

COMMISSIONERS' ORDINANCE
NO. 1268

AN ORDINANCE APPROVING AND CONFIRMING A SUPPLEMENT TO THE CONTRACT ENTERED INTO WITH THE CAMPBELL COUNTY WATER DISTRICT OF CAMPBELL COUNTY, KENTUCKY, DATED JUNE 6th, 1957, AS AUTHORIZED BY COMMISSIONERS' ORDINANCE NO. 1006, PASSED JUNE 4th, 1957, WHICH SUPPLEMENT AMENDS SECTIONS 2, 10(4) and 10 (5) THEREOF, SO THAT THE RATES TO BE CHARGED FOR FURNISHING WATER TO THE CAMPBELL COUNTY WATER DISTRICT WILL BE ADJUSTED IN ACCORDANCE WITH THE TERMS OF THE ORIGINAL CONTRACT; AN AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF NEWPORT, KENTUCKY TO SIGN, EXECUTE AND DELIVER SAME UPON BEHALF OF THE CITY OF NEWPORT, KENTUCKY.

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BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY:

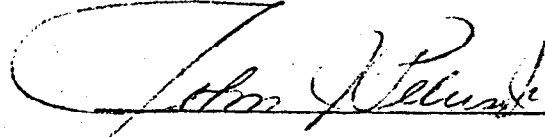
SECTION I

That the City Manager be, and he hereby is, authorized and directed to enter into a supplement to a certain contract entered into with the Campbell County Water District of Campbell County, Kentucky, dated June 7, 1957, as authorized by Commissioners Ordinance No. 1006, passed June 4, 1957, which supplement changes and amends Sections 2, 10 (4) and 10 (5) thereof, so that the rates to be charged for furnishing water to the Campbell County Water District will be adjusted in accordance with the terms of the original contract; said Supplement to Contract is in words and figures as follows, to-wit:

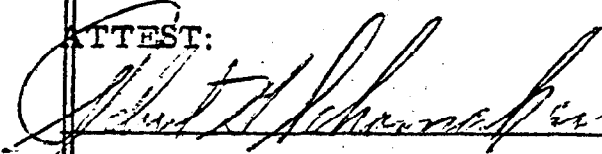
SECTION II

That this ordinance shall be signed by the Mayor, attested by the City Clerk, recorded and published. Same shall be in effect at the earliest time provided by law.

PASSED this the 5th day of February, 1964 on suspension of the reading rules.

 MAYOR

ATTEST:

 CITY CLERK

PUBLISHED: Kentucky Post & Times-Star this the 8 day of February, 1964.

SUPPLEMENT TO CONTRACT

This SUPPLEMENT TO CONTRACT, made and entered into this 24th day of February, 1964, by and between THE CITY OF NEWPORT, KENTUCKY, a municipal corporation and city of the second class operating under the city manager form of government, hereinafter referred to as "NEWPORT", and THE CAMPBELL COUNTY WATER DISTRICT OF CAMPBELL COUNTY, KENTUCKY, organized and existing under and by virtue of the laws of Kentucky, and pursuant to orders of the Campbell County Court, its successors and assigns, hereinafter referred to as "DISTRICT:"

WITNESSETH:

WHEREAS, Newport and the District, did on the 6th day of June, 1957, enter into a written contract wherein Newport agreed to sell to the District and the District agreed to purchase from Newport, finished water, in accordance with the terms and conditions set forth in said contract; and

WHEREAS, Paragraph Eleven (11) of said contract, styled "Initial ADJUSTMENT OF RATE (13¢) AND FINANCING (DEBT SERVICE) COSTS (6.72¢) per one thousand (1,000) gallons of finished water," provided that immediately upon completion of the reconstruction, modernization, and expansion of the Newport Water Works production facilities and the payment of all bills in connection therewith, Newport and the District agreed, by written supplemental contracts to correct and adjust the rate and figures of thirteen (13¢) cents per one thousand (1,000) gallons and 6.72 cents, which figures represented the rate for finished water and financing debt service costs, so as to reflect any change between the estimated financing debt service costs and the true, actual, and correct final amount; and

WHEREAS, the reconstruction, modernization, and expansion of the Newport Water Works Production facilities has now been completed; and

WHEREAS, Wm. V. Hehemann & Company, Accountants and Auditors, have examined the vouchers, cancelled checks, bank statements, contracts and contract change orders in connection with said project, and have certified that the adjusted debt service cost is 8.40 cents per one thousand (1,000) gallons, and the initially adjusted price to the District is 14.68 cents per one thousand gallons;

NOW, THEREFORE, It is mutually agreed by and between the parties as follows:

1. The correct adjusted financing (debt service) cost, as used in the contract between the parties is 8.40 cents per one thousand gallons.
2. The initially adjusted rate or price to the District is 14.68 cents per one thousand gallons.
3. That said figures shall be substituted in lieu of the rate and figures as same presently exists in said contract, and particularly in Sections 7, 10 (4), and 10 (5).
4. That said changes shall be effective as of January 1, 1964, and said adjusted rate or price shall remain in effect until changed in accordance with paragraph 12 of said contract.
5. Nothing in this contract shall change, alter or amend any other terms, provisions, or conditions of the aforesaid contract dated June 6, 1957, as supplemented by agreement dated April 29, 1961, but all other terms, provisions and conditions shall remain as set forth in said contract, as supplemented.

IN WITNESS WHEREOF, The City of Newport, Kentucky, a municipal corporation, by and through its City Manager, authority and approval having been given by Commissioners' Ordinance No. 1268, duly passed by the Board of Commissioners of the City of Newport, Kentucky, on the 5th day of February, 1964, and the Campbell County Water District of Campbell County, Kentucky, by and through its Chairman, authority having been given by a resolution of the District duly passed by the District on the 24th day of

February, 1964, have set their hands and respective seals this the 24th day
of February, 1964.

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THE CITY OF NEWPORT, KENTUCKY

By Oscar Hesch
Oscar Hesch, City Manager

Attest:
Robert H. Schumaker
Clerk, City of Newport, Kentucky

CAMPBELL COUNTY WATER DISTRICT
OF CAMPBELL COUNTY, KENTUCKY

By Charles A. Wetempele Sr.
Chairman

By G. Hummel
Member

By Charles Almos Lechner
Member

Attest:
G. Hummel
Secretary, Campbell County Water District
of Campbell County, Kentucky