

Ordinance No. 7429

AN ORDINANCE AUTHORIZING A CONTRACT WITH DEFIANCE COUNTY PERTAINING TO REIMBURSEMENT OF MUNICIPAL EXPENSES INCURRED TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS PROSECUTED IN MUNICIPAL COURT FOR OFFENSES PROSCRIBED BY MUNICIPAL ORDINANCE AND DECLARING AN EMERGENCY

WHEREAS, the State Public Defender allocates funds to Defiance County for payment of expenses incurred to provide legal services to indigent persons charged with offenses punishable by incarceration; and,

WHEREAS, a long standing agreement between the City and County has enabled the County to allocate a portion of the funds received from the Public Defender to the City in reimbursement of expenses incurred to provide constitutionally required legal services to persons prosecuted for offenses proscribed by municipal ordinance; and,

WHEREAS, the Public Defender requires the agreement between the City and County to be documented by a contract conforming to model forms prescribed by the Public Defender; and,

WHEREAS, the Public Defender also requires the required contract to be annually renewed by Ordinance of Council and Resolution of the Board of County Commissioners;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Finance Director is authorized to execute the proposed contract entitled, *“Agreement for Indigent Defense Services in Municipal Court (Assigned Counsel)”*, to deliver the executed contract to the Board of County Commissioners and to receive and disburse funds in accordance with the agreement.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that immediate execution of the authorized agreement is required to enable timely action by the Board of County Commissioners and timely filing, review and approval of the agreement by the Public Defender so as to prevent a potential loss of State funding for legal expenses incurred on and after January 1, 2013. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: October 2, 2012

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 7
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 2, 2012

Bob Armstrong
Mayor

ORDINANCE NO. 7430

AN ORDINANCE AUTHORIZING THE AWARD OF A CONTRACT TO ALL PURPOSE CONTRACTING TO INSTALL SEWER IMPROVEMENTS ON EAST RIVER ROAD, CARPENTER ROAD AND KETTENRING DRIVE AND DECLARING AN EMERGENCY

WHEREAS, Immediate sewer and drainage improvements are required on East River Road to control riverbank erosion that presently threatens the East River Road Sewage Pump Station and to remove excessive storm water infiltration from the sanitary sewage collection and transmission system; and,

WHEREAS, Plans and materials specifications for the proposed improvements have been prepared by the City Engineer and bids to supply labor, materials, fuel and equipment necessary to construct and install the improvements have been solicited; and,

WHEREAS, All Purpose Contracting submitted the lowest responsive and responsible bid;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to award a contract to All Purpose Contracting to install sewer improvements conforming to the plans and specifications now on file as City Engineering Project 1208.

Section 2: The Finance Director is authorized to pay the bid price of \$44,207.90 and such other costs as may be incurred in accordance with the contractual terms established by the accepted bid from appropriated funds allocated to 2012 Budgetary Line Item 403-901-52-979-088.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that the improvements authorized by this Ordinance are immediately required to safeguard an existing pump station from severe damage that would be costly to repair and delay in the award of contract could jeopardize completion of the work during the 2012 construction season. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: October 2, 2012

Tim Holtsberry

President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 2, 2012

Bob Armstrong

Mayor

ORDINANCE NO. 7431

AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO PURCHASE A COMPUTER FOR USE BY THE CLERK OF CITY COUNCIL AND DECLARING AN EMERGENCY

WHEREAS, recently adopted revisions to the Rules of Conduct and Procedure provide that digital recordings shall serve as the minutes of each Council meeting and that posting the recordings to the Internet shall serve as publication of those minutes; and,

WHEREAS, the computer issued to the Clerk of Council has proven inadequate to process large data files produced by the video recording equipment; and,

WHEREAS, pursuant to Motion duly adopted in Open Meeting, the President of Council has solicited proposals to supply a suitable computer for the Clerk's use; and,

WHEREAS, the President recommends the purchase of a Dell Inspiron Model 17R notebook computer conforming to specifications detailed in the proposal submitted by Best Price Computer on September 14, 2012;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is directed to purchase one Dell Inspiron notebook computer, Model Number i17R-2895SLV, conforming to the product description recited in the Best Price Computer proposal dated September 14, 2012, from Best Price Computer of Defiance, Ohio, and at the quoted price of \$1,348.99.

Section 2: The Finance Director is directed to pay the authorized purchase price from appropriated Capital Funds allocated to 2012 Budgetary Line Item 403.901.52.963000.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that prompt delivery of the authorized equipment is required to enable the Clerk of Council to comply with recently enacted provisions of the Rules of Conduct and Procedure. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: October 2, 2012

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 2, 2012

Bob Armstrong
Mayor