

# Ordinance No. 7582

## AN ORDINANCE AMENDING SECTION 151.04(b)(5) OF THE CODIFIED ORDINANCES

WHEREAS, Codified Ordinance 151.04(b)(5) authorizes sale of municipal surplus by internet auction conducted in conformity with §721.15 of the Ohio Revised Code; and,

WHEREAS, Revised Code §721.15 requires Council to annually adopt a Resolution authorizing such sales and further requires that the notice of the adoption of the required annual Resolution and notice of the sale of each item to be sold pursuant to the Resolution be advertised and posted in accordance with statutory requirements; and,

WHEREAS, Council finds that manner by which surplus property is to be sold is a matter of local self government and that compliance with the aforesaid statutory requirements is inconsistent with Council's intent codifying §151.04(b)(5) as permanent Ordinance;

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

Section 1: §151.01(b)(5) of the Codified Ordinances is amended to provide (deleted text ~~struck~~, newly added text in italics):

### 151.04 SALE OF SURPLUS PERSONAL PROPERTY

(b) Unless otherwise provided by an Ordinance adopted in accordance with subsection (a), a Department Head authorized to sell surplus property may do so by:

(5) Sale by Internet auction conducted in conformity with ~~Ohio R. C. 721.15~~ the following requirements:

- A. All sales shall be conducted at [www.govdeals.com](http://www.govdeals.com) in accordance with the terms and conditions of online sales appended to the contract between the City of Defiance and GovDeals, Inc. dated April 13, 2010, and such amendments thereto as may be in effect on the date an item is listed for sale;
- B. The listing agreement for each item to be sold shall provide that bids will be accepted for a period of 10 days or such longer period as the Department Head may specify;
- C. Notice of each auction shall be published on the home page of the City of Defiance website prior to commencement of the auction and at all times during which bids may be submitted for the item offered for sale. The Notice shall contain a brief description of the item offered for sale, the beginning and ending dates of the period during which bids will be accepted and a link to the [www.govdeals.com](http://www.govdeals.com) page at which a complete description of the item and terms and conditions of sale are published and at which bids to purchase the item may be submitted.

Section 2: All provisions of Codified Ordinance §151.04 not expressly amended by Section 1 are ratified, confirmed and shall remain in full force and effect.

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 11, 2014

Mike McCann  
President of Council

Attest: Lisa Elders, Clerk

Approved: February 11, 2014

Bob Armstrong  
Mayor

# Ordinance No. 7583

AN ORDINANCE APPROVING AND RATIFYING A COLLECTIVE  
BARGAINING AGREEMENT BETWEEN THE CITY OF DEFIANCE AND  
A.F.S.C.M.E LOCAL 2213  
AND DECLARING AN EMERGENCY

Be it Enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The Mayor, President of Council and all other appropriate officials and agents of the City are authorized to enter into and execute the proposed Collective Bargaining Agreement heretofore ratified by the membership of A.F.S.C.M.E. Local 2213 pertaining to the period August 1, 2013, to July 31, 2016.

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 or in Executive Session duly convened in accordance with law.

Section 3: This Ordinance is declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community for the reason that the existing contract between the City and A.F.S.C.M.E. Local 2213 expired on July 31, 2013, and timely approval and implementation of the agreement reached through negotiation is necessary to preserve labor relations and comply with the City's statutory duty to negotiate in good faith. 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.

Mike McCann  
President of Council

Passed: February 11, 2014

Votes Approving Adoption: 7

Attest: Lisa Elders, Clerk

Approved: February 11, 2014

By: Bob Armstrong, Mayor

# Ordinance No. 7584

## AN ORDINANCE AUTHORIZING THE SALE OF FIRE ENGINE 223 TO THE BOARD OF TOWNSHIP TRUSTEES OF RICHLAND TOWNSHIP

WHEREAS, The Fire Chief recommended that Engine 223 be sold as municipal surplus; and,

WHEREAS, The Board of Township Trustees of Richland Township offered \$40,000.00 to purchase Engine 223 and associated loose equipment; and,

WHEREAS, Council finds that \$40,000.00 is a reasonable price for Engine 223; and,

WHEREAS, Council further finds that, by reason of the mutual aid agreement between the City and Richland Township, sale of Engine 223 to Richland Township benefits the City and its inhabitants in ways that cannot be obtained by sale to other potential purchasers regardless of the price offered;

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

Section 1: Fire Engine 223 is hereby declared to be municipal surplus. The City Administrator is directed to sell Engine 223 and all loose equipment itemized in the purchase offer dated February 2, 2014, to the Board of Township Trustees of Richland Township, Defiance County, Ohio, at the offered price of \$40,000.00.

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 shall be effective on the earliest date permitted by law.

Passed: February 11, 2014

Mike McCann  
President of Council

Attest: Lisa Elders, Clerk

Approved: February 11, 2014

Bob Armstrong  
Mayor

# Ordinance No. 7585

## AN ORDINANCE APPROVING COLLECTIVE BARGAINING AGREEMENTS WITH DEFIANCE POLICE OFFICERS ASSOCIATION, LOCAL 166 A/W I.U.P.A. (AFL-CIO), AND DEFIANCE FIREFIGHTERS LOCAL 918, I.A.F.F. (AFL-CIO), AND DECLARING AN EMERGENCY

WHEREAS, The collective bargaining agreement between the City of Defiance and Defiance Police Officers Association, Local 166 a/w International Union of Police Associations (AFL-CIO), and the collective bargaining agreement between the City of Defiance and Defiance Firefighters Local 918, International Association of Firefighters (AFL-CIO), provide for annual reopening of wage negotiations during the term of each agreement; and,

WHEREAS, Both bargaining units have agreed to accept a wage increase of one and one-half percent (1.5%) during calendar year 2014; and,

WHEREAS, Council finds that it is in the best interests of the municipality to avoid protracted negotiations and possible litigation by settling the wage negotiations on the terms heretofore approved by the Members of both bargaining units;

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

Section 1: The Mayor, President of Council, City Administrator, City Finance Director and City Law Director are authorized and directed to execute and deliver all contract documents necessary or appropriate to conclude wage negotiations with Defiance Police Officers Association, Local 166 a/w I.U.P.A. (AFL-CIO), and Defiance Firefighters Local 918, I.A.F.F. (AFL-CIO). Said contracts shall accord members of each bargaining unit a 1.5% wage increase for the 2014 contract year.

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 or in Executive Session duly convened in accordance with law.

Section 3: 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 all wages subject to annual renegotiation began to accrue on January 1, 2014, and timely approval and implementation of the agreements reached through negotiation is necessary to preserve labor relations and comply with the City's statutory duty to negotiate in good faith. 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: February 11, 2014

Mike McCann  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: February 11, 2014

Bob Armstrong  
Mayor