

RESOLUTION NO. 045-21

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
RENEW A CONTRACT WITH WERLOR WASTE CONTROL &
RECYCLING, INC. WITHOUT THE NECESSITY OF PUBLIC
BIDDING; AND DECLARING AN EMERGENCY**

WHEREAS, an agreement was entered into on or about December 1, 2017 with Werlor Waste Control & Recycling, Inc. for the purpose of recycling processing; and,

WHEREAS, the agreement contained a Reopening Clause which provided for an extension of the agreement, with written notice to be presented three (3) months in advance; and,

WHEREAS, the current agreement expires on December 1, 2021; and,

WHEREAS, the Company has expressed its willingness to renew the current agreement under the same terms and conditions, for a three (3) year term, thereby resulting in savings to our residents; and,

WHEREAS, the City is a chartered municipality and now desires to exercise its Home Rule powers regarding such contracts; and,

WHEREAS, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding in this instance, as permitted in Article VI, Section 6.05 of the Charter of the City of Napoleon and Napoleon Codified Ordinance 106.04; **Now Therefore**,

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

Section 1. That, notwithstanding any provision of law, resolution, or ordinance to the contrary, pursuant to Article VI, Section 6.05 of the Charter of the City of Napoleon and Napoleon Codified Ordinance 106.04 a renewal of the contract with Werlor Waste Control & Recycling, Inc. is hereby authorized pursuant to the terms and conditions currently on file with the Clerk of Council, subject to any nonmaterial changes deemed necessary by the City Manager and approved as to form and correctness by the Law Director; moreover, the expenditure of funds is also authorized as a necessary proper public expenditure.

Section 2. That, it is the finding of this Council that it is in the best interest of the City and its inhabitants to eliminate the necessity for public bidding for the reasons stated in the preamble of this Resolution.

Section 3. That, the City Manager is authorized and directed to enter into the aforementioned contract renewal.

Section 4. 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 5. 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 6. 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 processing of waste and recyclables; 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 22, 2021


Joseph D. Bialorucki, Council President

Approved: November 22, 2021


Jason P. Maassel, Mayor

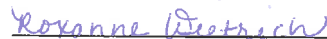
VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:


Roxanne Dietrich, Clerk of Council

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 045-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 30th day of November, 2021; & 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, Clerk of Council

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 30 day of November, 2021.

Sally Heaston
Sally Heaston

Subscribed and sworn to before me this
3 day of December 2021

Kristi Clark
Kristi Clark
Notary Public,
State of Ohio
My Commission
Expires October 25, 2025



Printer's Fee: \$179⁹⁰
Notary Fee: \$ 3⁰⁰

PUBLIC NOTICE

Summary of Resolution No.(s) 045-21, 050-21

(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.

Resolution No. 045-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW A CONTRACT WITH WERLOR WASTE CONTROL & RECYCLING, INC. WITHOUT THE NECESSITY OF PUBLIC BIDDING; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager to renew a contract with Werlor Waste Control & Recycling, Inc. without necessity of public bidding.

Resolution No. 050-21

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE REPLACEMENT OF CONTROL PANELS AT THE PALMER DITCH LIET STATION, WHICH WAS

**MENT PLANT, AND TO SOLE SOURCE SAID REPLACEMENT
TO THE CRAUN LIEBING COMPANY, AND DECLARING AN
EMERGENCY**

in this legislation, the City of Napoleon authorized the expenditure of funds over \$25,000 for the replacement of control panels at the Palmer Ditch Lift Station for the City wastewater treatment plant, and to sole source the replacement to the Craun Liebing Company.

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