

RESOLUTION APPROVING THE AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY OF ASHTABULA, OHIO AND THE CITY OF ASHTABULA, OHIO FOR WASTEWATER CONVEYANCE, TREATMENT AND DISPOSAL

WHEREAS, on January 20, 2011 by Resolution 2011-2SEWA, an agreement was approved by and between the County of Ashtabula and the City of Ashtabula for wastewater conveyance, treatment and disposal; and

WHEREAS, an amendment to the Wastewater Conveyance, Treatment and Disposal Agreement with the City of Ashtabula has now been presented for the approval of the Board, to-wit:

Scope: Wastewater conveyance, treatment and disposal between the County of Ashtabula and the City of Ashtabula

Provider: County of Ashtabula, 25 W. Jefferson St., Jefferson, OH 44047
City of Ashtabula, 4250 Lake Ave., Ashtabula, OH 44004

Amendment: Subsection c in Section 14 is hereby amended to state as follows:
The parties agree that a JEDD created as the result of the terms of this Agreement shall not include parcel of land owned in fee by or leased to the city, county, township, or any other municipal corporation, school district as defined by Ohio Revised Code chapter 3311 (including city school district, local school district, exempted village school district, cooperative education school district, joint vocational school district, vocational school district), conservancy district, township park district, park district created under Chapter 1545, of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority in the collection area. This JEDD exemption shall not include any land owned in fee by any political subdivision that is leased to any private entity (not a political subdivision).

The determination as to application of this exemption shall only be by mutual consent of City and County.

WHEREAS this Board of Commissioners concurs with this recommendation and agrees to the amendment;
now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio that the amendment is approved in accordance with the copy on file in this office.

BE IT FURTHER RESOLVED, that all other terms and conditions outlined in the agreement remain in full force and effect.

BE IT FURTHER RESOLVED that the President of the Board, on behalf of the Board of Commissioners of Ashtabula County, is authorized to execute any and all necessary documents.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2024-516

November 14, 2024

**RESOLUTION APPROVING THE AMENDMENT TO THE AGREEMENT BETWEEN
THE COUNTY OF ASHTABULA, OHIO AND THE CITY OF ASHTABULA, OHIO FOR
WASTEWATER CONVEYANCE, TREATMENT AND DISPOSAL**

Upon the motion of Casey R. Kozlowski, seconded by J.P. Ducro IV.

VOTE:

**Kathryn L. Whittington
J.P. Ducro IV
Casey R. Kozlowski**

**Aye
Aye
Aye**

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

ORDINANCE NO. 2024 - 140

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AMEND THE AGREEMENT WITH THE COUNTY OF ASHTABULA FOR WASTEWATER CONVEYANCE, TREATMENT AND DISPOSAL.

WHEREAS, the daily operations of the City of Ashtabula and the City Manager's Department require the enactment of this legislation; and

WHEREAS, for the period January 20, 2011 to January 19, 2036, the City Council approved an agreement with the County of Ashtabula for wastewater conveyance, treatment and disposal [City-County Sewer Agreement]; and

WHEREAS, the parties agree that said agreement should be amended as indicated in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the City Manager has determined that such an amendment is in the best interests of the taxpayers and citizens of both the city and county;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. That the City Manager be, and is hereby, authorized to amend the City-County Sewer Agreement as proposed.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage 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 the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Revised Code of Ohio.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

PASSED: November 4, 2024

John S. Roskovics
John S. Roskovics
President of Council

Vote:

	Yea	Nay
Roskovics:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Simeone:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Foglio:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Guerriero:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Holman:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mills:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DiGiacomo:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTEST: Ashley M. Bell
Ashley M. Bell
Clerk of Council

APPROVED: James M. Timonere
James M. Timonere
City Manager

Approved as to form and correctness this 4th day of November, 2024.

Cecilia M. Cooper
Cecilia M. Cooper, Esq., Ashtabula City Solicitor

AMENDMENT TO AGREEMENT BETWEEN COUNTY OF ASHTABULA, OHIO AND CITY OF ASHTABULA, OHIO

This AMENDMENT ("Amendment") is made on November 14, 2024 ("Effective Date") by and between the County of Ashtabula, Ohio, a body corporate and politic and a political subdivision of the State of Ohio, (the "COUNTY"), and the City of Ashtabula (hereinafter referred to as "CITY"), a municipal corporation of the State of Ohio.

RECITALS:

WHEREAS, the COUNTY and CITY entered into an Agreement for Wastewater Conveyance, Treatment and Disposal for the period January 20, 2011 to January 19, 2036 (the "Agreement"); and

WHEREAS, the parties desire to enter into a _____ Amendment to Amend Section 14(c) to clarify the exclusion of school property from the JEDD requirements of the Agreement.

NOW THEREFORE, in consideration of the mutual promises and obligations herein to be observed and performed by the parties hereto, the parties hereby agree as follows:

I. INCORPORATION

A. The original Agreement, together with the amendments, are herein collectively referred to as the "Agreement." The foregoing recitals are incorporated in the Agreement as if fully rewritten herein.

B. The provisions of this Amendment are incorporated into the original Agreement, as if fully rewritten in the Agreement. All terms used in this Amendment shall be defined and construed in the manner set forth in the original Agreement. Except as otherwise provided in, or as otherwise necessary or appropriate to give effect to the terms of this Amendment, all the provisions, terms, and conditions contained in the Contract and not inconsistent with this Amendment shall remain unchanged and in full force and effect. In the event of any conflict between the original Agreement and this Amendment, the terms, the conditions and provisions of this Amendment shall control.

II. TERM

The term of the Agreement remains in full force and effect until January 19, 2036, unless otherwise extended, canceled, or terminated under the terms of the Agreement.

III. SECTION 14

Subsection c in Section 14 is hereby amended to state as follows:

The parties agree that any JEDD created as the result of the terms of this Agreement shall not include any parcel of land owned in fee by or leased to the City, county, township, or any other municipal corporation, school district as defined by Ohio Revised Code Chapter 3311 (including city school district, local school district, exempted village school district, cooperative education school district, joint vocational school district,

vocational school district], conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority in the collection area. This JEDD exemption shall not include any land owned in fee by any political subdivision that is leased to any private entity [not a political subdivision].


The determination as to application of this exemption shall only be by mutual consent of City and County.

IV. ELECTRONIC SIGNATURE

City agrees that all amendment documents requiring county signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. City also agrees to be bound by the provisions of chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Ashtabula County.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the day and year first above mentioned.

CITY OF ASHTABULA, OHIO

By:  Date: 11-5-2024
Jim Timonere, City Manager, pursuant to Ashtabula City Ordinance 2024-140 dated 11-4, 2024

APPROVAL OF SOLICITOR

Approved as to legal form and correctness in accordance with Section 32 of the Charter of the City of Ashtabula, Ohio.

 Date: 10-30-24
Cecilia M. Cooper, City Solicitor

COUNTY OF ASHTABULA, OHIO

By: 

Date: 11-14-24

Kathryn Whittington, Commissioner, pursuant to Ashtabula County Resolution

2024- dated November 14, 2024

APPROVED AS TO LEGAL FORM:



Date: 9/30/24

Colleen M. O'Toole
Ashtabula County Prosecuting Attorney

ORDINANCE NO. 2024 - 140

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WHEREAS, the parties agree that said agreement should be amended as indicated in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the City Manager has determined that such an amendment is in the best interests of the taxpayers and citizens of both the city and county;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. That the City Manager be, and is hereby, authorized to amend the City-County Sewer Agreement as proposed.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage 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 the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Revised Code of Ohio.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

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John S. Roskovics
John S. Roskovics
President of Council

Vote:

	Yea	Nay
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City Manager

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