

**RESOLUTION NO. 010-23**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF FIFTY THOUSAND DOLLARS (\$50,000) FOR THE PURPOSE OF REPLACING THE ROOFS OF THE EXISTING BUILDINGS AT THE CITY OF NAPOLEON WASTEWATER TREATMENT PLANT, AND TO AWARD SAID PURCHASE TO RICHLAND ROOFING; AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 106.04 of the City of Napoleon Codified Ordinances provides that “when the City may otherwise be required by the laws of Ohio, ordinance or resolution, to make any purchase or contract of any type of property or services, or contract for purchases or services by competitive bid, the proposal process, or quality based selection process, Council may eliminate the necessity therefor in the best interest of the City, as determined in the sole discretion of Council by a majority vote of the current members of Council[;]” and,

**WHEREAS**, the City of Napoleon Wastewater Treatment Plant desires to replace the roofs of the existing buildings for the proper operation of the Plant; and,

**WHEREAS**, the project to replace the roofs was included in the 2023 Master Bid Resolution, Resolution No. 068-22; and,

**WHEREAS**, the aforementioned project can be contracted through Richland Roofing; and,

**WHEREAS**, the City of Napoleon desires to award said project to Richland Roofing due to Richland Roofing’s familiarity with the project and the worksite, as Richland Roofing is the contractor that will be installing the roof on the newly constructed buildings for the Wastewater Treatment Plant; and,

**WHEREAS**, based on all the foregoing, 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, as permitted in Article VI, Section 6.05 of the Charter of the City of Napoleon and Section 106.04 of the City of Napoleon Codified Ordinances; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of fifty thousand dollars (\$50,000) for the completion of replacing the roofs for its Wastewater Treatment Plant, contracting the project to Richland Roofing. Further, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 2. That, the City of Napoleon authorizes the City Manager on behalf of the City of Napoleon to utilize Richland Roofing for the for the completion of the roofing repair project for which the Wastewater Treatment Plant has need pursuant to City of Napoleon Codified Ordinances Section 106.04.

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

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.

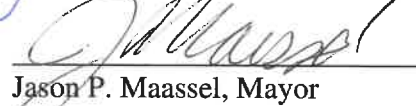
Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining 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; 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 project in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: 4-17-23

  
Joseph D. Bialorucki, Council President

Approved: 4-17-23

  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
Marrison Flogaus, Clerk of Council

*I, Marrison Flogaus, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 010-23 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023; & 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.*

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Marrison Flogaus, Clerk of Council