

ORDINANCE NO. 31-18

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF SAFETY AND SERVICE TO ENTER INTO A THIRD AMENDMENT TO THE AGREEMENT WITH THE OTTAWA COUNTY BOARD OF COMMISSIONERS FOR PROVISION OF WASTEWATER TREATMENT SERVICES TO THE OTTAWA COUNTY SANITARY SEWER SUB-DISTRICT FOR ERIE TOWNSHIP, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has previously authorized and approved an Agreement for Provision of Wastewater Treatment Services (the “Agreement”) between the City and the Board of Commissioners of Ottawa County (the “County”), and

WHEREAS, the County and the City have previously made two amendments to the Agreement, and

WHEREAS, Ottawa County has requested the City enter into a third amendment to the Agreement as proposed by the County, and

WHEREAS, this Council has reviewed the proposed third amendment and after consideration of the terms and provisions of the amendment finds that it is in the best interest of the City to agree to the proposed amendment, with such changes and modifications thereto as the Director of Safety and Service may determine to be necessary and in the best interest of the City,

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. The Director of Safety and Service is hereby authorized and directed to execute the 3rd Amendment of the Agreement for Provision of Wastewater Treatment Services (the “3rd Amendment”), a copy of which is on file in the office of the Safety Service Director, with such modifications and amendments to the 3rd Amendment as he shall determine necessary and which shall not be materially adverse to the City of Port Clinton, which 3rd Amendment, with the modifications and amendments thereto shall be conclusively evidenced by the signature of the Director on the 3rd Amendment.

Section 2. The City Auditor, the Clerk of Council, the Director of Law, and other City officials as appropriate are each authorized and directed to execute and sign any documents and instruments, and to take such actions as are necessary or appropriate to consummate, enforce and complete the transaction contemplated by this Ordinance, including the imposition of the charges established by the 3rd Amendment.

Section 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the City may collect the fees and charges to be imposed by the County in the Contract Service Area established by the Agreement, all of which is materially beneficial to the parties to the Agreement; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2018

President of Council

Attest: _ Clerk of Council

Approved _____, 2018

Mayor