

**ORDINANCE NO. 2009-010**

**AN ORDINANCE AUTHORIZING THE VILLAGE MANAGER OF THE VILLAGE OF WAYNESVILLE TO SIGN AMENDMENT NO. 1 TO THE WASTEWATER SERVICE AGREEMENT BETWEEN THE VILLAGE OF WAYNESVILLE AND WARREN COUNTY, OHIO AND DECLARING AN EMERGENCY – SPONSORED BY THE PUBLIC WORKS COMMITTEE.**

WHEREAS, on September 7, 2004, by Resolution 2004-027, this Council entered into a Wastewater Service Agreement with Warren County for the purpose of setting forth the terms and conditions under which the Village will provide wastewater treatment service to contract service areas in the County; and

WHEREAS, the County and Village wish to amend certain terms and conditions of the existing agreement while the two parties work together to resolve service agreement issues; and

NOW THEREFORE BE IT RESOLVED:

1. That Amendment No. 1 to the Wastewater Service Agreement between the Village of Waynesville and Warren County is hereby approved and accepted, subject to the terms and provisions of said Amendment, a copy of which is attached hereto.
2. That all other provisions of the Wastewater Service Agreement as entered into by this Council on September 7, 2004, by Resolution 2004-027, shall remain unchanged by this action.
3. That the Village Manger of the Village of Waynesville is authorized to sign Amendment No. 1 to the Wastewater Service Agreement between the Village of Waynesville and Warren County, Ohio.
4. This Ordinance is sponsored by the Public Works Committee.
5. This Ordinance is declared to be an emergency measure for the heath, safety, and welfare of the Village of Waynesville.
6. This Ordinance was passed in open session pursuant to Section 121.22 of the Ohio Revised Code and Section 3.07(B) of the Charter of the Village of Waynesville.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Attest: \_\_\_\_\_  
Staci Morris, Clerk of Council

\_\_\_\_\_  
Earl J. Isaacs, Mayor

**AMENDMENT NO. 1  
TO THE WASTEWATER SERVICE AGREEMENT BETWEEN THE VILLAGE OF  
WAYNESVILLE AND WARREN COUNTY**

**THIS AMENDMENT** is entered by and between the Board of County Commissioners of WARREN COUNTY, Ohio, a county organized and existing under the laws of the State of Ohio (hereinafter designated as "COUNTY"), and the VILLAGE OF WAYNESVILLE, Warren County, Ohio, a municipal corporation organized and existing under the laws of the State of Ohio (hereinafter designated as the "VILLAGE"), and shall be effective immediately upon execution by all the parties.

**WITNESSETH:**

**WHEREAS**, the COUNTY and VILLAGE, by adopting Resolutions 04-1361 and 2004-027, respectively, entered into a Wastewater Service Agreement with the purpose of setting forth the terms and conditions under which the VILLAGE will provide wastewater treatment service to contract service areas in the COUNTY; and

**WHEREAS**, the COUNTY and VILLAGE wish to amend certain terms and conditions of the existing agreement while the two parties work together to resolve service agreement issues; and

**NOW, THEREFORE**, in consideration of the promises and the mutual covenants set forth herein, the COUNTY and VILLAGE, hereby agree that said Wastewater Service Agreement is hereby modified, altered, and amended as follows:

PARAGRAPH 2.G shall be amended as follows:

"From the first utility billing following the execution of Amendment No. 1 and for a period of 24 months following, the rate for sewer service paid by the COUNTY to the VILLAGE shall be \$5.50 per one-thousand gallons plus \$5.50 per month."

At the expiration of the aforestated twenty-four months, the terms and conditions for compensation as stipulated in paragraph 2.G of the contract shall be placed into effect. The COUNTY shall compensate the VILLAGE based on the total flow received at the wastewater treatment plant as measured by the mastermeters.

All other provisions of the Wastewater Service Agreement shall remain unchanged by this action.

[the remainder of this page is intentionally left blank]

**VILLAGE:**

**IN EXECUTION WHEREOF**, the Village Council of the Village of Waynesville, has caused this agreement to be executed by Bruce Snell, Village Manager, on the date stated below, pursuant to Ordinance Number \_\_\_\_\_, dated \_\_\_\_\_ a copy of which is attached hereto.

**VILLAGE OF WAYNESVILLE**

SIGNATURE: \_\_\_\_\_

PRINTED NAME: Bruce Snell

TITLE: Village Manager

DATE: \_\_\_\_\_

**COUNTY:**

**IN EXECUTION WHEREOF**, the BOARD OF COUNTY COMMISSIONERS of Warren County, Ohio has caused this agreement to be executed by C. Michael Kilburn, its President, on the date stated below, pursuant to Resolution No. \_\_\_\_\_, dated \_\_\_\_\_, a copy of which is attached hereto.

**BOARD OF COUNTY COMMISSIONERS  
OF WARREN COUNTY, OHIO**

SIGNATURE: \_\_\_\_\_

PRINTED NAME: C. Michael Kilburn

TITLE: President

DATE: \_\_\_\_\_

Approved as to form:

RACHEL HUTZEL  
PROSECUTING ATTORNEY  
WARREN COUNTY, OHIO

\_\_\_\_\_  
By: Bruce A. McGary, Asst. Prosecutor  
DATE: \_\_\_\_\_