

**Village of Mantua, Ohio**  
**ORDINANCE 2019-10**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE CLERK-TREASURER OF THE VILLAGE OF MANTUA TO ENTER INTO A SECOND 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 Agreement would have terminated in accordance with its terms on December 31, 2018; and

**WHEREAS**, a Reinstatement and First Amendment of said Agreement was authorized and executed on January 15, 2019, which is scheduled to expire on March 31, 2019; and

**WHEREAS**, the Village and the County mutually desire to authorize a Second 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 Second 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 April 30, 2019, at a cost not to exceed \$ 1,916.67 per week, 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.

**PASSED IN COUNCIL** this 19<sup>th</sup> day of March, 2019.

**Village of Mantua, Ohio**  
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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 March, 2019.

\_\_\_\_\_  
Jenny August, Clerk-Treasurer

Approved as to Form:

\_\_\_\_\_  
Michele Stuck, Solicitor

**Village of Mantua, Ohio  
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**“Exhibit A”**

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

This Second 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

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

WHEREAS, this Second Amendment, (“Second Amendment”), is the second amendment to the Agreement, which has been previously amended once in accordance with the Reinstatement and First Amendment dated on or about January 15, 2019.

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

**I. Modification to Section IV**

In Section IV of the Agreement, which has previously been amended in the Reinstatement and First Amendment, the phrase, “until March 31, 2019,” is removed in its entirety and replaced with the phrase, “until April 30, 2019.”

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**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, shall remain in force and in effect unless otherwise agreed to in this Second Amendment. To the extent that any provisions of this Second Amendment are inconsistent with any of the provisions set forth in the Agreement, as previously amended by the Reinstatement and First Amendment, the provisions of this Second Amendment shall govern and control.

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IN WITNESS WHEREOF, the County and Village have caused this Second 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

\_\_\_\_\_  
Vickie Kline

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Sabrina Christian-Bennett

PORTAGE COUNTY WATER RESOURCES

\_\_\_\_\_  
Kathleen Clyde

\_\_\_\_\_  
Eugene K. Roberts P.E., Director

APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
Village Solicitor

\_\_\_\_\_  
Assistant Prosecuting Attorney

**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