

EMERGENCY

City of Cincinnati

AEY

AWB

An Ordinance No. _____

- 2020

AUTHORIZING the City Manager to execute a *Sixth Amendment to Water Contract* between the City of Cincinnati and the Village of Addyston, Ohio.

WHEREAS, the City of Cincinnati and the Village of Addyston, Ohio (“Addyston”) are parties to a certain *Water Contract* dated February 16, 1984 for the City to supply standby and retail water service to Addyston (as amended, the “Contract”); and

WHEREAS, the contract term is currently set to expire on December 31, 2020; and

WHEREAS, the City and Addyston desire to amend the Contract to extend the term for an additional twelve months ending December 31, 2021; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to execute a *Sixth Amendment to Water Contract* between the City of Cincinnati and the Village of Addyston, Ohio to extend the term of the existing contract between the parties until December 31, 2021, which amendment shall be in substantially the same form as Attachment A attached hereto.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of the contract as amended.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to execute the contract amendment to enable water service to

continue under the terms of the existing contract beyond December 31, 2020.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____

Clerk

ATTACHMENT A

SIXTH AMENDMENT to WATER CONTRACT

This SIXTH AMENDMENT to WATER CONTRACT (“**Sixth Amendment**”) is made and entered into effective on the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (“**Cincinnati**”), on behalf of its Greater Cincinnati Water Works located at 4747 Spring Grove Avenue, Cincinnati, Ohio 45232, and the VILLAGE OF ADDYSTON, an Ohio municipal corporation (“**Addyston**”) located at 235 Main Street, Addyston, Ohio 45001.

RECITALS

- A. Cincinnati and Addyston are parties to a certain *Water Contract* dated February 16, 1984, as amended by a *Supplement to Water Contract* dated February 14, 1989, a *Second Supplement to Water Contract* dated August 11, 1993 , a *Third Supplement to Agreement* dated December 7, 1993, a *Fourth Amendment to the Addyston Water Contract* dated January 18, 2006, and a *Fifth Amendment to Addyston Water Contract* dated December 21, 2017 (as amended, the “**Contract**”), for Cincinnati to provide standby emergency water service and retail water service to specified areas of Addyston.
- B. The Contract is currently set to expire on December 31, 2020.
- C. Cincinnati and Addyston desire to extend the term of the Contract for an additional year until December 31, 2021. The parties intend to negotiate a new water service contract during this additional year.
- D. Execution of this Sixth Amendment was authorized by Cincinnati City Council Ordinance No. _____ - 2020, passed on _____, 2020 and by Addyston Village Council Ordinance No. _____-2020, passed on _____, 2020.

NOW, THEREFORE, the parties amend the Contract as follows:

- 1. **Term.** The term of the Contract is hereby extended for an additional year expiring December 31, 2021.
- 2. **Ratification.** All terms of the Contract not amended hereby or not inconsistent herewith shall remain in full force and effect and by this reference are incorporated herein as if fully rewritten herein, and the Contract, as amended hereby, is hereby ratified by the parties. This Sixth Amendment may be executed in counterparts, and the parties shall have the right to transmit signature pages to each other electronically in lieu of exchanging original pages.

[SIGNATURE PAGE FOLLOWS.]

Executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the "Effective Date").

VILLAGE OF ADDYSTON

By: _____
Mayor Lisa Mear

Date: _____, 2020

Approved as to Form by:

Village of Addyston, Law Director

[CINCINNATI SIGNATURE PAGE FOLLOWS]

CITY OF CINCINNATI

By: _____
Paula Boggs Muething, City Manager

Date: _____, 2020

**RECOMMENDED BY GREATER CINCINNATI
WATER WORKS:**

Cathy B. Bailey, Director

APPROVED AS TO FORM BY:

Assistant City Solicitor

APPROVED BY CITY PURCHASING:

Bobbi Hageman, Chief Procurement Officer

APPROVED BY DEPARTMENT OF ECONOMIC INCLUSION:

Jennifer Mackenzie, Interim Director

CERTIFICATION OF FUNDS:

Date: _____
Funding: _____
Amount: _____

Karen Alder, Finance Director