

Village of Mantua, Ohio
ORDINANCE 2019-46

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE CLERK-TREASURER OF
THE VILLAGE OF MANTUA TO EXECUTE A SIXTH AMENDMENT TO THE
WATER AND WASTEWATER SERVICES AGREEMENT WITH PORTAGE
COUNTY, AND DECLARING AN EMERGENCY.**

WHEREAS, Portage County and the Village of Mantua entered a Water and Wastewater Services Agreement, (“Agreement”), effective July 1, 2018, whereby the Parties agreed that the County would act as Operator of Record for the Village of Mantua’s Water Treatment Plant and Wastewater Treatment Plant, providing necessary services to the Village in accordance with the mutually agreed-upon terms described therein; and

WHEREAS, the original Agreement would have terminated in accordance with its terms on December 31, 2018; and

WHEREAS, the Agreement was reinstated in its entirety and amended pursuant to the duly adopted and executed Reinstatement and First Amendment dated on or about January 15, 2019 and has been subsequently amended on or about March 19, 2019, April 30, 2019, July 25, 2019 and September 3, 2019; and

WHEREAS, the September 3, 2019 Fifth Amendment is scheduled to expire on September 30, 2019; and

WHEREAS, the Village and the County mutually desire to authorize a Sixth Amendment to the Agreement as provided in the attached “Exhibit A”.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Mantua, two-thirds or more of the members elected thereto concurring, that:

SECTION 1. This Council hereby accepts the Sixth Amendment to the Water and Wastewater Services Agreement between the Portage County Board of Commissioners and the Village of Mantua as set forth in “Exhibit A”, attached hereto and incorporated herein by reference, extending Portage County's operation and management of the Village Water and Wastewater treatment plants through December 27, 2019, at a cost per week based on actual expenses as incurred due to Operating Mantua Water & Wastewater Facilities as set forth in the attached “Exhibit A”, and authorizes the Mayor and the Clerk-Treasurer of the Village of Mantua to execute the same.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared an emergency measure in order to execute the herein described Agreement at the earliest possible time in order to provide uninterrupted operation of the Water and Wastewater plants, and shall become effective immediately upon proper passage by Council and approval by the Mayor, and to further ensure the health, safety and morals of the Village of Mantua.

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PASSED IN COUNCIL this 27th day of September, 2019.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

I hereby certify that the above Ordinance was posted in the five (5) public notice locations in the Village of Mantua, Ohio on the _____ day of September, 2019.

Jenny August, Clerk-Treasurer

Approved as to Form:

Michele Stuck, Solicitor

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“Exhibit A”

**SIXTH AMENDMENT TO
WATER AND WASTEWATER CONTRACT SERVICES AGREEMENT
BY AND BETWEEN
PORTAGE COUNTY BOARD OF COMMISSIONERS
AND
VILLAGE OF MANTUA**

This Sixth Amendment is entered into this ____ day of _____, 2019, by and between the Village of Mantua by its Mayor, duly authorized by the Mantua Village Council by Ordinance No. _____ adopted on the ____ day of _____, 2019, hereinafter referred to as the "Village" and the County of Portage, State of Ohio, duly authorized by its Board of County Commissioners Resolution No. _____ adopted on the ____ day of _____, 2019, hereinafter referred to as the "County" and collectively referred to as the “Parties”.

WITNESSETH:

WHEREAS, the County and the Village entered a Water and Wastewater Contract Services Agreement, (“Agreement”), effective July 1, 2018, whereby the Parties agreed the County would act as Operator of Record for the Village of Mantua’s Water Treatment Plant and Wastewater Treatment Plant, providing necessary services to the Village in accordance with the mutually agreed-upon terms described therein; and

WHEREAS, the Agreement, which would have terminated in accordance with its terms on December 31, 2018, was reinstated in its entirety and amended pursuant to the duly adopted and executed Reinstatement and First Amendment dated on or about January 15, 2019 and was further amended pursuant to the duly adopted and executed Second Amendment dated on or about March 19, 2019 and was further amended pursuant to the duly adopted and executed Third Amendment dated on or about April 30, 2019 and was further amended pursuant to the duly adopted and executed Fourth Amendment dated on or about July 25, 2019 and was further amended pursuant to the duly adopted and executed Fifth Amendment dated on or about September 3, 2019; and

WHEREAS, the Village and the County mutually desire to further amend the Agreement as provided below; and

WHEREAS, this Sixth Amendment, (“Sixth Amendment”), is the sixth amendment to the Agreement, which has been previously amended five times in accordance with the Reinstatement and First Amendment dated on or about January 15, 2019 and the Second Amendment dated on or about March 19, 2019 and the Third Amendment dated on or about April 30, 2019 and the Fourth Amendment dated on or about July 25, 2019 and the Fifth Amendment dated on or about September 3, 2019.

NOW, THEREFORE, based upon the foregoing premises and promises contained herein, the Parties agree as follows:

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I. Modification to Section IV, Previously Amended

In Section IV of the Agreement, the phrase, "September 30, 2019," is removed in its entirety and replaced with the phrase, "December 27, 2019."

II. Other Terms to Remain in Force

All other terms of the Agreement between the Parties, as previously amended by the Reinstatement and First Amendment and the Second Amendment and the Third Amendment and the Fourth Amendment and the Fifth Amendment, shall remain in force and in effect unless otherwise agreed to in this Sixth Amendment. To the extent that any provisions of this Sixth Amendment are inconsistent with any of the provisions set forth in the Agreement, as previously amended by the Reinstatement and First Amendment and the Second Amendment and the Third Amendment and the Fourth Amendment and the Fifth Amendment, the provisions of this Sixth Amendment shall govern and control.

IN WITNESS WHEREOF, the County and Village have caused this Sixth Amendment to be executed in their respective names by their duly authorized officers as of the date herein above written.

VILLAGE OF MANTUA

PORTAGE COUNTY COMMISSIONERS

Linda Clark, Mayor

Vicki Kline

Witness

Sabrina Christian-Bennett

PORTAGE COUNTY WATER RESOURCES

Kathleen Clyde

Eugene K. Roberts P.E., Director

APPROVED AS TO FORM

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Village Solicitor

Assistant Prosecuting Attorney

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CERTIFICATE OF FUNDS

It is hereby certified that the amounts required to meet the contract set forth above for 2019 have been lawfully appropriated, authorized or directed for such purpose and are in the treasury or in the process of collection to the credit of the appropriate fund free from any obligation or certification now outstanding.

Jenny August, Clerk-Treasurer

Date