

ORDINANCE NO. 01 - 2023

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENTS WITH THE BOARD OF LAKE COUNTY COMMISSIONERS FOR THE TRANSFER OF THE VILLAGE MUNICIPAL WATER WORKS AND SANITARY SEWAGE SYSTEM TO THE LAKE COUNTY DEPARTMENT OF UTILITIES; AND DECLARING AN EMERGENCY.

WHEREAS, on February 7, 2018, the Village and Board of Lake County, Ohio Commissioners entered into an agreement for the transfer of the Village water works and franchise (the "Water Transfer Agreement") and a related agreement for the transfer of the Village sanitary sewer system and franchise (the "Sanitary Transfer Agreement"); and

WHEREAS, the agreements each contain a five-year sunset date (§ 19.9 of the Water Transfer Agreement and § 17.9 of the Sanitary Transfer Agreement); and

WHEREAS, delays occurred in constructing necessary sanitary sewer infrastructure, inclusive of permitting and issues caused by the COVID-19 pandemic, such that construction will not be completed by the sunset date(s); and

WHEREAS, the Village now desires to extend the sunset date(s) for a one year period and to enter into an addendum to the agreements to effect this extension.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. The Addendum to the Water Transfer Agreement and Sanitary Transfer Agreement as the same appears attached hereto as Exhibit "1" is hereby approved and accepted and the Mayor is hereby authorized to execute same on behalf of the Village.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and welfare of the inhabitants of the Village of Madison, and, for the further reason that immediate passage is necessary to meet critical contract deadlines it shall, therefore, take effect and be in full force from and upon its adoption if adopted by the affirmative vote of at least four members of Council and otherwise at the earliest time provided by Ohio law.


PASSED:



Mark V. Vest,
President of Council

1st Reading: January 9, 2023

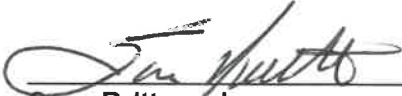
Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:

Date: 1/9/2023



Sam Britton, Jr.,
Mayor

AMENDMENTS TO:

AN AGREEMENT BETWEEN THE VILLAGE OF MADISON, OHIO AND THE BOARD OF LAKE COUNTY COMMISSIONERS FOR THE TRANSFER OF THE VILLAGE MUNICIPAL WATER WORKS TO THE LAKE COUNTY DEPARTMENT OF UTILITIES WATER DIVISION AND FOR THE ASSUMPTION BY THE LAKE COUNTY DEPARTMENT OF UTILITIES AN EXCLUSIVE FRANCHISE WITHIN THE VILLAGE OF MADISON

AND

AN AGREEMENT BETWEEN THE VILLAGE OF MADISON, OHIO AND THE BOARD OF LAKE COUNTY COMMISSIONERS FOR THE TRANSFER OF THE VILLAGE MUNICIPAL SANITARY SEWER SYSTEM TO THE LAKE COUNTY DEPARTMENT OF UTILITIES AND FOR THE ASSUMPTION BY THE LAKE COUNTY DEPARTMENT OF UTILITIES AN EXCLUSIVE FRANCHISE WITHIN THE VILLAGE OF MADISON

THESE AMENDMENTS to an agreement for the transfer of a water works and franchise (the "Water Transfer Agreement") and an agreement for the transfer of a sanitary sewer system and franchise (the "Sanitary Transfer Agreement"), both made and entered into on the 7th, day of February, 2018, is on this 9th day of January, 2023 entered into by and between the VILLAGE OF MADISON, an Ohio chartered municipal corporation, having an address for purposes hereof at 126 West Main Street, Madison, Ohio 44057 (the "Village"); and the BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, OHIO, an Ohio political subdivision, having an address for purposes hereof at 105 E. Main St., Painesville, Ohio 44077 (the "County").

WHEREAS, the Village and County entered into plans for the transfer of Village Water Works and Sanitary Sewer System customers and territory to the County, same being the "Water Transfer Agreement" and "Sanitary Transfer Agreement;" and

WHEREAS, the Agreements each contain a five-year sunset date (§ 19.9 of the Water Transfer Agreement and § 17.9 of the Sanitary Transfer Agreement); and

WHEREAS, delays occurred in constructing necessary sanitary sewer infrastructure, inclusive of permitting and issues caused by the COVID-19 pandemic, such that construction will not be completed by the sunset date(s); and


WHEREAS, the Village and County now desire to extend the sunset date(s) as follows:

§ 19.9 of the Water Transfer Agreement and § 17.9 of the Sanitary Transfer Agreement are each amended such that the 5-year sunset date stated therein is and shall be amended to a 6-year sunset date.

Except as explicitly modified in this Amendment, the Water Transfer Agreement and Sanitary Transfer Agreement are and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date and year first above written.

VILLAGE OF MADISON:


By: Sam Britton, Jr, Its Mayor
as authorized by Ordinance No.
0L-2023, eff. 1/9/2023

BOARD OF LAKE COUNTY
COMMISSIONERS:



By: John R. Hamercheck, Board President
Lake County Commissioner

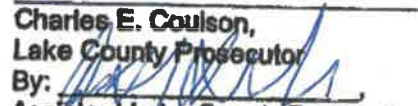

By: John Plecnik,
Lake County Commissioner


By: Richard J. Regovich
Lake County Commissioner

as authorized by Resolution No.
_____, eff. ___/___/2023

REVIEWED AND APPROVED
AS TO FORM:


Joseph P. Szeman,
Law Director of the Village of Madison


Charles E. Coulson,
Lake County Prosecutor
By: _____
Assistant Lake County Prosecutor

RECEIVED

FEB 14 2023

Commissioners' Office, Lake County
Painesville, OH, February 9, 2023

The Board of County Commissioners, in and for Lake County, Ohio, met this day in regular session with the following members present:

Commissioners: Regovich, Plecnik and Hamercheck

Commissioner Regovich presented the following resolution and moved its adoption.

RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE WATER SUPPLY AGREEMENT AND THE SANITARY SEWAGE SYSTEM AGREEMENT WITH THE VILLAGE OF MADISON RELATED TO THE TRANSFER OF THE VILLAGE MUNICIPAL WATER WORKS AND SANITARY SEWAGE SYSTEM TO THE LAKE COUNTY DEPARTMENT OF UTILITIES WATER AND SEWER DIVISIONS AND FOR THE ASSUMPTION BY THE LAKE COUNTY DEPARTMENT OF UTILITIES AN EXCLUSIVE FRANCHISE WITHIN THE VILLAGE OF MADISON

WHEREAS, the Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all the deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, it is the recommendation of the Sanitary Engineer of the Lake County Department of Utilities, and the Lake County Prosecutor's Office that this Board of Lake County Commissioners authorizes execution of a "First Amendment to Water Supply Agreement and Sanitary Sewage System Agreement" with the Village of Madison related to the transfer of the Village Municipal Water Works and Sanitary Sewage System to the Lake County Department of Utilities Water and Sewer Divisions and for the Assumption by the Lake County Department of Utilities an exclusive franchise within the Village of Madison; a copy of the "First Amendment to Water and Supply and Sanitary Sewage System Agreement" is attached hereto as Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, in and for Lake County, Ohio, that this Board enters into a "First Amendment to Water Supply and Sanitary Sewage System Agreement" with the Village of Madison related to the transfer of the Village Municipal Water Works and Sanitary Sewage System to the Lake County Department of Utilities Water Division and Sewer Division and for the Assumption by the Lake County Department of Utilities an exclusive franchise within the Village of Madison; a copy of the "First Amendment to Water Supply Agreement" is attached hereto as Exhibit 1.

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the Lake County Auditor; Department of Utilities Executive Director; Lake County Sanitary Engineer; Lake County Prosecutor's Office; and to the Village of Madison, 126 West Main Street, P.O. Box 7, Madison, Ohio 44057-007.

Commissioner Plecnik seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

"AYES": Commissioners: Regovich, Plecnik and Hamercheck

"NAYS": None.

Resolution adopted,
Jennifer Bell, Clerk

CLERK'S CERTIFICATION

I, Jennifer Bell, duly appointed Clerk of the Board of County Commissioners, do hereby certify that this is a true and accurate copy of a resolution adopted by said Board on February 9, 2023, and recorded in the Commissioners' and Water and Sewer Journal, Volume 2023.

WITNESS my hand this ninth day of February, 2023, in Painesville, Ohio.


Jennifer Bell, Clerk

Board of Commissioners, in and
for Lake County, Ohio