

EMERGENCY

CFG

-2024

AUTHORIZING the City Manager to execute a Third Amendment to Water Service Agreement and a Second Amendment to Interlocal Cooperative Agreement between the City of Cincinnati, the Boone-Florence Water Commission, the Boone County Water District, and the City of Florence, Kentucky to extend the terms of the existing agreements by sixteen years to 2049.

WHEREAS, the Boone-Florence Water Commission (“BFWC”), the Boone County Water District, and the City of Florence, Kentucky (collectively, the “Kentucky Parties”) and the City of Cincinnati (the “City”) are parties to the following agreements regarding the construction, operation, and maintenance of water transmission facilities to deliver treated water from the City’s water works under the Ohio River and for the City to provide wholesale water service to the Kentucky Parties: (i) a Water Service Agreement dated March 2, 1999, as subsequently amended by a First Amendment to the Water Service Agreement dated August 1, 2008, and by a Second Amendment to the Water Service Agreement dated April 5, 2021 (as amended, the “Water Agreement”), and (ii) an Interlocal Cooperative Agreement dated March 2, 1999, as subsequently amended by a First Amendment to Interlocal Cooperative Agreement, dated April 5, 2021; and

WHEREAS, the aforementioned agreements each currently provide for an expiration date of March 1, 2033; and

WHEREAS, the parties desire to amend the Water Service Agreement and the Interlocal Cooperative Agreement in order to extend their terms by sixteen years to expire February 28, 2049, to permit BFWC to secure necessary funding for two major capital projects and assure bond purchasers of a water supply capable of generating revenue sufficient to cover its debt service during the financing term; 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 Third Amendment to Water Service Agreement and a Second Amendment to Interlocal Cooperative Agreement between the City of Cincinnati, the Boone-Florence Water Commission, the Boone County Water District, and the City of Florence, Kentucky in substantially the form of the documents attached as Attachment A hereto in order to extend the terms of the existing Water Service Agreement and Interlocal Cooperative Agreement by sixteen years to February 28, 2049.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of the Water Service Agreement and the Interlocal Cooperative Agreement as amended.

Section 3. That this ordinance shall be an emergency measure necessary for 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 extend the existing agreements to coincide with the Boone-Florence Water Commission's bond financing timetable.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk