

EMERGENCY

City of Cincinnati

AEY

AWB

An Ordinance No. _____ - 2020

AUTHORIZING the City Manager to execute a *Third Amendment to the Water Service Contract* between the City of Cincinnati and the Village of Glendale, Ohio.

WHEREAS, the City of Cincinnati and the Village of Glendale, Ohio (“Glendale”) are parties to a certain *Water Service Contract* dated June 17, 1997 (as amended, the “Contract”) for the City to supply standby and retail water service to Glendale; and

WHEREAS, the current contract term expires on December 31, 2020; and

WHEREAS, the City and Glendale desire to amend the contract to extend the term for an additional twelve months; 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 Contract* between the City of Cincinnati and the Village of Glendale, 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 the attached Attachment A 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, 2021.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____

Clerk

ATTACHMENT A

THIRD AMENDMENT to WATER SERVICE CONTRACT
(standby emergency water service and service to elementary school)

THIS THIRD AMENDMENT to WATER SERVICE CONTRACT ("**Third Amendment**") is made and entered into effective on the Third Amendment 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 VILLAGE OF GLENDALE, OHIO, an Ohio municipal corporation ("**Glendale**"), located at 30 Village Square, Glendale, Ohio 45246.

RECITALS

- A. Cincinnati and Glendale are parties to a certain *Water Service Contract* dated June 17, 1997, as amended by a *First Amendment to the Water Service Contract* dated July 26, 2006, and a *Second Amendment to the Water Service Contract* dated December 21, 2017 (the "**Contract**").
- B. The Contract is currently set to expire December 31, 2020.
- C. Cincinnati and Glendale desire to extend the term of the Agreement for an additional year until December 31, 2021.
- D. Execution of this Third Amendment was authorized by Cincinnati City Council Ordinance No. _____-2017, passed on _____, 2020 and by Glendale Village Council Ordinance No. _____-2017, passed on _____, 2020.

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

- 1. **Term.** The term of the Agreement 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 Third 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.
- 3. **Counterpart/Electronic Signatures.** This Third Amendment may be executed in counterparts and or/electronic signature, and the parties shall have the right to transmit signature pages to each other electronically in lieu of exchanging original pages. The parties agree that an electronic, facsimile or PDF signature shall be deemed to be, and shall have the same force and effect as a handwritten signature for purposes of validity, enforceability and admissibility.

[SIGNATURE PAGES FOLLOW]

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 GLENDALE

By: _____
Donald A. Lofty, Mayor

Date: _____, 2020

APPROVED AS TO FORM BY:

Kathy Ryan, Glendale Solicitor

RECOMMENDED BY:

Walter Cordes, Village Administrator

[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
Greater Cincinnati Water Works

APPROVED AS TO FORM:

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