

ORDINANCE NO. 7504

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE TWO MOTOR VEHICLES AND DECLARING AN EMERGENCY

WHEREAS, the 2013 annual budget allocated funds to purchase replacement vehicles for use by the City Engineer and Residential Building Code Official; and,

WHEREAS, proposals to supply the desired vehicles were solicited from local dealers and compared to the prices available for like-kind equipment purchased through the Ohio Department of Administrative Services, Cooperative Purchasing Program; and,

WHEREAS, no mid-sized cross-over utility vehicle suitable for use by the City Engineer is available through the Department of Administrative Services and Integrity Chrysler-Jeep-Dodge Ram submitted the lowest priced proposal to supply a suitable vehicle; and,

WHEREAS, Mark Moats Ford, Inc. submitted the lowest priced proposal to supply a four wheel drive pick-up truck suitable for use by the Building Inspector and quoted a price substantially lower than that established for a comparable vehicle purchased through the Department of Administrative Services;

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 2013 Dodge Journey SXT all-wheel drive utility vehicle from Integrity Chrysler-Jeep-Dodge Ram of Defiance, Ohio, for \$21,797.00 net of a \$1,000.00 trade-in allowance, as detailed in the accepted proposal on file.

Section 2: The City Administrator is authorized to purchase one 2013 Ford F-150, regular cab, short bed, four wheel drive pick-up truck from Mark Moats Ford, Inc. of Defiance, Ohio, for \$20,845.00, as detailed in the accepted proposal on file.

Section 3: The Finance Director is authorized to pay all costs incurred pursuant to the authority of this Ordinance from 2013 Budget Line 403-901-5-2-974.042.

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 duly convened in accordance with law.

Section 5: This Ordinance is declared to be an emergency measure necessary to the health, safety and welfare of the community for the reason that immediate placement of the authorized purchase orders is necessary to assure product availability and avoid cost increases anticipated for 2014 model year vehicles. 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: May 28, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 28, 2013

Bob Armstrong
Mayor

Ordinance No. 7505

AN ORDINANCE RATIFYING THE AWARD OF A CONTRACT TO SUPPLY ELECTRICITY TO DESIGNATED MUNICIPAL FACILITIES FOR A PERIOD OF THREE YEARS AND DECLARING AN EMERGENCY

WHEREAS, regulatory changes adopted by the Federal Energy Commission and Ohio Public Utilities Commission enable consumers of electric power to purchase electricity from generating companies other than the incumbent certified public utility on terms of sale and at prices determined by agreement rather than regulatory tariffs; and,

WHEREAS, the municipality has procured market-priced power for 17 locations by negotiated contracts, the most recent being a 24 month supply contract with First Energy Solutions that will expire in February, 2014; and,

WHEREAS, the current and previous power supply contracts were awarded on the basis of sealed proposals submitted by suppliers without public bidding in reliance on a Council finding that selection of an electricity supplier by public auction was impractical due to prevailing customs in the industry and the absence of a recognized forum in which contracts to supply of power to government entities might be priced by auction; and,

WHEREAS, Council finds that it is preferable to award procurement contracts at prices determined by publicly-bid auction sales whenever possible; and,

WHEREAS, on May 24, 2013, the Board of Control engaged Energy Market Exchange, of Houston, Texas, to solicit publicly disclosed bids for a contract to supply electric power to the 17 identified municipal facilities for a period of 6, 12, 18, 24, or 36 months beginning at the expiration of the existing contract with First Energy Solutions; and,

WHEREAS, 7 electric supply companies, including First Energy Solutions, participated in active, public, reverse auction bidding on a nationally recognized electronic trading platform that did not previously exist and Direct Energy Business, LLC, submitted the lowest bid to supply electric power during each of the contract terms offered; and,

WHEREAS, the Board of Control recommends award of contract for the longest service term available to protect against anticipated increases in the price of natural gas used to generate electricity and increases in capacity and transmission tariffs presently pending regulatory review;

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

Section 1: The Contract executed, subject to Council approval, by the Finance Director on May 24, 2013, and providing for the supply of electric power to designated municipal facilities at a fixed price of \$0.0588 per kilowatt hour for a term of 36 months beginning in February, 2014, is hereby ratified and confirmed.

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 substantial cost savings can be realized by immediate adoption of the authorized contract and market changes during any period of delay could result in reduction or loss of those savings. 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: May 28, 2013 Tim Holtsberry
President of Council

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

Attest: Lisa Elders, Clerk

Approved: May 28, 2013 Bob Armstrong
Mayor

ORDINANCE NO. 7506

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO MAKE APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR A GRANT OF FUNDS TO PROVIDE A SCHOOL RESOURCE OFFICER, ENTER INTO A CONTRACT WITH THE DEFIANCE CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, The Board of Education of the Defiance City School District has expressed interest in improving security on public school grounds by employment of a police officer to serve as a School Resource Officer; and,

WHEREAS, The United States Department of Justice has established a grant program under which Federal funds may be made available to municipalities to underwrite 75% of salary and benefit costs incurred to employ additional police officers to serve as School Resource Officers, subject to a maximum of \$125,000 per officer hired; and,

WHEREAS, The Board of Education has presented the City Administrator with a proposed contract obligating the Defiance City School District to reimburse the municipality for 25% of salary and benefit costs incurred to employ one additional police officer to serve as a School Resource Officer; and,

WHEREAS, The estimated municipal cost to employ one additional police officer for a period of three years, net of funds to be received from the U.S. Department of Justice and Defiance City School District, will be \$33,000; and,

WHEREAS, The officer to be employed pursuant to the grant will be available for general law enforcement purposes and may be assigned to non-school related duties during periods when public schools are not in session:

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

Section 1: The City Administrator is authorized to submit an application to the United States Department of Justice seeking funds to assist the municipality with costs to be incurred to employ one additional police officer to make sufficient manpower available to enable one police officer to be assigned to primary duty as a School Resource Officer.

Section 2: In the event the authorized grant application is approved, the City Administrator is authorized to execute and deliver the proposed agreement between the City of Defiance and Defiance City School District pertaining to assignment of one municipal police officer to primary duty as a School Resource Officer.

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 the authorized grant application must be filed by June 4, 2013, in order to be considered for funding by the U.S. Department of Justice. 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: May 28, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 28, 2013

Bob Armstrong
Mayor