

Ordinance No. 7419

AN ORDINANCE RATIFYING AND CONFIRMING THE PROOF OF CLAIM FILED ON BEHALF OF THE CITY OF DEFIANCE IN A CLASS ACTION SUIT NOW PENDING BEFORE THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

WHEREAS, Syngenta Crop Protection, Inc. and Syngenta, A.G. manufacture and market the agricultural herbicide, Atrazine; and,

WHEREAS, Contamination of surface waters by run off from agricultural fields treated with Atrazine has imposed and will continue to impose costs on community water systems that rely on surface water as a raw water source; and,

WHEREAS, The Maumee River is the primary water source for the City of Defiance and is periodically contaminated with Atrazine due to agricultural run-off from lands located up-stream of the municipal water intakes; and,

WHEREAS, The City of Greenville, Illinois, brought a class action suit against Syngenta Crop Protection, Inc., and Syngenta A.G. seeking damages for costs incurred and to be incurred by itself and similarly affected community water systems as a consequence of the manufacture, distribution and agricultural use of Atrazine in the United States; and,

WHEREAS, Syngenta Crop Protection, Inc. and Syngenta A.G. have proposed to pay \$105,000,000 to settle the suit without an admission of liability and the proportionate share of settlement proceeds payable to the City of Defiance is presently estimated to be \$487,000; and,

WHEREAS, The City Law Director, after consultation with Council in Executive Session duly convened on August 7, 2012, submitted a claim on behalf of the City of Defiance for payment of a proportionate share of the proposed settlement proceeds; and,

WHEREAS, The authority of the Law Director to submit the aforesaid claim and to consent to settlement of the municipality's claims must be documented by Ordinance;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The Claim filed on or about August 14, 2012, seeking payment of a proportionate share of settlement proceeds to be disbursed upon approval of the proposed settlement of *City of Greenville, et. al., v. Syngenta Crop Protection, Inc. and Syngenta, A.G.* by the U.S. District Court for the Southern District of Illinois in Case No. 3:10-cv-00188-JPG-PMF, is hereby ratified and confirmed.

Section 2: The City Law Director is authorized to take such additional actions as he may deem appropriate to secure payment of the claim authorized and ratified by Section 1. The authorization granted by this Section includes, but is not limited to: authority to urge the US District Court to approve the proposed settlement, authority to consent to the allowance of such attorney's fees and expenses and expenses of the representative Plaintiff as may be presented to the Court and authority to release the Defendants from further liability to the City of Defiance for past, present and future damages allegedly incurred because of the presence of Atrazine in the Maumee River watershed.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: August 28, 2012 Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: August 28, 2012 Bob Armstrong
Mayor

Ordinance No. 7421

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH UNITED TELEPHONE COMPANY OF OHIO TO SUPPLY AND INSTALL TELEPHONE EQUIPMENT AND RELATED SOFTWARE TO SERVE MUNICIPAL WATER POLLUTION CONTROL FACILITIES

WHEREAS, Council previously approved a lease of telephone equipment installed at 324 Perry Street and 631 Perry Street to improve efficiency and reduce operational costs of the Administrative offices, Police Division and Fire Division; and,

WHEREAS, United Telephone Company has proposed to lease, install and maintain like-kind hardware and software at the Water Pollution Control treatment plant for a period of 5 years in exchange for a monthly capital lease payment of \$274.47 per month; and,

WHEREAS, The existing telephone system at the wastewater treatment works is antiquated, was manufactured by Nortel Networks, now bankrupt, and relies on analog technology that is being phased out in favor of digital networks;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to enter into proposed United Telephone Contract Number 120700562968 and all officers and employees of the municipality are authorized to execute and deliver such ancillary documents and perform such tasks and services as may be reasonably necessary or appropriate to implement the authorized contract and to install, configure and use the equipment and services to be provided.

Section 2: The Finance Director is authorized to pay such sums as may become due under the authorized contract from appropriated funds allocated by 2012 budgetary line item 590-540-5-2-850001 and such sums as may be appropriated for water pollution control communication purposes in 2013 and subsequent years.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: August 28, 2012

Tim Holtsberry

President of Council

Attest: Lisa Elders, Clerk

Approved: August 28, 2012

Bob Armstrong

Mayor

RESOLUTION NO. 2438

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(City Council)
Revised Code, Secs. 5705.34, -.35.

The Council of the City of Defiance, Defiance County, Ohio met in

Regular session on the 28 day of August, 2012
(Regular or Special) Year

at the office of City Hall with the following members present:

Darrell Handy

Chris Engel

Joe Eureste

Mike Ketcham

David Plant

Peter Lundberg

Larry Bryant

Darrell Handy moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2012; and
Year

WHEREAS, The Budget Commission of Defiance County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Defiance, Defiance County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said County the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**CERTIFICATE OF COPY
ORIGINAL ON FILE**

The State of Ohio, Defiance County, ss.

I, Lisa Elders, Clerk of the Council of the City of Defiance within and for the County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution 2438

now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this 29 day of August, 2012
Year

Lisa Elders
Clerk of Council

**Council of the City of
Defiance**
Defiance County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND
RATES AS DETERMINED BY THE
BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY
TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY AUDITOR.

Adopted August 28, 2012
Lisa Elders
Clerk

Filed August 31, 2012
County Auditor
By Marlene J Goodwin
Deputy