

ORDINANCE NO. O2013-44

**AN ORDINANCE AUTHORIZING COOPERATIVE AGREEMENT FOR
CONSTRUCTION OF THE HEADWORKS IMPROVEMENTS AT THE
WASTEWATER TREATMENT PLANT BETWEEN THE CITY OF GALLIPOLIS
AND THE OHIO WATER DEVELOPMENT AUTHORITY AND PROVIDING
ASSURANCE TO THE OHIO WATER DEVELOPMENT AUTHORITY
OF A SOURCE OF LOCAL FUNDS FOR SEWER IMPROVEMENTS
IN THE CITY OF GALLIPOLIS AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Gallipolis (hereinafter referred to as the "LGA") has determined the need to make improvements to the headworks at the wastewater treatment plant as described in Exhibit A attached hereto and part hereof; and

WHEREAS, the LGA desires to cooperate with the Ohio Water Development Authority (hereinafter referred to as the "OWDA") in the construction of such facilities through the OWDA's Local Government Agency Program, instituted pursuant to Regulations adopted by the OWDA on December 6, 1979, as amended, under the provisions, terms and conditions set forth in Exhibit A; and

WHEREAS, the City of Gallipolis is applying for a construction loan from the Ohio Water Development Authority (OWDA) for the sewer project in the City of Gallipolis; and

WHEREAS, the OWDA has stated its desire to cooperate in the sewer project under the provisions, terms, and conditions set forth in Exhibit A; and

WHEREAS, the OWDA needs assurance from the City of Gallipolis that the loan will be repaid; and

WHEREAS, the City Manager has recommended in writing the passage of this Ordinance as an emergency measure as it is necessary for the immediate preservation of the public peace, health, safety and property and in order to provide for the usual operations of the municipal departments.

NOW, THEREFORE, BE IT ORDAINED by the Commission of the City of Gallipolis, all five (5) members elected thereto concurring, that:

SECTION 1. That the LGA hereby approves the aforesaid sewer project in cooperation with the OWDA under the provisions, terms, and conditions set forth in the "Cooperative Agreement for State Construction Project" as set forth in Exhibit A and hereby authorizes the Chief Executive Officer and Chief Fiscal Officer of the LGA to execute such an agreement with the OWDA substantially in the form set forth in Exhibit A.

SECTION 2. The City of Gallipolis hereby provides assurance to the OWDA that the LGA will make repayment to the OWDA with annual sewer funds to recover all borrowed construction costs.

SECTION 3. It is found that all formal actions of the Commission of the City of Gallipolis concerning and relating to the passage of this Ordinance were passed in an open meeting of the Commission of the City of Gallipolis, and that all deliberations of the Commission of the City of Gallipolis that resulted in such formal action were in open meetings to the public, in compliance with all legal requirements of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said project area for the reason that the sewer project be completed at the earliest possible time and is necessary in order to protect the health of the citizens of the said project area in the City of Gallipolis; therefore this Ordinance shall be in full force and effect from and immediately after its passage.

PASSED: July 16, 2013

ATTEST:

Annette M. Landers
Clerk of the City Commission
Annette M. Landers

James Jay Cremeens
President of the City Commission
James Jay Cremeens

The foregoing Ordinance is hereby approved as to form.

Adam Salisbury
Gallipolis City Solicitor
Adam R. Salisbury