

RESOLUTION NO. 012-20

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO A CONTRACT FOR THE PURCHASE OF SODIUM
CHLORIDE IN COOPERATION WITH 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 for the purchase of machinery, material, supplies, or other articles; and,

WHEREAS, the City of Napoleon hereby relies upon this Resolution No. 012-20 as a written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-21) in accordance with Ohio Revised Code 5513.01(B), and hereby agrees to all terms and conditions as noted below in regard to the City's participation in the ODOT winter road salt contract; **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 Contract for Sodium Chloride (winter contract 018-21) 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 winter road salt 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 winter road salt contract, it shall effectively form a contract between the awarded salt 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 winter road salt 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 winter road salt contract; and,
- D. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the City of Napoleon agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and,
- E. The City of Napoleon hereby agrees to purchase a minimum of ninety percent (90%) of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and,
- F. The City of Napoleon hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and,

G. The City of Napoleon acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 24, 2020 by 12:00pm. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the City of Napoleon's participation request. Furthermore, it is the sole responsibility of the City of Napoleon to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive the City of Napoleon's participation agreement and/or the City of Napoleon's request to rescind its participation agreement.

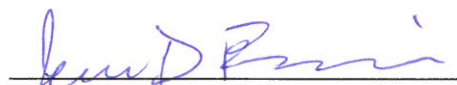
Section 2. That, the City Manager and/or the City Manager's representative are authorized to fill out and submit any and all necessary documentation to effectuate the intent of this legislation, including the ODOT prescribed form, and that the City of Napoleon agrees to the above terms and conditions regarding participation on the ODOT winter salt 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 Sodium Chloride, 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: April 6, 2020


Joseph D. Bialorucki, Council President

Approved: April 6, 2020


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 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. 012-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 11th day of April, 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, says that she is the General Manager 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, publishing on the 11th day of April, 2020

Sally Heaston

Sally Heaston

Subscribed and sworn to before me this 16th day of April, 2020

Ramona L. Engelberth

Notary Public

Ramona L. Engelberth

RAMONA L. ENGELBERTH
NOTARY PUBLIC, STATE OF OHIO
DEFIANCE COUNTY
My Commission Expires 7/11/2022

PRINTER'S FEE \$230.85

NOTARY FEE \$2.50

Summary of Ordinance No.(s) 007-20, 015-20, 017-20
and Resolution No.(s) 012-20, 016-20

(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 No. 007-20

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, SPECIFICALLY SECTION 925.13 "WASTE COLLECTION RATES," AND SECTION 925.16 "PURCHASE OF TAGS AND UTILITY PAYMENTS," AND REPEALING ORDINANCE NO.(S) 067-12 AND 028-95
In this legislation, the City of Napoleon amended certain sections of Chapter 925 of the City Codified Code, and repealed Ordinance No.(s) 067-12 and 028-95.

Ordinance No. 015-20

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 1) FOR THE YEAR 2020; AND DECLARING AN EMERGENCY
In this legislation, the City of Napoleon approved supplemental no. 1 to the annual appropriation measure for the year 2020.

Ordinance No. 017-20

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS (TRANSFER OF APPROPRIATION NO. 1) FROM ONE APPROPRIATION LINE ITEM TO ANOTHER APPROPRIATION LINE ITEM PURSUANT TO ORC SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020 AS LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY
In this legislation, the City of Napoleon approved appropriation transfer no. 1 for the fiscal year 2020.

Resolution 012-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SODIUM CHLORIDE IN COOPERATION WITH ODOT; AND DECLARING AN EMERGENCY
In this legislation, the City of Napoleon authorized the City Manager to enter into a contract for the purchase of sodium chloride with ODOT.

Resolution 016-20

A Resolution authorizing the Finance Director to transfer certain fund balances (Transfer No. 2) from respective funds to other funds per section 5705.14 ORC on an as needed basis in fiscal year 2020, listed in Exhibit "A;" and declaring an Emergency
In this legislation, the City of Napoleon approved fund transfer no. 2 for the fiscal year 2020.

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