

ORDINANCE 04-09-26-04

AN ORDINANCE REPEALING ORDINANCE 01-11-24-01 (CANCELLING LEASE/SALE OF 2020 FORD) and DECLARING AN EMERGENCY.

Sponsored by: _____

WHEREAS, the village of Pleasantville, Fairfield County, Ohio, in 2023, undertook to enter into a lease and sales agreement with Garver Asset Protection, LLC for a 2020 Ford Motor vehicle;

WHEREAS, Garver Asset Protection, LLC, is owned by Nicholas R. Garver, who was at the time that the lease and sales agreement was executed, acting as the chief of police for the village of Pleasantville police department;

WHEREAS, this council, having reviewed the procedures set forth in the Ohio Revised Code necessary to enact an ordinance under Ohio law, and upon the advice of legal counsel, has determined that its procedures followed in enacting Ordinance 01-11-24-01, did not fully comply with those procedures;

WHEREAS, this council, having reviewed the procedures for a village to enter into a lawful contract, and upon the advice of legal counsel, finds that the lease and sales agreement was not lawfully entered into;

WHEREAS, this council, upon the advice of legal counsel, finds the lease and sales agreement with Garver Asset Protection, LLC to be void and unenforceable;

WHEREAS, the sales and lease agreement between Garver Asset Protection, LLC, and the village of Pleasantville was authorized by Ordinance 01-11-24-01;

WHEREAS, the village is statutorily prohibited from spending village funds on unlawful matters;

WHEREAS, this council desires to bring its actions into full compliance with its statutory and fiduciary duties to the village of Pleasantville, including being good stewards of village finances by preserving funds not allocated to be expended on void ordinances and unlawful agreements.

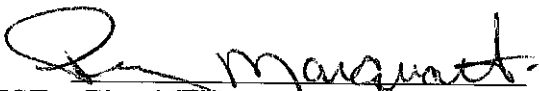
WHEREAS, this council seeks to clearly and unequivocally and with finality renounce the lease and sales agreement as being void and unenforceable;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PLEASANTVILLE, FAIRFIELD, STATE OF OHIO:

Section 1. Ordinance 01-11-24-01 is hereby repealed in its entirety.


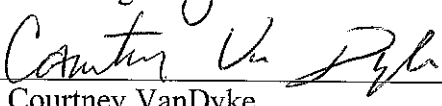
- Section 2.** The village fiscal officer is hereby directed to cease all payments upon the lease and sales agreement
- Section 3.** The village shall take all necessary measures to secure the vehicles in a safe manner. The village shall, in coordination with legal counsel for Garver Asset Protection, LLC, endeavor to return the vehicle to Garver Asset Protection, LLC, as quickly as possible.
- Section 4.** This ordinance is hereby declared to be an emergency ordinance necessary for the health, safety, and welfare of the village of Pleasantville, to wit, the village of Pleasantville entered into an unlawful lease and will continue to incur unnecessary expenses to hold safe the 2020 Ford vehicle in question until it is returned to Garver Asset Protection, LLC, and all attendant legal matters resolved, and the immediate resolution of this matter will preclude expending funding improperly, thereby violating its statutory duties and creating extreme and immediate risk of civil liability, and this ordinance shall take effect upon passage and signing by the mayor.

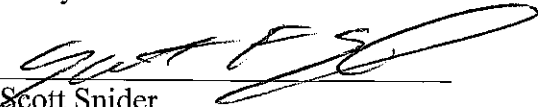
PASSED THIS 15 DAY OF April, 2026.

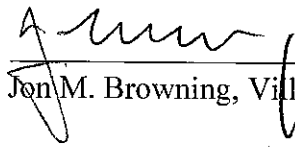
ATTEST: 
Fiscal Officer, Penny Marquart

SIGNED: 
Mayor, Michelle R. Dumolt

Council, Village of Pleasantville

Katie Henry

Bob Pangborn

Courtney VanDyke

Korry Harrier

Scott Snider

Approved as to form only: 
Jon M. Browning, Village Solicitor

FIRST READING _____
 SECOND READING _____
 REVISED SECOND READING _____
 THIRD READING _____
 VOTE FOR _____ AGAINST _____