

**RESOLUTION NO. 004-20**

**A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE  
OHIO DEPARTMENT OF TRANSPORTATION (ODOT)  
COOPERATIVE PURCHASING PROGRAM; AND DECLARING  
AN EMERGENCY**

**WHEREAS**, Section 5513.01(B) provides the opportunity for counties, townships, municipal corporations, conservancy districts, township park districts, park districts created under Chapter 1545 of the Revised Code, port authorities, regional transit authorities, regional airport authorities, regional water and sewer districts, county transit boards, state universities or colleges to participate in contracts of the Ohio Department of Transportation (ODOT) for the purchase of machinery, material, or other articles; and,

**WHEREAS**, the City of Napoleon Department of Public Works desires to purchase the necessary materials for its 2020 crack sealing program; and,

**WHEREAS**, the materials can be purchased utilizing the State Cooperative Purchasing Program; and,

**WHEREAS**, the Council believes it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the City Manager on behalf of the City of Napoleon to participate in the Ohio Department of Transportation (ODOT) contracts for the purchase of machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01(B).

Section 2. That, the City Manager is hereby authorized to agree on behalf of the City of Napoleon to be bound by all terms and conditions as the Director of Transportation prescribes.

Section 3. That, the City Manager is hereby authorized on behalf of the City of Napoleon to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Napoleon participates, for items it receives pursuant to the contract.

Section 4. That, the City of Napoleon agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Napoleon agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Napoleon may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

Section 5. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 for the purchase of the necessary materials for its crack sealing program, utilizing the State Cooperative Purchasing Program. Also, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 6. That, the City Manager is authorized to enter into a contract for said purchase.

Section 7. 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 8. 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 9. 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; 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 purchase process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: March 2, 2020

Joseph D. Bialorucki  
Joseph D. Bialorucki, Council President

Approved: March 2, 2020

Jason P. Maassel  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

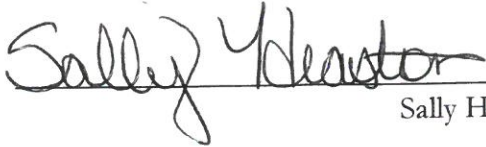
Roxanne Dietrich  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 004 -20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 9th day of March, 2020; & 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.*

Roxanne Dietrich  
Roxanne Dietrich, Clerk of Council

STATE OF OHIO  
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 9th day of March, 2020.



Sally Heaston

Subscribed and sworn to before me this  
19th day of March, 2020



Beverly Griteman  
Notary Public,  
State of Ohio  
My Commission Expires  
February 13, 2021

Printer's Fee: \$170.10  
Notary Fee: \$2.50

**Summary of Ordinance No. 008-20  
and Resolution No.(s) 003-20, 004-20**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

**NOTICE**

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

**Ordinance 008-20**

**AN ORDINANCE AMENDING SECTION 145.01 OF THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES, "COMPOSITION AND CONTROL OF THE POLICE DEPARTMENT, INCREASING THE COMPOSITION OF THE POLICE DEPARTMENT," AND REPEALING ORDINANCE NO. 013-06**

In this legislation, the City of Napoleon amended Section 145.01 of the City Codified Ordinances and repealed associated Ordinance No. 013-06.

**Resolution 003-20**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR THE PURPOSE OF IMPLEMENTATION OF A GIS SYSTEM, AND TO SOLE SOURCE SAID IMPLEMENTATION TO STANTEC CONSULTING SERVICES, INC.; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the expenditure of over \$25,000 for the implementation of a GIS system by Stantec Consulting Services, Inc.

**Resolution 004-20**

**A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized City participation in the ODOT Cooperative Purchasing Program.

The above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director