

CITY OF FRANKLIN, OHIO
RESOLUTION 2018-63

AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF FRANKLIN, THE CITY OF GERMANTOWN, THE MUNICIPALITY OF CARLISLE AND THE COUNTY OF WARREN

WHEREAS, this Council, by Resolution 1994-94, adopted on September 19, 1994, and Resolution 1995-70, adopted on July 17, 1995, authorized an Intergovernmental Agreement between Franklin, Germantown, Carlisle and Warren County to create the Franklin Area Wastewater Treatment Corporation to manage the Franklin Area Wastewater Treatment Facility;

WHEREAS, this Council, by Resolution 1994-59, adopted on June 20, 1994, and Resolution 1995-94, adopted on October 16, 1995, authorized the City's participation in a Service Agreement with Veolia Water for the operation of the Franklin Area Wastewater Treatment Plant. Said Agreement began on July 21, 1995 and ran for a 20 year term;

WHEREAS, this Council by Resolution 2015-42, passed on August 17, 2015, effective December 1, 2015, approved the new Service Agreement with Veolia Water;

WHEREAS, this is the first amendment to the Intergovernmental Agreement, adopted by Council on August 17, 2015, to be effective December 1, 2015;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of Councilmembers present concurring, that:

Section 1. The City Manager is hereby authorized to execute the First Amendment to the Intergovernmental Agreement between the City of Franklin, the City of Germantown, the Municipality of Carlisle and the County of Warren, on behalf of the City of Franklin.

Section 2. The City Manager is hereby also authorized to execute any other documents as may be necessary to effectuate the terms of said Amendment to the Amended and Restated Intergovernmental Agreement.

Section 3. It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: November 19, 2018

ATTEST: Jane McGee
Jane McGee, Clerk of Council

APPROVED: Todd Hall
Todd Hall, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Resolution 2018-63 passed by that body on November 19, 2018.

Jane McGee, Jane McGee, Clerk of Council

**FIRST AMENDMENT
TO
INTERGOVERNMENTAL AGREEMENT**

This is the First Amendment to the Intergovernmental Agreement dated January 1, 2016 among the CITY OF FRANKLIN, the CITY OF GERMANTOWN, the MUNICIPALITY OF CARLISLE, and the COUNTY OF WARREN.

1. Recitals. In order to allow the Advisory Board to change the definition of Escalation Factor 1. The data previously used to determine this calculation is no longer available from the Bureau of Labor Statistics.

2. Amendment.

ARTICLE I. DEFINITIONS AND CONSTRUCTION.

A.18. Escalation Factor 1:

A fraction, the numerator of which is the Consumer Price Index – All Urban Consumers, Cincinnati *Midwest* Region reported by the Bureau of Labor Statistics (Series ID-CUURA213SA0 **CUUR0200SA0**) for the most recent half year reported immediately prior to the date of the adjustment that is the subject of escalation in accordance with this Service Agreement, and the denominator of which is ~~223.68~~ **229.151**(which is the Consumer Price Index – All Urban Consumers, Cincinnati *Midwest* Region reported for the first half of 2014 **2017**)

3. Effective Date. This First Amendment shall be effective as of its date of execution by all of the parties.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized representative, have executed this First Amendment to Intergovernmental Agreement on the date set opposite their signatures.

CITY OF FRANKLIN

Dated: _____

MUNICIPALITY OF CARLISLE

Dated: _____

CITY OF GERMANTOWN

Dated: _____

COUNTY OF WARREN

Dated: _____

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized representative, have executed this First Amendment to Intergovernmental Agreement on the date set opposite their signatures.

CITY OF FRANKLIN

Dated: 11/19/18

Sonny Lewis

MUNICIPALITY OF CARLISLE

Dated: _____

CITY OF GERMANTOWN

Dated: _____

COUNTY OF WARREN

Dated: _____
