

ORDINANCE NO. 8134

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO MAKE APPLICATION TO THE WATER POLLUTION CONTROL LOAN FUND FOR ULTRAVIOLET DISINFECTION IMPROVEMENTS TO THE WATER POLLUTION CONTROL FACILITY AND DECLARING AN EMERGENCY

WHEREAS, Council authorized a professional services contract to design an ultraviolet disinfection system for the water pollution control plant in Ordinance No. 8062 on September 25, 2018 in order to eliminate the use of chlorine gas at the plant; and,

WHEREAS, the Ohio Environmental Protection Agency ("OEPA") designated this project as eligible for an estimated \$3,500,000.00 in Ohio Water Pollution Control Loan Funding ("WPCLF") at the OEPA standard interest rate; and,

WHEREAS, Codified Ordinance §131.05(a) delegates 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 deemed necessary or appropriate to such transactions"*; and,

WHEREAS, the City will repay the loan from the Sewer Fund in accordance with Codified Ordinance §131.05(b);

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

Section 1: The City Administrator is directed to execute and deliver all contracts, agreements, program compliance covenants, and other documents as may be appropriate to secure loan funding for the Water Pollution Control Ultraviolet Disinfection Project No. 1811 from the WPCLF.

Section 2: The dedicated source of repayment for this loan shall be the Sewer Fund.

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 or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that the City Administrator needs to execute the loan funding application in order to enter into a construction contract no later than October 1, 2019. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: June 4, 2019

David McMaster
President of Council

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

Attest: Lisa Elders, Clerk

Approved: June 4, 2019

Michael McCann
Mayor

Ordinance No. 8135

AN ORDINANCE AUTHORIZING THE ENGAGEMENT OF LOUIS L. MCMAHON, ESQ. AS SPECIAL COUNSEL FOR ENVIRONMENTAL COMPLIANCE

WHEREAS, the City is in negotiations with the Ohio Environmental Protection Agency ("OEPA") and the Ohio Attorney General ("OAG") to devise a new long term control plan for water quality that would reprioritize wastewater and storm water separation projects and incorporate green infrastructure in a process called *integrated planning*; and,

WHEREAS, proper representation of the City in negotiations with the OEPA, and in judicial enforcement proceedings brought by the OAG, requires an attorney with specialized training, experience, and understanding of the pertinent law and regulations; and,

WHEREAS, the City Administration, through the Board of Control pursuant to Codified Ordinance § 151.02, retained Louis L. McMahon, Esq. after the retirement of the prior environmental counsel in an amount not in excess of \$15,000.00 in December of 2018 and Mr. McMahon demonstrated a high level of competence in negotiating with OEPA on behalf of the City thus far; and,

WHEREAS, the City desires to contract with the law firm of Mr. McMahon for the next two-year phase of entering into a new amended consent order and long term control plan with the OEPA; and,

WHEREAS, Council finds that this engagement supports the guiding principal of Vitality in the Defiance Community Strategic Plan by developing a long-term, sustainable plan to improve water quality and avoid costly penalties;

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

Section 1: In accordance with Codified Ordinance §§151.02 and 151.03(e), the City Administrator is directed to execute the engagement contract for legal services with Louis L. McMahon, Esq. of McMahon DeGulis lip now on file in the office of the Law Director according to the proposed fees with an initial deposit *not to exceed \$30,000.00* absent further legislation.

Section 2: The Finance Director is authorized to pay the billable hour costs incurred in accordance with the agreement authorized by Section 1 from Line 590-540-5-2-973.004 of the 2019 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 or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: June 4, 2019

David McMaster
President of Council

Attest: Lisa Elders, Clerk

Approved: June 4, 2019

Michael McCann
Mayor

