

ORDINANCE NO. 362 (22-23)

An Ordinance to amend Ordinance No. 330 (22-23) that was passed on October 5, 2023, in order to correct the language used in said Ordinance No. 330 (22-23) and declaring an EMERGENCY.

WHEREAS, Ordinance No. 330 (22-23) was presented to the Council of the City of Marietta, Ohio on October 5, 2023 for its first reading; and

WHEREAS, on October 5, 2023, Council for the City of Marietta, Ohio suspended the rules and dispensed with the Second and Third Reading of Ordinance No. 330 (22-23) and passed said Ordinance; and

WHEREAS, the purpose of Ordinance No. 330 (22-23) was to authorize and direct the Director of Public Safety and Service to **apply for, accept, and enter into a Planning Loan Agreement** on behalf of the City of Marietta, Ohio, with the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA), for a planning loan for the State Route 7 North, Water Transmission Main Project, (Infrastructure Improvements); and

WHEREAS, Ordinance No. 330 (22-23), stated only that the Ordinance was to authorize and direct the Director of Public Safety and Service to **"apply"** for a loan through the Ohio EPA, Division of Environmental and Financial Assistance (DEFA), for a planning loan for the State Route 7 North, Water Transmission Main Project, when in fact, Ordinance No. 330 (22-23) should have stated that the Director of Public Safety and Service is authorized and directed to **"apply for, accept, and enter into a loan agreement"** on behalf of the City of Marietta, Ohio with the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA), for a planning loan for the State Route 7 North, Water Transmission Main Project, and declaring an Emergency.

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WHEREAS, the purpose of this Ordinance is to clarify that anywhere in Ordinance No. 330 (22-23) that states "to apply for", should read **"to apply for, accept and enter into a loan agreement" on behalf of the City of Marietta, Ohio with the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA), for a planning loan for the State Route 7 North, Water Transmission Main Project;** now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

- Section 1: That Ordinance No. 330 (22-23) shall be amended to correct a language error in that Ordinance No. 330 (22-23) was for the purpose of authorizing and directing the Director of Public Safety and Service **"to apply for, accept, and enter into a loan agreement" on behalf of the City of Marietta, Ohio with the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA), for a planning loan for the State Route 7 North, Water Transmission Main Project,** (Infrastructure Improvements), however throughout the body of Ordinance No. 330 (22-23), the Ordinance only reads to "apply for" and failed to state "to apply for, accept, and enter into".
- Section 2: That Ordinance No. 362 (22-23), states that Ordinance No. 362 (22-23) is an Ordinance to amend Ordinance No. 330 (22-23), so as to authorize and direct the Director of Public Safety and Service to apply for, accept, and enter into a loan agreement on behalf of the City of Marietta, Ohio with the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA), for a planning loan for the State Route 7 North, Water Transmission Main Project, (Infrastructure Improvements), and declaring an EMERGENCY.
- Section 3: That all other provisions of Ordinance No. 330 (22-23) not modified herein, shall remain in full force and effect.

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- Section 4: That the Director of Public Safety and Service shall be and is hereby authorized and directed to execute any and all documents necessary, with regard to the Planning Loan Agreement for the State Route 7 North, Water Transmission Main Project.
- Section 5: That the total cost for the planning of the State Route 7 North, Water Transmission Main Project is estimated to be \$250,000.00 and the City of Marietta, if awarded the planning loan, further agrees to pay One Hundred Percent (100%) of the planning cost over and above the maximum amount provided by the Ohio Environmental Protection Agency, Division of Environmental & Financial Assistance (DEFA) Program, as administered by the Office of Financial Assistance (OFA).
- Section 6: That this Ordinance shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health, and safety of the City of Marietta, Ohio, and for the further reason that the loan funds in question are limited and may be lost if the City does not submit **correct** documents, i.e. legislation in support of its loan application at the earliest possible opportunity. WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Introduced by the Water, Sewer & Sanitation Committee, Bret Allphin, Chairman.


Bret Allphin

Passed this 7th day of Dec, 2023.


President of Council

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ATTEST:

Michelle Newbarkis
Clerk of Council

Approved this 7th day of December, 2023.



Mayor

First Reading December 7, 2023

Second Reading Suspended

Third Reading Suspended