hereby authorizes all other and further action necessary and appropriate and proper to implement this Ordinance so as to promote the general health, safety and welfare of said residents of the Village.

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Village Council, and that all deliberations of this Village Council and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio.

BE IT FURTHER RESOLVED that this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Village of Baltic for the reason that the immediate and continuous operation of the water and wastewater collection and treatment systems is necessary in order to protect the health of the inhabitants of the Village of Baltic and for the further reason of facilitating administration, daily operation and avoiding practical entanglements. Wherefore, this Ordinance shall be in full force and effect from and immediately after its passage.

THIS ORDINANCE IS HEREBY DECLARED AS AN EMERGENCY TO BE NECESSARY FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY, AND ECONOMIC WELL BEING OF THE VILLAGE OF BALTIC; THEREFORE THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS SOON AS THE LAW ALLOWS.

Seconded as to the above by Doug Plyler, vote resulted as follows:
Motion to pass by Chris Miller & second by Tom Richter

- [Signature] Yes
- Robert Miller yes
- Doug Plyler Yes
- [Signature] YES
- [Signature] Yes

Adopted this 21st day of December, 2023.

~~Mayor Council President~~ Zachary Fanning

~~_____~~
Council Member Chris Miller

~~_____~~
Council Member Robert Miller

~~_____~~
Council Member Tom Richter

~~_____~~
Council Member David Finzer

~~_____~~
Council Member Doug Plyler

Council Member

ATTEST:

[Signature]
Council Clerk

DISCUSSION: Commissioner Abbuhl thanked everyone for all of their work on this project. This is a good thing we are doing for the residents the Village represents, the residents the County represents. This is the type of leadership, cooperation and teamwork that is supposed to happen in Government.

PETITION UNDER OHIO REVISED CODE SECTION 6119.02

IN THE COURT OF COMMON PLEAS OF TUSCARAWAS COUNTY, OHIO
CIVIL DIVISION

IN THE MATTER OF: : CASE NO: _____
: :
TUSCARAWAS WATER : :
& SEWER DISTRICT : : JUDGE MICHAEL J. ERNEST

PETITION UNDER OHIO REVISED CODE SECTION 6119.02

Now come the County Commissioners of Tuscarawas County, Ohio (hereinafter referred to as "County") and the Village Council of the Village of Baltic, Ohio (hereinafter referred to as "Village") (collectively hereinafter referred to as "Petitioners"), who petition this Honorable Court as follows:

WHEREAS, the public health and safety of residents of the Village require that potable water treatment, distribution lines and facilities, and sanitary sewer treatment, collection lines and facilities be transferred to Tuscarawas Water & Sewer District (hereinafter, the "District") and that such transfer is beneficial to the residents of said Village which will comprise the District area; and

WHEREAS, after transfer of the Village water and sewer facilities to the District, the District will contract with Tuscarawas County to efficiently provide for the operation and maintenance of water and sewer facilities and lines for said District area; and,

WHEREAS, the creation of such water and sewer District is authorized under Chapter 6119 of the Ohio Revised Code.

NOW, THEREFORE, Petitioner hereby requests the establishment and organization of a water and sewer district as authorized under Chapter 6119 of the Ohio Revised Code (hereinafter, "R.C."), and more fully described as to its governmental functions and purposes as follows:

- 1) The name of the District shall be "Tuscarawas Water & Sewer District;"
- 2) The principal office of said District shall be located at the Tuscarawas County Metropolitan Sewer District located at 9944 Wilkshire Boulevard NE, Bolivar, Ohio 44612, or such other location as the Board of Trustees of the District shall hereafter determine;
- 3) The territory of said District shall be comprised of the incorporated Village of Baltic as set forth on the map attached hereto and designated as "The Map of Tuscarawas Water & Sewer District" (incorporated herein as Exhibit "A");
- 4) The creation of the District is necessary for the operation of competent and efficient sanitary sewer and potable water services to customers of such District;
- 5) The Village shall transfer to the District its water and sewer facilities, along with an exclusive franchise for providing water and sewer services within the Village;

- 6) The District shall contract with Tuscarawas County to operate, manage and maintain water treatment and distribution lines and facilities, sanitary sewer treatment and collection lines and facilities, and related appurtenances for the residents of the District in an efficient and convenient manner;
- 7) The Petitioners have entered into a Memorandum of Understanding (hereafter the "MOU") attached hereto and incorporated herein as Exhibit "B", providing for formation of the District and the transfer of ownership, operation, maintenance of the Village's water and sewer facilities from the Village to the District. Such transfer shall be further delineated in the Plan of Operations of the District to be filed hereafter. It is the full intent, desire and agreement of the Petitioners to effectuate and accomplish the MOU pursuant to Ohio Revised Code Section 6119.09. A description of the facilities to be transferred by the Village is attached hereto as Exhibit "C";
- 8) The organizational structure of said District shall be as follows:
 - 7.1. The governing board of said District shall be known as "Board of Trustees of Tuscarawas Water & Sewer District." Said Board shall be comprised of three (3) members;
 - 7.2. Members of said Board shall be selected and appointed as follows:
 - 7.2.1. Board Member Positions 1 and 2 shall be selected by a majority vote of the County Commissioners of Tuscarawas County, Ohio; and
 - 7.2.2. Board Member Positions 3 shall be selected by a majority vote of the Village Council of the Village of Baltic, Ohio; and

- 7.3. Each member of said Board, during the regular term, shall serve a term of three (3) years, but all Board Members shall be permitted to continue as Board Members after the expiration of their term until a successor is appointed. The initial Board Member terms shall be a one (1) year term for Board Member Position 1, a two (2) year term for Board Member Position 2, and a three (3) year term for Board Member Position 3. Board Members may be reappointed to the District Board, without limitation. Board Member terms shall commence upon the date of the first meeting of the Board of Trustees of the District.
- 7.4. In the event of the death, removal, or resignation at any time of any Board Member prior to the expiration of said Board Member's term, the appointing entity shall have the duty and responsibility of selecting and appointing a replacement thereto in the manner set forth above. In all cases of replacement due to removal, then such individual so removed may never be reappointed to the District Board of Trustees. In all cases of replacement due to death, removal, or resignation, the successor shall serve and complete the term of office of its predecessor. Upon the expiration of the term of office of any Board Member, the appointing entity shall have the duty and responsibility of selecting and appointing a replacement therefore in the manner set forth above. However, should appointment of any Member appointed by the County or the Village fail to occur as set forth above within sixty (60) days of expiration of the term of office, or the death, removal, or resignation of such Board Member, the District Board of

- Trustees, by a majority vote, shall have the duty and responsibility of selecting and appointing a replacement for any such Board Member;
- 7.5. Each member of said Board shall be compensated for attendance at Board meetings and for such other activities in an amount established by resolution of the District Board;
 - 7.6. The Board of Trustees of said District shall organize by electing annually one (1) of its members as President for a one (1) year term, one (1) of its other members as Vice-President, one (1) of its other members as Secretary and Treasurer, each to serve one-year concurrent terms;
 - 7.7. The Board of Trustees of said District shall first meet in a special meeting after notice posted at the Village Hall at least twenty-four hours prior to the special meeting date.
 - 7.8. The Board of Trustees of said District shall meet at least quarterly and otherwise as they shall deem necessary and appropriate to perform their duties; and
 - 7.9. All actions by the Board of Trustees of said District shall require the affirmative vote of a majority of the members present at meetings of said Board, and at least two (2) members of the Board of Trustees of said District must be present to constitute a quorum to conduct business at any meeting of the Board of Trustees of said District.
- 8) The costs of operation of said District prior to receipt of revenues from its operation shall be obtained as follows:

Page 5 of 8

- 8.1. Grant funds from the United States Environmental Protection Agency, and any other source of grant funds;
- 8.2. Grant and/or loan funds from the United States Department of Agriculture, Rural Development;
- 8.3. Grant and/or loan funds from the Ohio Water Development Authority ("OWDA") or the Ohio Environmental Protection Agency ("OEPA");
- 8.4. The issuance of a promissory note or notes as provided in Chapter 6119 of the Ohio Revised Code;
- 8.5. Prepaid tap, capacity or other fees and deposits as the Board of Trustees of said District shall deem necessary and appropriate;
- 8.6. Funds transferred to it from the Village pursuant to transfer of assets. Additionally, the County or Village may make such other monetary advances to the District, at the discretion of the County or Village, pursuant to R.C. 6119.04.
- 8.7. Any other source of grant or loan funds permitted by Ohio law.

WHEREFORE, the Petitioner prays that the Court approve the organization of "Tuscarawas Water & Sewer District" according to the law after a final hearing with proper notice to the public.

Page 6 of 8

APPROVED:
BOARD OF COUNTY COMMISSIONERS
OF TUSCARAWAS COUNTY


Commissioner Abbuhl


Commissioner Ross

Absent
Commissioner Zemis

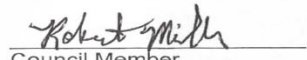
APPROVED:
COUNCIL OF VILLAGE OF
BALTIC


Council Member



Council Member


Council Member


Council Member

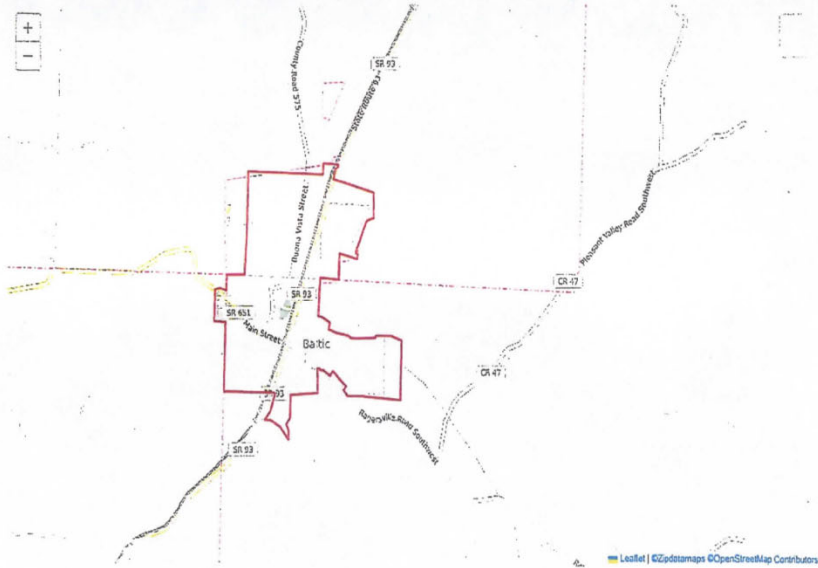

Council Member


Council Member


JOHN B. ALBERS (0025099)
SEAN A. MCCARTER (0064215)
1086 N. Fourth Street, Suite 105
Columbus, Ohio 43201
Phone: (614) 464-4414
Fax: (614) 464-0604
john.albers@alberslaw.com
sean.mccarter@alberslaw.com
Attorneys for Petitioners

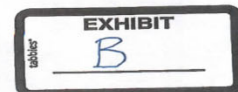


Baltic Ohio Boundary Map



TUSCARAWAS COUNTY COMMISSIONERS

Chris Abbuhl – Greg Ress – Kristin Zemis



COMMISSIONER'S JOURNAL 87
NOVEMBER 1, 2023

RESOLUTION (946-2023) – APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE VILLAGE OF BALTIC AND AUTHORIZING THE EXECUTION OF SAID MOU

It was moved by Commissioner Zemis, and seconded by Commissioner Ress to approve the foregoing resolution:

WHEREAS, in order to proceed with the establishment of the Baltic Regional District and transfer water and sewer operations from the Village to the newly created district, it is necessary for the Board of Commissioners, Tuscarawas County, Ohio ("County") and the Village of Baltic, Ohio ("Village") to execute a Memorandum of Understanding (MOU), such MOU being attached hereto.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners, Tuscarawas County, Ohio:

Section 1 – The Board hereby approves the above referenced MOU and authorizes the President and/or Vice President of the Board of Commissioners, Tuscarawas County, Ohio to execute said MOU on behalf of the County.

Section 2 – It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board and that all deliberations of this Board 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 Ohio Revised Code.

125 East High Avenue, Room 205, New Philadelphia, Ohio 44663
(330) 365-3240 commissioners@co.tuscarawas.oh.us

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into and effective as of the date last executed by a Party hereto by and between Tuscarawas County (the "County"), and the Village of Baltic, Ohio (the "Village"), individually a "Party" and collectively the "Parties".

I. Summary and Objective

The Village desires to discontinue providing water and sewer services to its customers and transfer that authority to a water and sewer district ("District") established under Chapter 6119 of the Ohio Revised Code. The Village lies within three counties: Tuscarawas County, Coshocton County, and Holmes County. Since the Village is in three counties, the best way for it to service its customers located in all three counties is to form a regional district. Such districts are especially authorized and empowered under Ohio law to serve customers located within multiple jurisdictions. The territory of the District will include the properties serviced currently by the Village, the Village territory and those properties upon which current Village water and sewer assets are located.

The Village will convey to the District, to the extent feasible, an exclusive franchise for providing water and sewer services within the Village. It will also convey all of its water and sewer facilities, including, but not limited to, transmission and collection lines, lift stations, force mains, wells, water storage towers, treatment plants, equipment and spare parts, and all necessary appurtenances thereto. The Village will convey these facilities and items at no cost to the District. In conjunction with the transfer of facilities and customers, the District will contract with Tuscarawas County to operate, maintain, and be responsible for these facilities, and to provide water and sewer services to residents of the Village located both within and outside of Tuscarawas County.

II. District Formation

The Village and Tuscarawas County have held discussions and propose the creation of the District in the following manner:

- a. Tuscarawas County will lead the formation process.
- b. The procedure to form the District will be initiated by a petition filed in the court of common pleas of Tuscarawas County. The petition will be signed by the Village and Tuscarawas County as the petitioners. The Baltic Village Council and Board of County Commissioners of Tuscarawas

County will approve the signing and filing of the petition. Because the Village is in all three Counties, judges from Coshocton County and Holmes County would also be part of the tribunal at the court of common pleas of Tuscarawas County to conduct a hearing upon the petition.

- c. Prior to filing the petition, a public hearing will be held by Tuscarawas County and the Village, at which time a preliminary study of the reasons for the proposed establishment of the District will be presented.
- d. The territory of the proposed District will be the territory which is served by the Village currently, and any water or sewer facilities located outside of the Village.
- e. The Manager of the Tuscarawas County Metropolitan Sewer District office will prepare, with assistance from legal counsel, the plan of operations for the District. Legal counsel will prepare all necessary pleadings, witnesses and documentary evidence to present at the final hearing to establish the District. The plan of operations will provide for the transfer of all facilities and customers to the District, which will have jurisdiction over the provision of such services, including ownership, operation, billing and rate setting for customers of the District.
- f. The tribunal will conduct the final hearing and determine whether the Petitioners have submitted evidence to prove that the District should be established.

III. District Operations

- a. After formation of the District a three-member board of trustees ("Board of Trustees") for the District would be appointed by the Village and Tuscarawas County. One member shall be selected by the Village and two members selected by Tuscarawas County
- b. Upon appointment of the Board of Trustees, the Board will enter into a Transfer Agreement with the Village, which will transfer the facilities to the District at no cost. As part of the Transfer Agreement, the Village will transfer all customers who are served by the facilities to the District, and will transfer employees to the District in accordance with Ohio law and collective bargaining agreements, if any. Also as part of transferring facilities, the Village will assign any and all contracts and agreements to the District that are necessary and incidental to the ownership, operation, maintenance, repair, or replacement of the systems.

c. Upon completion of the Transfer Agreement, the District will, pursuant to R.C. 6119.09, enter into a Joint Cooperative Agreement with Tuscarawas County to operate the facilities

d. It is envisioned that the District may need, in the future, to construct new facilities. Providing the financial resources for these new facilities will be the responsibility of the District and not the responsibility of the Village or Tuscarawas County. If the District needs assistance in order to obtain financing for projects, Tuscarawas County and the Village may assist with the District in obtaining loans or grants, but will not be obligated to do so.

IV. **Binding Effect**

This MOU is a non-binding letter of agreement that is meant to express the intent of the Parties. As such, the obligations and/or commitments set forth herein are not binding until such time as final documents are agreed upon and executed, and related legislative actions are taken by the Parties. The Parties agree to use their best efforts to pursue the formation of the 6119 District.

This MOU shall be in full effect as of the date last signed by the Parties.

Tuscarawas County Board of County Commissioners



Name: Chris Abbuhl

Date: 11/1/2023

Village of Baltic, Ohio

Council President Pro tem


Name: 

Date: 10-17-2023


It was moved by Commissioner Abbuhl, seconded by Commissioner Ress to adjourn at 7:24 p.m.

It was moved by Doug Plyler, seconded by Tom Richter to adjourn at 7:24 p.m.

We hereby certify the above and foregoing to be a true and correct account of the proceedings as had by and before us on the day and year first written above.


Chris Abbuhl


Greg Ress


Attest: Rhonda Jordan, Clerk