

**RESOLUTION NO. 064-18**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SALT BRINE IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT); AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities, and County Transit Boards to participate in contracts of the Ohio Department of Transportation (ODOT) for the purchase of machinery, material, supplies, or other articles;

**WHEREAS**, the City of Napoleon hereby relies upon this Resolution No. 064-18 as a written agreement to participate in the Ohio Department of Transportation's (ODOT) annual salt brine purchase (ODOT Agreement No. 33015) in accordance with Ohio Revised Code Sections 5501.03(A)(3) and 5501.31, and hereby agrees to all terms and conditions as noted below in regard to the City's participation in the ODOT annual salt brine purchase; **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, intending to be legally bound, the City Manager of the City of Napoleon, Ohio, is given the authority in the name of the City of Napoleon, Ohio, to participate in the Ohio Department of Transportation's annual salt brine purchase (ODOT Agreement No. 33015) and this Council agrees as follows:

- A. The City of Napoleon hereby agrees to be bound by all terms and conditions established by ODOT in the salt brine purchase contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and,
- B. The City of Napoleon hereby acknowledges that upon the Director of ODOT's signing of the salt brine purchase contract, it shall effectively form a contract between the awarded salt brine supplier and the City of Napoleon; and,
- C. The City of Napoleon agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT salt brine purchase contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the City of Napoleon's participation in the salt brine purchase contract; and,
- D. The City of Napoleon hereby agrees to reimburse ODOT for all salt brine material taken at the rates stated in the ODOT salt brine purchase contract; and,
- E. The City of Napoleon acknowledges that should it wish to rescind this participation agreement it will do so by written thirty (30) day notice to ODOT.

Section 2. That, the City Manager and/or the City Manager's representative are authorized to fill out and submit any and all necessary documentation to effectuate the intent of this legislation, and that the City of Napoleon agrees to the above terms and conditions regarding participation on the ODOT salt brine purchase contract.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely purchase of salt brine, needed for placement on streets in winter months for safe travel; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchasing process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: November 19, 2018

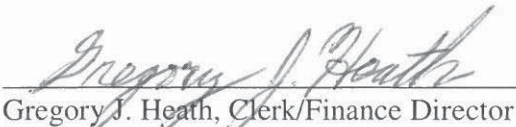
  
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Joseph D. Bialorucki, Council President

Approved: November 19, 2018

  
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Jason P. Maassel, Mayor

VOTE ON PASSAGE  Yea  Nay  Abstain

Attest:

  
\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 064-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 28th day of November, 2018; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath / CP  
Gregory J. Heath, Clerk/Finance Director