

EMERGENCY

City of Cincinnati

ALA

AWB

An Ordinance No. \_\_\_\_\_

- 2021

**AUTHORIZING** the City Manager to execute a *Fifth 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 August 26, 1993 for the Cincinnati to supply resale and wholesale water service to Reading (as amended, the “Contract”); and

WHEREAS, the Contract’s term is currently set to expire on December 31, 2021; and

WHEREAS, the City and Reading desire to amend the Contract to extend the term for an additional twelve months ending December 31, 2022; 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 *Fifth 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, 2022, 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, 2021.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
John Cranley, Mayor

Attest: \_\_\_\_\_  
Clerk

ATTACHMENT A

**FIFTH AMENDMENT TO AGREEMENT**  
(provision of retail and wholesale water service to Reading)

THIS FIFTH AMENDMENT to AGREEMENT ("**Fifth 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, a *Second Amendment to Contract* dated May 13, 1996, a *Third Amendment to Contract* dated December 21, 2017, and a *Fourth Amendment to Contract* dated December 30, 2020 (as amended, the "*Contract*") for Cincinnati to provide retail and wholesale water to Reading.
- B. The Contract is currently set to expire on December 31, 2021.
- C. Cincinnati and Reading desire to extend the term of the Contract for an additional year until December 31, 2022. The parties intend to negotiate the terms of a new contract during the additional year.
- D. Execution of this Fifth Amendment was authorized by Cincinnati City Council Ordinance No. \_\_\_\_\_-2021, passed on \_\_\_\_\_, 2021 and by Reading City Council by Ordinance No. \_\_\_\_\_-2021, passed on \_\_\_\_\_, 2021.

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, 2022.
- 1. **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 Fifth 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 signature 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: \_\_\_\_\_, 2021

APPROVED FOR LEGAL SUFFICIENCY BY:

\_\_\_\_\_  
City of Reading, Law Director

[CINCINNATI SIGNATURE PAGE FOLLOWS]

**CITY OF CINCINNATI**

By: \_\_\_\_\_  
Paula Boggs Muething, City Manager

Date: \_\_\_\_\_, 2021

**RECOMMENDED BY GREATER CINCINNATI WATER WORKS:**

\_\_\_\_\_  
Cathy B. Bailey, Director

**APPROVED FOR LEGAL SUFFICIENCY BY:**

\_\_\_\_\_  
Assistant City Solicitor

**APPROVED BY CITY PURCHASING:**

\_\_\_\_\_  
Bobbi Hageman, Chief Procurement Officer

**APPROVED BY DEPARTMENT OF ECONOMIC INCLUSION:**

\_\_\_\_\_  
Edgar DeVeyra, Interim Director

**CERTIFICATION OF FUNDS:**

Date: \_\_\_\_\_

Funding: \_\_\_\_\_

Amount: \_\_\_\_\_

\_\_\_\_\_  
Karen Alder, Finance Director