

EMERGENCY

City of Cincinnati

AEY *AWB*

An Ordinance No. _____ - 2020

AUTHORIZING the City Manager to execute a *Fourth Amendment to Contract* between the City of Cincinnati and the City of Reading, Ohio.

WHEREAS, the City of Cincinnati (“City”) and the City of Reading, Ohio (“Reading”) are parties to a certain *Contract* dated December 30, 1993 for the City to supply retail and wholesale water service to Reading (as amended, the “Contract”); and

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

WHEREAS, the City and Reading 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 *Fourth Amendment to Contract* between the City of Cincinnati and the City of Reading, 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

FOURTH AMENDMENT TO CONTRACT
(provision of retail and wholesale water service to REading)

THIS FOURTH AMENDMENT to CONTRACT ("**Fourth 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, OHIO, an Ohio municipal corporation ("**Cincinnati**"), on behalf of its Greater Cincinnati Water Works located at 4747 Spring Grove Avenue, Cincinnati, Ohio 45232, and the CITY OF READING, an Ohio municipal corporation ("**Reading**") located at 1000 Market St. Cincinnati, Ohio 45215.

RECITALS

- A. Cincinnati and Reading are parties to a certain *Contract* dated August 26, 1993 as amended by a *First Amendment to Contract* dated December 30, 1993, and a *Second Amendment to Contract* dated May 13, 1996, and a *Third Amendment to Contract* dated December 21, 2017 (as amended, the "**Contract**") for Cincinnati to provide retail and wholesale water service to Reading.
- B. The *Contract* is currently set to expire on December 31, 2020.
- C. Cincinnati and Reading desire to extend the term of the *Contract* for an additional year until December 31, 2021. The parties intend to negotiate the terms of a new *Contract* during the additional year.
- D. Execution of this Fourth Amendment was authorized by Cincinnati City Council Ordinance No. _____-2020, passed on _____, 2020 and by Reading Village Council by Ordinance No. _____-2020, passed on _____, 2020.

NOW, THEREFORE, the parties agree to 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 Fourth Amendment may be executed electronically, and the parties shall have the right to transmit signature pages to each other electronically in lieu of exchanging original pages.

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

CITY OF READING

By: _____
Patrick G. Ross, Safety Service Director

Date: _____, 2020

APPROVED AS TO FORM BY:

David Stevenson, 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