

RESOLUTION NO. 3728

**A RESOLUTION ADOPTING AMENDMENT NUMBER 2 TO THE ALBANY-MILLERSBURG WATER SYSTEM OPERATION AND MAINTENANCE AGREEMENT.**

WHEREAS, the City of Albany owns and operates a water treatment and distribution system; and

WHEREAS, the City of Millersburg owns a water distribution system; and

WHEREAS, the City of Millersburg has contracted with the City of Albany for operation and maintenance of Millersburg's public water facilities through the Albany-Millersburg Water System Operation and Maintenance Agreement dated June 14, 1990; and

WHEREAS, the City of Millersburg and Albany agree that it is in the best interest of both cities to have uniform design review and construction standards for construction of public water facilities.

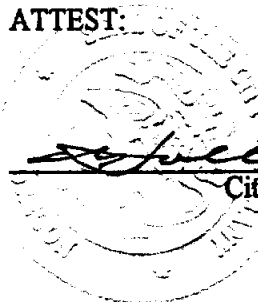
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that design review and construction standards as specifically described in Amendment Number 2 to the Albany-Millersburg Water System Operation and Maintenance Agreement (attached hereto) is hereby adopted; and

BE IT FURTHER RESOLVED that Amendment Number 2 adopted by this resolution shall be effective January 20, 1997.

DATED THIS 18TH DAY OF DECEMBER 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Recorder

Amendment No. 2  
to the  
Albany-Millersburg Water System  
Operation and Maintenance Agreement

THIS AGREEMENT, is made and entered into this 18 day of December 1996, between City of Albany and City of Millersburg.

The purpose of this Agreement is to supplement and modify the Agreement dated June 14, 1990, between the City of Albany and the City of Millersburg, whereby the City of Albany contracted to operate and maintain the City of Millersburg's public water distribution system as specifically provided in the Agreement.

This amendment is necessitated to clarify the process and methodology Albany and Millersburg jointly agree to use for construction of public water facilities within the City of Millersburg.

WITNESSETH

WHEREAS, the City of Albany owns and operates a water treatment and distribution system; and

WHEREAS, the City of Millersburg owns a water distribution system; and

WHEREAS, the City of Millersburg has contracted with the City of Albany for water supply, operation, and maintenance of this system; and

WHEREAS, the City of Albany and the City of Millersburg have agreed that waterlines constructed in Millersburg shall meet the City of Albany's Standard Construction Specifications; and

WHEREAS, the City of Albany has a permitting process in place for design review and construction inspection and acceptance of public water facilities to ensure public waterlines are constructed to meet these standards;

NOW, THEREFORE, the parties agree to the following terms and conditions:

Amendment No. 2:

1. Section 6, Standard Construction: All water facilities constructed in Millersburg shall be constructed in accordance with the City of Albany Standard Construction Specifications, except that higher standards may be utilized when agreed to by both Albany and Millersburg.
  - A. **SITE IMPROVEMENT PERMIT REQUIRED:** Millersburg agrees to utilize Albany's Site Improvement (SI) permit process for construction of all public water facilities. Construction of public water facilities under private contract in Millersburg shall be subject to SI permit fees equal to those charged in Albany for similar plan review and inspection services. Following final acceptance, Albany agrees to provide Millersburg with copies of record drawings.

- B. SI PERMITS FOR MILLERSBURG-SPONSORED WATER FACILITIES:** Construction of public water facilities funded by Millersburg shall be exempt from all SI permit fees. The SI process will be modified for Millersburg-sponsored projects only as described herein. Albany shall not require copies of engineering services Agreements. In lieu of providing a copy of engineering Agreements with each SI permit, Millersburg agrees to contract for engineering services for design and construction inspection of all public water facilities sponsored by Millersburg. The scope of these engineering services shall be sufficient to ensure facilities are constructed in accordance with approved plans and the current edition of Albany's Standard Construction Specifications. Millersburg agrees to require public liability and property damage insurance, as more fully specified in Albany's Standard Construction Specifications, and agrees that Albany shall be named as an additional insured party. Millersburg agrees Albany shall be named in the performance and payment bond furnished by contractor and that such bond shall cover the warranty period as more fully specified in Albany's Standard Construction Specifications. Millersburg and Albany agree that fully executed easements and rights-of-way documents will be required as a condition of final acceptance of a facility. Millersburg and Albany further agree that connections to public water facilities shall not be permitted until a facility is complete in all respects and has been accepted by both cities.

Water facilities sponsored by Millersburg shall meet all other standard SI permit requirements for design and review, approval, construction procedures, notification, testing, and related requirements as more fully described in the SI permit and Albany's Standard Construction Specifications.

3. Section 10, of the June 14, 1990, Agreement between the City of Albany and the City of Millersburg is hereby added as follows:

**Section 9. Effective Date.**

This amendment to the July 14, 1990, Agreement between the City of Albany and the City of Millersburg shall be effective January 20, 1997.

Balance of Agreement Remains in Full Force and Effect. Except as expressly modified above, the balance of the June 14, 1990, Agreement between the parties shall remain in full force and effect.

DATED this 18 day of December 1996.

CITY OF ALBANY

  
\_\_\_\_\_  
City Manager

*Approved As to Form*

  
\_\_\_\_\_  
City Attorney

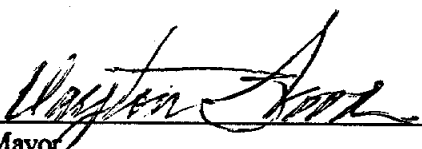
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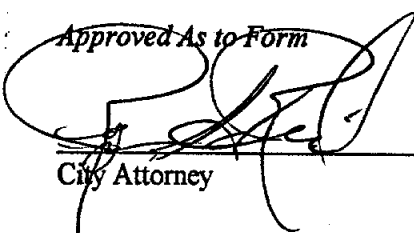
~~*Approved As to Form*~~

~~\_\_\_\_\_  
City Attorney~~

CITY OF MILLERSBURG

  
\_\_\_\_\_  
Mayor

*Approved As to Form*

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Recorder

~~*Approved As to Form*~~

~~\_\_\_\_\_  
City Attorney~~