

# ORDINANCE NO. 7438

## 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 solicited proposals to supply a suitable computer for the Clerk's use and Council approved the purchase of a Dell Inspiron Model 17R notebook computer conforming to specifications detailed in a proposal dated September 14, 2012; and,

**WHEREAS**, the model designated for purchase is no longer locally available due to the manufacturer's suspension of production in anticipation of the release of the Windows 8 operating system by Microsoft Corporation;

**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 Asus Model r704vd-rb51 s/n C7N08C002642268 notebook computer and software conforming to the product description recited in the Best Price Computer proposal dated October 24, 2012, from Best Price Computer of Defiance, Ohio, and at the quoted price of \$1,742.97.

**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 23, 2012      Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 6  
Votes Opposed to Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: October 23, 2012      Bob Armstrong  
Mayor

# ORDINANCE NO. 7439

## AN ORDINANCE AUTHORIZING A CONTRACT TO SUPPLY LABOR AND MATERIALS TO RENOVATE WATER TREATMENT PLANT FACILITIES AND DECLARING AN EMERGENCY

**WHEREAS**, steel stairs and mezzanine decking in that part of the Water Treatment Plant formerly used to store Ferric Chloride have been damaged by corrosion; and,

**WHEREAS**, treatment processes and storage facilities have been redesigned and reconstructed to eliminate indoor storage of corrosive Ferric Chloride; and,

**WHEREAS**, plans and specifications have been developed to adapt the former Ferric Chloride storage area for reuse as a maintenance shop; and,

**WHEREAS**, bids have been solicited to supply labor, materials, fuel and equipment to construct the proposed improvements in conformity with the plans and specifications;

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

**Section 1:** The plans and specifications for improvements to the Water Treatment Works are approved and the City Administrator is authorized to award a contract to the lowest responsive and responsible bidder in accordance with general law and all applicable codified Ordinances.

**Section 2:** The Finance Director is directed to pay costs incurred in accordance with the authorized contract from Capital Improvement Funds allocated to the Water Division by line 591-537-5-2-980880 of the 2012 annual budget.

**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 area to be renovated is unheated and immediate commencement of the authorized work is required to assure installation of necessary mechanical systems prior to the onset of winter. 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 23, 2012

Tim Holtsberry

President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: October 23, 2012

Bob Armstrong

Mayor

**Ordinance No. 7440**  
**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR  
TO CONTRACT WITH RK HYDRO-VAC, INC. TO SERVICE RAPID  
SAND FILTERS AT THE WATER TREATMENT WORKS AND  
DECLARING AN EMERGENCY**

**WHEREAS**, The Water Treatment Works has embarked on a program to refurbish two rapid sand filters per year in calendar years 2012, 2013 and 2014; and,

**WHEREAS**, Bids were solicited to perform the work scheduled for 2012 and RK Hydro-Vac, Inc. of Piqua, OH was determined to be the lowest responsive and responsible bidder;

**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 RK Hydro-Vac, Inc. to remove the filter media from two rapid sand filters, clean and refurbish the evacuated filter tanks and replace the filter media on the terms and conditions of service and in accordance with the plans and materials specifications established by the accepted bid.

**Section 2:** The Finance Director is authorized to pay the bid price of the authorized contract and such contingent expenses as may be incurred in accordance with the terms of the solicitation and bid, not to exceed \$50,000.00, from appropriated Capital Improvement Funds allocated to the Water Division by line 591-537-5-2-980880 of the 2012 annual budget.

**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 the preservation of the health, safety and welfare of the community for the reason that immediate replacement of the filter media in filter #6 is necessary to achieve and maintain compliance with Safe Drinking Water Act requirements. 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 23 \_\_\_\_\_, 2012      Tim Holtsberry \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 6  
Votes Opposed to Adoption: 0

Attest: Tim Holtsberry \_\_\_\_\_, Acting Clerk

Approved: October 23 \_\_\_\_\_, 2012      Bob Armstrong \_\_\_\_\_  
Mayor



ORDINANCE No. 7442

**AN ORDINANCE AUTHORIZING THE TRANSFER  
OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE  
YEAR ENDING DECEMBER 31, 2012.**

**Whereas**, the Council of the City of Defiance has previously provided for the transfer of funds in the annual appropriation ordinance; and

**Whereas**, the City Finance Director has determined that it is necessary to transfer a portion of the appropriated funds in order to meet current expenses and other expenditures of the City:

**Now, therefore**, be it enacted by the Council of the City of Defiance, Defiance County, Ohio:

**Section 1:** The following amounts shall be transferred:

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 18,337	Police Pension Fund #732
General Fund #101	\$ 15,837	Fire Pension Fund #733
WPC Fund #590	\$ 20,275	General Fund #101
WPC Fund #590	\$ 18,000	Utilities Billing Office Fund #585
WTP Fund #591	\$ 23,738	General Fund #101
WTP Fund #591	\$ 18,000	Utilities Billing Office Fund #585
Refuse #596	\$ 2,000	Utilities Billing Office Fund #585

**Section 2:** It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

**Section 3:** This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Tim Holtsberry  
President of Council

Passed: October 23, 2012

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: October 23, 2012

By: Bob Armstrong, Mayor

ORDINANCE No. 7443

**AN ORDINANCE AMENDING ORDINANCE NO. 7329 PASSED  
DECEMBER 13, 2011 TO MAKE APPROPRIATIONS FOR  
CURRENT EXPENSES AND OTHER EXPENDITURES OF  
THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF  
JANUARY 1, 2012 THROUGH DECEMBER 31, 2012,  
AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Finance Director has determined that additional appropriations are necessary to provide for expenditures; and

**WHEREAS**, that in addition to approving the expenditure of all public funds, Council must approve the appropriation of all public funds;

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

**Section 1:** That, to provide for expenses of the City of Defiance, State of Ohio, during the period of January 1, 2012 through December 31, 2012, Ordinance No. 7329 is hereby amended by appropriation changes to the following accounts:

<b>101 - GENERAL FUND</b>			
<b>145 - COUNTY LAW LIBRARY</b>			
Operating	\$	9,500.00	
<b>TOTAL - COUNTY LAW LIBRARY</b>			<b>\$ 9,500.00</b>
<b>172 - CITY ADMINISTRATOR</b>			
Operating	\$	8,000.00	
<b>TOTAL - CITY ADMINISTRATOR</b>			<b>\$ 8,000.00</b>
<b>447 - ENGINEERING</b>			
Salary & Wages	\$	20,000.00	
<b>TOTAL - ENGINEERING</b>			<b>\$ 20,000.00</b>
<b>TOTAL - GENERAL FUND</b>			<b>\$ 37,500.00</b>
<b>202 - STATE HIGHWAY IMPROVEMENT FUND</b>			
Operating	\$	7,000.00	
<b>TOTAL - STATE HIGHWAY IMPROVEMENT FUND</b>			<b>\$ 7,000.00</b>
<b>203 - PERMISSIVE TAX FUND</b>			
Operating	\$	18,000.00	
<b>TOTAL - PERMISSIVE TAX FUND</b>			<b>\$ 18,000.00</b>
<b>256 - SPECIAL PROJECTS FUND</b>			
Operating	\$	2,500.00	
<b>TOTAL - SPECIAL PROJECTS FUND</b>			<b>\$ 2,500.00</b>
<b>260 - CABLE TV FUND</b>			
Operating	\$	16,500.00	
<b>TOTAL - CABLE TV FUND</b>			<b>\$ 16,500.00</b>
<b>403 - CAPITAL IMPROVEMENTS FUND</b>			
Operating	\$	170,000.00	
<b>TOTAL - CAPITAL IMPROVEMENTS FUND</b>			<b>\$ 170,000.00</b>
<b>590 - WATER POLLUTION CONTROL FUND</b>			
Salary & Wages	\$	22,000.00	
<b>TOTAL - WATER POLLUTION CONTROL FUND</b>			<b>\$ 22,000.00</b>
<b>704 - HOTEL/MOTEL TAX FUND</b>			
Operating	\$	34,500.00	
<b>TOTAL - HOTEL/MOTEL TAX FUND</b>			<b>\$ 34,500.00</b>
<b>GRAND TOTAL - ALL FUNDS</b>			<b>\$ 308,000.00</b>

**RECAPITULATION OF APPROPRIATIONS**

101	General Fund	\$	37,500.00
202	State Highway Improvement Fund	\$	7,000.00

203	Permissive Tax Fund	\$	18,000.00
256	Special Projects Fund	\$	2,500.00
260	Cable TV Fund	\$	16,500.00
403	Capital Improvements Fund	\$	170,000.00
590	Water Pollution Control Fund	\$	22,000.00
704	Hotel/Motel Tax Fund	\$	34,500.00
<b>GRAND TOTAL - ALL FUNDS</b>			<b><u><u>\$ 308,000.00</u></u></b>

**Section 2:** It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

**Section 3:** This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Tim Holtsberry  
\_\_\_\_\_  
President of Council

Passed: October 23 \_\_\_\_\_, 2012

Attest: Tim Holtsberry \_\_\_\_\_, Acting Clerk

Votes Approving Adoption: 6  
Votes Opposing Adoption: 0

Approved: October 23 \_\_\_\_\_, 2012

By: Bob Armstrong \_\_\_\_\_, Mayor