



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Approved

**File created:** 7/31/2023      **In control:** Public Utilities Department

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**Title:** Authorizing the Mayor and Director of Public Utilities to execute an addendum to the water agreement with Fulton County to provide temporary water to the Village of Swanton; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/15/2023	1	City Council	Suspension	Pass
8/15/2023	1	City Council	Emergency	Pass
8/15/2023	1	City Council	Passage	Pass

DPU081523FULTONCOUNTYWATERAGREEMENTADDENDUM

Public Utilities

Edward Moore (x1847)

Revised

**Authorizing the Mayor and Director of Public Utilities to execute an addendum to the water agreement with Fulton County to provide temporary water to the Village of Swanton; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

In 2019, the City executed a Uniform Water Purchase and Supply Agreement with Fulton County (“Agreement”). The Agreement does not allow water to be provided outside of the Service Area, which is defined in Exhibit F to that Agreement, and includes the Village of Metamora and Swancreek Water District.

The Village of Swanton (“Swanton”) is not in the Service Area. Swanton has its own water treatment facility. Swanton is preparing to take its water tower out of service for maintenance and repair and while doing so it will be unable to provide adequate water to its customers for approximately 5 weeks.

Fulton County is amenable to providing Toledo water to Swanton through its own distribution system. This ordinance authorizes an addendum to the Agreement to allow for a one-time, temporary provision of water to Swanton so Swanton can continue to serve its customers. The extra water provided by Toledo under this addendum to Fulton would be metered by both entities and paid for at the same rate under the current terms of the contract. The addendum would also require that Swanton undertake all steps required by the Ohio Environmental Protection Agency relative to its comingling of Toledo water with its own and holding Toledo harmless for any and all actions in providing this extra water.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to execute an addendum to the Agreement between Toledo and Fulton County for the provision of a one-time, temporary allocation of water to be distributed to Swanton.

SECTION 2. That the addendum shall contain such other terms and conditions as the Directors of Law and Public Utilities deem to be in the best interest of the City.

SECTION 3. That this ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that it is immediately necessary to authorize the provision of water to Swanton while Swanton performs work on its water tower.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by  
Council \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council