

ORDINANCE NO. 2020-9

**ORDINANCE OF THE CITY OF WESTPORT RATIFYING THE ACTION OF
NONPAYMENT OF HYDRANT RENTAL FEES TO THE WATER UTILITY**

WHEREAS, the Westport Town Council has become aware through a 2019 audit by the State Board of Accounts that the Town of Westport allegedly owes the Water Utility \$436,718 for rental of public hydrants;

WHEREAS, it appears the Westport Town Council passed Rate Ordinances 2002-3 and 2007-3, wherein a required annual rate was to be paid for each public hydrant;

WHEREAS, the Town of Westport made partial or no payments for the hydrant rentals from the year 2007 through 2018;

WHEREAS, it has now become apparent that during the years from 2007 through 2018, the Town of Westport there was to be no payment of fees for hydrant rental;

WHEREAS, Indiana Code 36-1-4-16 allows a unit to ratify any action of the unit, or its officers or employees if that action could have been approved in advance;

WHEREAS, the action of the Town of Westport of not being obligated or not paying for any rental fees of public hydrants to the Water Utility from 2007 through 2018 could have been approved in advance by ordinance;

WHEREAS, the Westport Town Council now desires to enact an ordinance that ratifies the action of the Town of Westport of not paying for rental of public hydrants to the Water Utility;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Westport that:

1. The action of the Town of Westport in only making partial or no payments toward any public hydrant rental fee to the Water Utility from 2007 through 2018 is hereby ratified, confirmed and approved.
2. This ordinance shall be in full force and effect from and after its passage.

12 ADOPTED AND PASSED by the Town Council of the Town of Westport, Indiana, this day of October, 2020.

AYES

Harry Pray III

John C. Smith

James Brudlow

Council Members

NAYS

Council Members

Presented to me by the Town Council of Westport, Indiana on this 12th day of October, 2020.

Mark Can
Clerk-Treasurer