

ORDINANCE NO. 7478

AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO MAKE APPLICATION FOR WATER POLLUTION CONTROL LOAN FUNDS

WHEREAS, Codified Ordinance §131.05, delegated continuing authority to the City Administrator to, *“prepare and submit all documents now or hereafter required to make application for and accept funds from the Ohio Water Pollution Control Loan Fund, to include, without limitation, all loan applications and repayment agreements deemed necessary or appropriate to such transactions”* and dedicated, *“the Sewer Fund to include all existing cash balances in the Sewer Capital Improvement and Water Pollution Control funds and future revenues generated for deposit to said funds by the levy and collection of general rates and other charges collected from users of the municipal sewerage system”* to repayment of moneys borrowed from the Water Pollution Control Loan Fund; and,

WHEREAS, the City Administrator intends to submit an application for a loan to finance anticipated costs to complete an evaluation of the City’s sewers begun in 2012 and begin development of a revised CSO Long Term Control Plan to be completed in 2015; and,

WHEREAS, by correspondence dated March, 12, 2012, administrators of the Ohio Water Pollution Control Loan Fund informed City officials that annual re-authorization of the City Administrator’s authority to submit applications for Water Pollution Control Loan Funds will be required;

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

Section 1: All actions heretofore taken by the City Administrator in the exercise of authority delegated by Codified Ordinance §131.05 are ratified and confirmed.

Section 2: The authority delegated to the City Administrator by Codified Ordinance §131.05 is ratified and confirmed and he is hereby authorized to: *“prepare and submit all documents now or hereafter required to make application for and accept funds from the Ohio Water Pollution Control Loan Fund, to include, without limitation, all loan applications and repayment agreements deemed necessary or appropriate to such transactions”* including, without limitation, such applications and related documents as may be appropriate to secure an award of funding for CSO Long Term Control Plan planning activities scheduled for completion in 2013.

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 shall be effective on the earliest date permitted by law.

Passed: February 12, 2013 Tim Holtsberry
President of Council

Attest: Tim Holtsberry, Acting Clerk

Approved: February 12, 2013 Bob Armstrong
Mayor

Ordinance No. 7479
**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR
TO PURCHASE A POLICE PATROL CAR**

WHEREAS, provision was made in the 2013 annual budget for replacement of one police patrol car; and,

WHEREAS, the lowest cost pursuit-equipped vehicle available through the Ohio Department of Administrative Services Cooperative Purchasing is a Dodge Charger priced at \$21,533; and,

WHEREAS, competitive quotations to supply a comparably equipped vehicle were solicited from local automobile dealers and the lowest cost proposal was submitted by Integrity Chrysler-Jeep-Dodge Ram to supply a Dodge Charger conforming to the Ohio Department of Administrative Services' product specifications at a delivered price of \$21,641; and,

WHEREAS, anticipated labor and transportation costs to deliver a vehicle purchased through the Ohio Department of Administrative Services exceed the \$108.00 difference between the state bid price and local price; and,

WHEREAS, Integrity Chrysler-Jeep-Dodge Ram has offered a \$4,000.00 trade-in allowance for the 2010 Ford Crown Victoria to be retired from police service, thereby eliminating all costs that would otherwise be incurred to sell the used vehicle and all uncertainty about the net cost to be incurred to replace that vehicle;

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

Section 1: the City Administrator is authorized to purchase one Dodge Charger police cruiser conforming to Ohio Department of Administrative Services, Co-Operative Purchasing Program, specifications from Integrity Chrysler-Jeep-Dodge Ram of Defiance, Ohio, and to sell one 2010 Ford Crown Victoria police cruiser by trade-in allowance for a net purchase price of \$17,641.00.

Section 2: the Finance Director is authorized to pay the net purchase price from 2013 budgetary line 403-901-5-2-976-054.

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 shall be effective on the earliest date permitted by law.

Passed: February 12, 2013 Tim Holtsberry
President of Council

Attest: Tim Holtsberry, Acting Clerk

Approved: February 12, 2013 Bob Armstrong
Mayor

Ordinance No. 7480
**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR
TO CONTRACT WITH KOENIG SECURITY & ELECTRONICS, INC. TO
DESIGN AND INSTALL A SECURITY SYSTEM FOR THE WATER
POLLUTION CONTROL TREATMENT WORKS**

WHEREAS, The City Administrator solicited competitive price proposals to design and install an access control and security system for the Water Pollution Control Treatment Works and Koenig Security & Electronics, Inc. submitted the lowest cost proposal; and,

WHEREAS, operational efficiency requires that electronic passes used to limit entry and control movement within the treatment works be compatible with like-kind controls in use at City Hall and other municipal buildings; and,

WHEREAS, Koenig Security & Electronics, Inc., supplied and currently maintains the access control and security systems installed in all other municipal buildings; and,

WHEREAS, it may be desirable to augment the proposed access control system by incorporating additional sensors, alarms and monitors but the necessity for and utility of such additional equipment cannot be fully determined prior to installation of the system;

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 Koenig Security & Electronics, Inc., to design and install the water pollution control treatment works access control system described by the proposal dated January 12, 2013, and at the quoted price of \$19,198.64.

Section 2: The City Administrator is authorized to purchase and install additional sensors, alarms and monitoring equipment conforming to product specifications detailed in the January 12, 2013, proposal, provided, however, that aggregate expenditures for equipment purchased pursuant to this Section shall not exceed \$4,000 without prior authorization by Ordinance.

Section 3: The Finance Director is authorized to pay all costs incurred pursuant to Sections 1 and 2 of this Ordinance from 2013 Budget Line 590-540-5-2-935030.

Section 4: 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 or in Executive Session duly convened in accordance with law.

Section 5: This Ordinance shall be effective on and after the earliest date permitted by law.

Passed: February 12, 2013 Tim Holtsberry
President of Council

Attest: Tim Holtsberry, Acting Clerk

Approved: February 12, 2013 Bob Armstrong
Mayor

Ordinance No. 7481

AN ORDINANCE AMENDING CHAPTER 151 OF THE CODIFIED ORDINANCES PERTAINING TO THE PROCUREMENT OF GOODS AND SERVICES

WHEREAS, The General Assembly has increased the threshold amount above which formal bidding of public contracts to supply goods, construction and other services is required; and,

WHEREAS, Article II, Section 2.12 of the City Charter empowers Council to adopt an Administrative Code defining the powers and duties of organizational units of the municipal government; purchase, lease, sell and dispose of municipal assets; and provide the procedure to be employed in all bidding in which the City of Defiance is involved; and,

WHEREAS, Council finds existing provisions of the Codified Ordinances requiring formal approval of all expenditures of \$500 by the Board of Control, formal approval of all expenditures of \$7,500 by Ordinance and formal bidding all procurement contracts involving the expenditure \$25,000 to be unduly cumbersome and inefficient;

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

Section 1: Section 151.02 of the Codified Ordinances is hereby amended to provide (deleted text ~~stricken~~, newly added text in *italics*):

151.02 APPROVAL OF CONTRACTS.

No contract in excess of ~~five hundred one thousand~~ *one thousand* dollars (~~\$500.00~~ *1,000.00*) shall be awarded except on the approval of the Board of Control. All contracts in excess of ~~seven fifteen thousand five hundred~~ *seventeen thousand* dollars (~~\$7,500~~ *15,000.00*) shall require ~~Council legislative~~ *Council* approval by ~~legislation Ordinance of record~~, provided, however, that the Board of Control may approve the expenditure of up to ~~ten twenty~~ *twenty* thousand dollars (~~\$10~~ *20,000*) from duly appropriated and budgeted moneys for the purchase of motor fuel, ~~residential~~ *residential* water meters and ~~chemicals, including ice-control salt~~, without further approval by ordinance.

Section 2: Section 151.03 of the Codified Ordinances is hereby amended to provide (deleted text ~~stricken~~, newly added text in *italics*):

151.03 COMPETITIVE BIDDING REQUIRED; EXCEPTIONS.

- (a) All contracts involving ~~the expenditures in excess of twenty five fifty~~ *the expenditures in excess of twenty five* thousand dollars (~~\$25-50,000.00~~ *\$25-50,000.00*) shall be ~~let after properly advertised competitive bidding awarded~~ *let after properly advertised competitive bidding awarded* to the lowest responsive and responsible bidder ~~as defined by Ohio Revised-Code- § 9.31, 9.311, 9.312 and 9.313 unless otherwise provided by statutory law.~~
- (b) All proposed purchases ~~involving the expenditure of between five hundred dollars (\$500.00) and twenty five one thousand dollars (\$25,000.00 1,000.00)~~ *involving the expenditure of between five hundred dollars (\$500.00) and twenty five one thousand dollars (\$25,000.00 1,000.00)*, excluding items or services under pre-existing contracts, shall require the ~~submittal submission~~ *submission* of documentations, ~~along with the purchase order, demonstrating to the Board of Control indicating the efforts made to secure at least two multiple price proposals for the item and/or service requested to be procured.~~ *In the event the Board of Control approves an expenditure based on fewer than three competing price quotations, justification for that action shall be documented in the Board minutes.*
- (c) Expenditures ~~exceeding twenty five thousand dollars (\$25,000.00)~~ *exceeding twenty five thousand dollars (\$25,000.00)*, authorized in accordance with Ohio R.C. 735.051, 735.052, or 735.053 shall be exempt from ~~the~~ *the* competitive bidding requirements, but shall require ~~Council~~ *Council* approval ~~in accordance with Section 151.02.~~
- (d) Expenditures ~~exceeding twenty five thousand dollars (\$25,000.00)~~ *exceeding twenty five thousand dollars (\$25,000.00)* for the performance of professional design, *construction management or design and build* services shall be exempt from ~~the~~ *the* competitive bidding requirements but shall require ~~Council~~ *Council* approval ~~in accordance with Section 151.02~~ following selection of the ~~design~~ *design* professional to whom such contract is to be awarded in accordance with ~~the~~ *the* statutory procedures of ~~Ohio R.C. 153.65 - 153.71.~~
- (e) Expenditures ~~exceeding twenty five thousand dollars (\$25,000.00)~~ *exceeding twenty five thousand dollars (\$25,000.00)* for the performance of professional or technical services to include, without limitation: engineering or architectural consultation not involving design; legal, accounting, *financial and investment services*; ~~and~~ *and* investigatory services undertaken in

anticipation of litigation; and consulting services relating to design or implementation of information and telecommunications systems shall be exempt from ~~the competitive bidding requirements~~ but shall require approval ~~by an Ordinance of Record~~ *in accordance with Section 151.02.*

Section 3: Section 151.04 of the Codified Ordinances is hereby amended to provide (deleted text ~~stricken~~, newly added text in *italics*):

151.04 SALE OF SURPLUS PERSONAL PROPERTY.

- (a) An ordinance of record shall be required to authorize the sale of personal property having an estimated value of ~~two~~ *four* thousand dollars (~~\$2 4,000~~) ~~or more~~. The Department Head responsible for the management of personal property having an estimated value of less than ~~two~~ *four* thousand dollars (~~\$2 4,000~~) may sell the same upon concurrence of the Board of Control that the asset to be sold is not needed for Municipal purposes. Any determination by the Board of Control to authorize the sale of surplus ~~personal~~ property shall be documented in the minutes of the meeting at which the action is taken.
- (b) Unless otherwise provided by *an ordinance adopted pursuant to in accordance with subsection (a) hereof*, a Department Head authorized to sell surplus ~~personal~~ property may do so by:
- (1) ~~By the~~ sale to the highest bidder at public auction following advertisement of the date, time and place at which such auction is to be conducted;
 - (2) ~~By~~ sale in accordance with the terms of a written contract awarded to the highest responsive and responsible bidder submitting a sealed bid in response to *an advertised solicitation of proposals to purchase the items to be sold following advertisement of the solicitation*;
 - (3) ~~By~~ trade-in allowance pursuant to the terms of a written contract awarded in conformity with Section 721.15(B) of the Ohio Revised Code;
 - (4) ~~By~~ sale to the United States, State of Ohio or a political subdivision of the State of Ohio in accordance with the terms of a written contract authorized by general laws.
 - (5) ~~By~~ *sale by* Internet auction conducted in conformity with Ohio Revised Code §721.15.
- (c) Advertisements required by this section shall be published once per week for two consecutive weeks in a newspaper of general circulation in the City. Additional advertisement may be authorized by the Board of Control.

Section 4: Section 151.05 of the Codified Ordinances is hereby amended to provide (deleted text ~~stricken~~, newly added text in *italics*):

151.05 RECURRENT PURCHASES OF WATER TREATMENT CHEMICALS.

- (a) *Notwithstanding any provision of Section 151.02 or 151.03 of this Chapter, The* City Administrator is authorized to award contracts ~~for the to supply of:~~ *Copper Sulfate, Fluorosilicic Acid, Hydrochloric Acid, Lime Polymer AS-8750, Liquid Carbon Dioxide, Liquid Chlorine, Liquid Ferric Chloride, Liquid Polyphosphate, Liquid Sodium Hypochlorite, Liquid Sodium Permanganate, Liquid Sulfur Dioxide, PAK-27 Algaecide, Pebble Quick Lime, Powdered Activated Carbon, and Sodium Aluminate* in such concentrations and formulations as are recommended by the Superintendent of the Water Division and Superintendent of the Water Pollution Control Division and in such quantities as are deemed by the City Administrator to be adequate to assure uninterrupted operation of the Water Treatment Works and Wastewater Treatment Works.
- (b) Contracts awarded pursuant to subsection (a) of this section shall be for terms of not ~~less than three months nor~~ longer than one year and shall be awarded to the *supplier submitting the lowest responsive and responsible bidder price proposal* as determined by the Board of Control. *Formal bids shall be solicited only for contracts reasonably anticipated to require an expenditure of Fifty Thousand Dollars (\$50,000.00). Approval of all chemical supply contracts involving the expenditure of more than One Thousand Dollars (\$1,000.00) shall be documented in the minutes of the Board of Control and conform to the requirements of Codified Ordinance 151.03(b).*

~~(e) The City Administrator is directed to procure all other industrial chemicals required for operation of the water and wastewater treatment works through use of purchase mechanisms authorized by Section 151.03.~~

Section 5: 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 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: February 12, 2013 Tim Holtsberry
President of Council

Attest: Tim Holtsberry, Acting Clerk

Approved: February 12, 2013 Bob Armstrong
Mayor