

Moved by Mr. Humphrey, seconded by Mr. Proud,

Recommendation that the Board of County Commissioners adopt Resolution Number 137-14 resolving to approve payment to vendors **in the total amount of \$1,184,294.96** as set forth in the BCC Approval Invoice Report(s) For **Checks Dated September 24, 2014**, BCC Directed Pre-Paid Invoices Report(s), Vendor Invoice List Report(s), Items paid by Fund and Check Date Range report and/or Procurement Card Transaction Report presented by the County Auditor 9/22/2014, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

David H. Uible,	<u>yes</u>
Robert L. Proud,	<u>yea</u>
Edwin H. Humphrey,	<u>aye</u>

Date Adopted: September 24, 2014

David H. Uible
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RESOLUTION NO. 138 -14

The Board of County Commissioners of Clermont County, Ohio met in Regular Session on the 24th day of September, 2014, at the Office of said Board with the following members present:

David H. Uible, President
Robert L. Proud, Vice President
Edwin H. Humphrey, Member

Mr. Humphrey moved for the adoption of the following Resolution:

RESOLUTION AUTHORIZING TERMINATION OF AN AGREEMENT WITH THE VILLAGE OF BATAVIA FOR THE OPERATION AND MAINTENANCE OF THE VILLAGE OF BATAVIA'S WATER, SEWER AND TRASH BILLING SERVICES, WASTEWATER TREATMENT FACILITIES, WATER DISTRIBUTION AND SEWER COLLECTION SYSTEMS, AND AUTHORIZING EXECUTION OF A NEW AGREEMENT FOR SAID SERVICES, ESTABLISHING CAPITAL IMPROVEMENT NEEDS TO BE ADDRESSED, AND PROVIDING FOR RELINQUISHMENT OF SAID WATER AND SEWER UTILITIES TO CLERMONT COUNTY UPON EXPIRATION OF SAID AGREEMENT

WHEREAS, the Village of Batavia owns and is responsible for the operation and maintenance of the Water, Sewer and Trash Billing Services, Wastewater Treatment Facilities and Water Distribution and Sewer Collection Systems (collectively, "the Utilities,") for the residents of the Village of Batavia, Clermont County, Ohio; and

WHEREAS, the Village previously contracted with the County for the operation and maintenance of said Utilities, the Clermont County Board of Commissioners adopted Resolution Number 147-11 on September 14, 2011, authorizing execution of an Agreement effective January 9, 2012, and remaining in effect for a period of three years thereafter; and

WHEREAS, the Village desires to continue to have the Utilities operated and maintained in the most efficient manner possible, while complying with all Federal, State and local laws, rules and regulations, and the County has the specialized professional skills and expertise in new technologies and engineering to operate said Utilities in the most cost efficient and professional manner; and

WHEREAS, the Village and County desire to enter into a new Agreement for the operation and maintenance of the Village's Utilities, setting forth their respective rights, duties, privileges and responsibilities with regard to the operation and maintenance of said Utilities, identifying capital improvement needs to be addressed by the Village throughout the water and sewer distribution and collections systems, and providing for the relinquishment of the water and sewer utilities to Clermont County upon completion of the terms and conditions specified therein and the expiration of said Agreement; and

WHEREAS, the Council of the Village of Batavia has duly adopted Village Ordinance No. 1302-14 on September 8, 2014, authorizing execution of a new Agreement with the Board of County Commissioners of Clermont County, Ohio, and ultimately transferring ownership of said water and sewer systems to Clermont County upon completion of the terms and conditions specified therein and the expiration of said Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members thereto concurring as follows:

SECTION 1. That the Board of County Commissioners hereby terminate the previous Agreement for the operation and maintenance of the Village of Batavia's Utilities effective October 9, 2014, pursuant to and in compliance with the terms and conditions set forth therein.

SECTION 2. That upon adoption of this Resolution, the Board of County Commissioners hereby approve and execute a new Agreement with the Village of Batavia for the operation and maintenance of the Water, Sewer and Trash Billing Services, Wastewater Treatment Facilities, Water Distribution and Sewer Collection Systems, and establish capital improvement needs to be addressed by the Village throughout the water and sewer distribution and collection systems as outlined therein, effective October 9, 2014, and continuing for a period of ten years thereafter, pursuant to and in compliance with the terms and conditions set forth within the Agreement.

SECTION 3. That upon completion of all terms and conditions of said Agreement, as outlined therein, and the expiration thereof, the water and sewer utilities shall be relinquished by

the Village and become the assets of the County and the water and sewer customers of the Village shall become customers of the County's water and sewer systems and shall pay for utilities at the same rate as other County customers, the trash billing services shall be returned to the Village at the expiration of said Agreement, and any remaining debt collateralized by the assets or revenues of the Village's water or wastewater systems will remain the obligation of the Village.

SECTION 4. That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Proud seconded the Resolution and upon roll call the vote resulted as follows:

Mr. Uible Yes

Mr. Proud Yea

Mr. Humphrey Aye

This Resolution was duly passed on the 24th day of September, 2014.

ATTEST:



Judith Kocica, Clerk
Board of County Commissioners
Clermont County, Ohio

This Resolution was approved as to form
by the Office of the Clermont County
Prosecuting Attorney

By: 
Allan L. Edwards
Assistant Prosecuting Attorney

Date: 9-12-14