

FIRST AMENDMENT
to INTERLOCAL COOPERATIVE AGREEMENT
(Cooperation for water service to City of Florence and Boone County)

This *First Amendment to Interlocal Cooperative Agreement* (“**Amendment**”) is made by and between the CITY OF CINCINNATI, OHIO (“**Cincinnati**”), the BOONE-FLORENCE WATER COMMISSION (“**Water Commission**”), the BOONE COUNTY WATER DISTRICT (“**Boone**”), and the CITY OF FLORENCE, KENTUCKY (“**Florence**”) effective on the First Amendment Effective Date as defined on the signature page hereof.

RECITALS:

- A. Cincinnati, Water Commission, Boone and Florence are parties to a certain *Interlocal Cooperative Agreement* dated effective March 2, 1999 (“**Interlocal Agreement**”) to establish the terms for cooperation to plan, design, and construct a major water transmission system for efficient, cost-effective delivery of treated water from the Cincinnati water system under the Ohio River to a reservoir and master meter site in Boone County, with water then pumped into the water distribution lines of Florence and Boone.
- B. The parties also previously entered into a *Water Service Agreement* dated March 2, 1999, subsequently amended by a *First Amendment to the Water Service Agreement* dated August 1, 2008 (as amended, the “**Water Agreement**”) for Cincinnati to provide wholesale water service to Boone, Florence and the Water Commission.
- C. The Interlocal Agreement and the Water Agreement each currently provide for an expiration date of March 2, 2028.
- D. The parties desire to amend the Interlocal Agreement and the Water Agreement in order to extend their terms by five years to expire in 2033 in order to allow for BFWC to complete a water visioning planning process with regional stakeholders to address and plan for the water security and the long-term water needs of their constituents and to determine any longer term water infrastructure needs that may need to be incorporated into future water service arrangements.
- E. Capitalized terms in this Amendment shall have the meaning defined in the Interlocal Agreement unless another definition is provided herein.

NOW, THEREFORE, in consideration of the promises, covenants and agreements contained herein, the parties hereby amend the Interlocal Agreement as follows:

- 1) **Duration of Agreement.** Section 2 (*Duration of Agreement*) shall be amended and restated in its entirety as follows:

“This Interlocal Agreement shall be in force for a period of thirty-four (34) years commencing on March 2, 1999. After twenty-nine (29) years, or at such earlier time as the parties agree, the parties shall commence good faith discussions concerning an extension of this Agreement beyond its initial thirty-four (34) year term. The parties acknowledge that the Water Commission, as authorized by KRS 74.490, may enter contracts to supply water for periods up to fifty (50) years. In the event the parties terminate the Water Service Agreement, said termination will operate to terminate this Interlocal Agreement.”

- 2) **Ratification.** All terms of the Interlocal Agreement 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 Agreement, as amended hereby, is hereby ratified by the parties.
- 3) This Amendment may be executed in counterparts; and a facsimile, PDF or electronic signature shall be deemed to be, and shall have the same force and effect as, an original signature.

[SIGNATURE PAGES FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Amendment on the dates indicated below the signatures, effective on the latest of such dates (the “**Amendment Effective Date**”).

BOONE COUNTY WATER DISTRICT

By: _____
_____, Chairperson
Date: _____, 2021

BOONE-FLORENCE WATER COMMISSION

By: _____
_____, Chairperson
Date: _____, 2021

CITY OF FLORENCE

By: _____
Diane E. Whalen, Mayor
Date: _____, 2021

[CINCINNATI SIGNATURE PAGE FOLLOWS]

Execution of this First Amendment is authorized by Ordinance No. ____-2021, dated ____2021.

CITY OF CINCINNATI

By: _____
Paula Boggs-Muething, City Manager

Date: _____, 2021

Recommended by:

Cathy B. Bailey, Director
Greater Cincinnati Water Works

Approved as to form by:

Assistant City Solicitor

Certification of Funds:

Date: _____
Funding: _____
Amount: _____
By: _____
Karen Alder, Finance Director