

**Ordinance No. 10-03-05-01**

**An Ordinance of the Village of Fontana adopting the ninth amendment to the Fontana Walworth Joint Sewerage Treatment Agreement Pursuant to WI Statutes 66.0301 (1999-2000) for the Joint Establishment, Operation and Administration of Wastewater Collection, Treatment and Disposal and the Fourth Amendment to the Kikkoman Contract**

Whereas, the Village of Walworth, a municipal corporation of the State of Wisconsin, hereinafter, referred to as "Walworth", and the Village of Fontana-on-Geneva Lake, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Fontana", entered into the above referenced Agreement, dated the 3<sup>rd</sup> day of December, 1984; and;

Whereas, a First Amendment to said Intergovernmental Agreement was adopted by FWWPCC on August 20, 1985; executed by the Village of Walworth, Walworth, Wisconsin on the 20<sup>th</sup> day of August 1985, and the Village of Fontana on Geneva Lake, Wisconsin, on the 9<sup>th</sup> day of September, 1985; and,

Whereas, a Second Amendment to said Intergovernmental Agreement was adopted by FWWPCC on January 14, 1986; executed by the Village of Walworth, Walworth, Wisconsin on the 10<sup>th</sup> day of March, 1986, and by the Village of Fontana on Geneva Lake, Wisconsin on the 10<sup>th</sup> day of March 1986; and.,

Whereas, a Third Amendment to said Intergovernmental Agreement was adopted by FWWPCC on February 10, 1987; executed by the Village of Walworth, Wisconsin, on the 13<sup>th</sup> day of April, 1987, and by the Village of Fontana on Geneva Lake, Wisconsin on the 2<sup>nd</sup> day of March, 1987; and,

Whereas, a Fourth Amendment to said Intergovernmental Agreement was adopted by FWWPCC on September 8, 1992; executed by the Village of Walworth, Wisconsin, on the 14<sup>th</sup> day of September, 1992, and the Village of Fontana on Geneva Lake, Wisconsin on the 19<sup>th</sup> day of October, 1992; and.

Whereas, a Fifth Amendment to said Intergovernmental Agreement was adopted by FWWPCC on February 8, 1994; executed by the Village of Walworth, Wisconsin, on the 9<sup>th</sup> day of May 1994, and by the Village of Fontana on Geneva Lake, Wisconsin on the 2<sup>nd</sup> day of May, 1994; and,

Whereas, a Sixth Amendment to said Intergovernmental Agreement was adopted by FWWPCC on April 20, 1994; executed by the Village of Walworth, Wisconsin on the the 9<sup>th</sup> day of May, 1994, and by the Village of Fontana on Geneva Lake, Wisconsin on the 2<sup>nd</sup> day of May 1994; and,

Whereas, a Seventh Amendment to said Intergovernmental Agreement was adopted by FWWPCC on the 10<sup>th</sup> day of July, 2001; executed by the Village of Walworth, Wisconsin the 13<sup>th</sup> day of August, 2001, and the Village of Fontana on Geneva Lake, Wisconsin on the 1<sup>st</sup> day of October, 2001; and,

Whereas, a Eighth Amendment to said Intergovernmental Agreement was adopted by FWWPCC on the 9<sup>th</sup> day of September, 2003; executed by the Village of Walworth, Wisconsin the 13<sup>th</sup> day of October, 2003, and the Village of Fontana on Geneva Lake, Wisconsin on the 6<sup>th</sup> day of October, 2003; and,

Whereas, it is desirous that provision be made in the Intergovernmental Agreement to reflect the changes in Section 2.04, (d) Use and Ownership of Real and Personal Property; Section 2.05 (d) Replacement Items; Section 5.04, Capital Charges; Section 8.01 Termination of commission; and Exhibit G as amended by the 9<sup>th</sup> Amendment to the Intergovernmental Agreement; and,

Whereas, it is desirous that provision be made in the Third Amendment to the Kikkoman Contract Agreement to amend Recital A, create Section 2.1, 2.2 and 2.3; amend Section 11 – Termination of Commission and Withdrawal of Fontana and Walworth from the Intergovernmental Agreement and Section 12; and,

Whereas, Walworth and Fontana have, by ordinance of the respective Villages dated October 10, 2005 and October 3, 2005, respectively, authorized their respective Presidents and Clerks to execute this Ninth Amendment to accurately reflect the changes as set forth in this Ninth Amendment;

Now Therefore, in consideration of the agreements, promises and covenants heretofore entered into, Walworth and Fontana hereby mutually agree to amend and modify the Fontana/Walworth Joint Sewage Treatment Agreement dated the 3<sup>rd</sup> day of December, 1984, and subsequent Amendments thereto, as follows:

Section I: Appendix A of the Code of Ordinances of the Village of Fontana on Geneva Lake hereby created to read: The Village of Fontana on Geneva Lake hereby adopts the Ninth Amendment to the Fontana Walworth Joint Sewage Treatment Agreement pursuant to Wisconsin State Statutes Section 66.0301(1999-2000), for the joint establishment, operation, and administration of wastewater collection, treatment and disposal, all as set forth in the Ninth Amendment. A copy of said Ninth Amendment is, along with the agreement itself, on file in the clerk's office.


Section II. Any future amendments, revisions, or modifications of the Fontana Walworth Joint Sewage Treatment Agreement are intended to be made part of this code, provided the Fontana Walworth Pollution Control Commission resolves and recommends the adoption of said amendment.

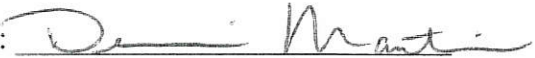
Section III. The Village President and Clerk are authorized to execute the Ninth amendment to the Fontana Walworth Joint Sewage Treatment Agreement pursuant to Wisconsin Statutes 66.0301 (1999-2000) for the Joint Establishment, Operation and Administration of Wastewater Collection, Treatment and Disposal on behalf of the Village of Fontana.

Section IV. This Ordinance and the attached Ninth Amendment shall be in full force and effect upon and from its passage, approval and execution.

Adopted and Approved by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, this 3<sup>rd</sup> day of October, 2005.

Village of Fontana on Geneva Lake

By:   
Thomas Whowell, President

Attest:   
Dennis Martin, Clerk

