

VILLAGE OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 86 – 16

PASSED: December 12, 2016

**AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO EXPEND FUNDS TO SETTLE
A CLAIM BY STEVE AND MELISSA HICKS, AND DECLARING AN EMERGENCY**

WHEREAS, in September 2016, the Village of Obetz believes a water valve was closed too quickly by an employee, resulting in damage to plumbing at 4469 Butler Farms Drive; and,

WHEREAS, the cost to the Steve and Melissa Hicks to repair the damage incurred as a result of the closed valve totaled \$4407.73; and,

WHEREAS, the Ohio Supreme Court recognizes the authority of a municipality to enact legislation for the payment of a claim which is unenforceable by law against it but which principles of justice and equity constitute a moral obligation of the municipality; and,

WHEREAS, the Village of Obetz recognizes its moral obligation to reimburse Steve and Melissa Hicks for their costs;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ, OHIO, THAT:

Section 1. The Fiscal Officer is hereby authorized and directed to pay Melissa Hicks the sum of \$500.00; and the subrogation unit EXL Service, acting on behalf of USAA Insurance, the sum of \$3907.73. Melissa Hicks is solely responsible for the remaining portion of any expenses, and payment of any and all taxes, including penalties and interest, which might be determined to be owed on these amounts.

Section 2. The Village Administrator is hereby authorized and directed to enter into and execute a Release of Claims in substantially the same format and content as the document attached hereto as Exhibit A and incorporated herein by reference.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the Village of Obetz which resulted in formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 4. All prior Ordinances, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 5. 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 and for the further reason that the Village must resolve this claim as soon as possible to avoid additional and unnecessary costs, expenses, and fees; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk of Council

D. Greg Scott
D. Greg Scott, Mayor

Louise Crabtree
Louise Crabtree, Council President Pro Tem

APPROVED AS TO FORM

[Signature]
Stephen J. Smith, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 86-16 was duly posted at 10:00 AM (time) on the 15 day of December, 2016, at the Obetz Government Center, as well as on the Obetz website.



Stacey Boumis
Stacey Boumis, Clerk

12/15/16
Date

EXHIBIT A

RELEASE OF CLAIMS

We, Steve and Melissa Hicks, in consideration of Five Hundred Dollars (\$500.00) paid to Melissa Hicks, and Three Thousand Nine Hundred Seven Dollars and Seventy Three Cents (\$3907.73) paid to EXL Service, acting on behalf of USAA Insurance, release the Village of Obetz and its officers and employees from all claims whatsoever as permitted under law, which the undersigned now has or which may accrue as a result of the claimed property damage sustained in September 2016 due to pipe damage resulting from a closed valve in the Village of Obetz.

We agree that this settlement is a resolution of a claim, and that the payment is not to be construed as an admission of liability on the part of the Village of Obetz.

No promise, inducement or agreement not stated herein has been made to us, and this Release contains the entire agreement between the parties.

We have read the foregoing release and fully understand it.

Steve Hicks

Date

Melissa Hicks

Date

VILLAGE OF OBETZ

E. Rod Davisson, Village Administrator

Date