

NOTICE OF PROCEEDINGS MEETING
City Council of the City of Defiance, Ohio
Charles D. Beard Council Chambers
City Hall, 631 Perry Street, Defiance, OH 43512

REGULAR MEETING OF COUNCIL
TUESDAY APRIL 4, 2023
OPENING COMMENTS - 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: NONE

FIRST READING: AN ORDINANCE DESIGNATING THE CITY ADMINISTRATOR AS THE SIGNATURE AUTHORITY FOR ALL CONTRACTS AND AGREEMENTS WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT FOR SHELTER HOUSE AND SIDEWALK IMPROVEMENTS AT KINGSBURY PARK AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO EXECUTE THE PARTICIPATION AGREEMENT FOR A SETTLEMENT WITH TEVA PHARMACEUTICALS, ALLERGAN, CVS, WALGREENS, AND WALMART AND DECLARING AN EMERGENCY

STUDY SESSION: NONE

CITIZEN CONCERNS: NAME & ADDRESS FOR THE RECORD (5 MINS)

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2023)	AGENDA
COMMITTEE OF A WHOLE McMASTER	7:00	Tuesday - APRIL	NO MEETING
BUILDING & LANDS EURESTE	7:00	Tuesday - APRIL	NO MEETING
ECONOMIC DEVELOPMENT ENGEL	7:00	Tuesday - APRIL	NO MEETING
FINANCE & BUDGET HANCOCK	7:00	Tuesday - APRIL	NO MEETING
POLICE & FIRE KRUTSCH	7:00	Tuesday - APRIL	NO MEETING
PUBLIC RELATIONS MAST	7:00	Tuesday - APRIL	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS CORBITT	7:00	Tuesday - APRIL	NO MEETING
SEWER & SANITATION CORBITT	7:00	Tuesday - APRIL	NO MEETING
STREETS & SIDEWALKS MAST	7:00	Tuesday - APRIL	NO MEETING
WATERWORKS - SERVICE WAXLER	7:00	Tuesday - APRIL	NO MEETING
TRAFFIC COMMISSION: MACK. Mayor. Zeedyk. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday - APRIL	NO MEETING
BOARD OF CONTROL MEETING: MAYOR. Mack. O'Donnell. Sprague	1:30 P.M. MONDAY 9:00 A.M. THURSDAY	MONDAY and THURSDAY	POSTED AT 631 PERRY STREET MEETINGS IN FRONT CONFERENCE ROOM

Ordinance No. _____

AN ORDINANCE DESIGNATING THE CITY ADMINISTRATOR AS THE SIGNATURE AUTHORITY FOR ALL CONTRACTS AND AGREEMENTS WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE

WHEREAS, the City owns several parcels of property leased for agricultural use outside the municipal boundaries; and,

WHEREAS, both the Farm Service Agency ("FSA") and the Natural Resources Conservation Service ("NRCS"), divisions of the United States Department of Agriculture ("USDA"), require the City to designate an agent to sign contract documents and requests for information ("RFIs") on behalf of the City; and,

WHEREAS, Section 735.05 of the Ohio Revised Code designates the Director of Public Service or the City Administrator as the proper individual to enter into contracts on behalf of the City; and,

WHEREAS, Section 137.03 of the Codified Ordinances of Defiance, Ohio assigns the management and supervision of City-owned property to the City Administrator;

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

Section 1: The City Administrator is authorized to act or sign contractual documents and agreements on behalf of the City, as well as any supporting documentation for these contracts or agreements, with all divisions of the USDA.

Section 2: The City Administrator or designee shall have the authority to make requests for information and communicate with all divisions of the USDA on matters including, but not limited to, crop yield and soil data.

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: _____, 2023 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2023 _____
Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONTRACT FOR SHELTER HOUSE AND SIDEWALK IMPROVEMENTS AT KINGSBURY PARK AND DECLARING AN EMERGENCY

WHEREAS, the City desires to install a network of sidewalks between the new playground area, existing shelter houses, and pool at Kingsbury Park; and,

WHEREAS, the City further desires to repair the existing slabs underneath each of the shelter houses located at the park; and,

WHEREAS, the City Engineer solicited competitive bids and Fenson Contracting, LLC out of Fort Jennings, OH submitted the lowest and best bid of \$111,932.00; and,

WHEREAS, the proposed bid is within range of the estimate of probable costs of \$105,000.00;

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

Section 1: The City Administrator is direct to award a contract to Fenson Contracting, LLC to perform the Kingsbury Park Shelter House and Sidewalk Improvements Project No. 2204 according to the specifications on file with the City Engineer and according to the successful bid dated March 14, 2023 of \$111,932.00

Section 2: The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 403-901-52-955012 of the 2023 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 is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that R.C. §153.12(A) requires the award of a contract within sixty days after the date on which the bids are opened or the delay invalidates the entire bid proceedings. 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: _____, 2023

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2023

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO EXECUTE THE PARTICIPATION AGREEMENT FOR A SETTLEMENT WITH TEVA PHARMACEUTICALS, ALLERGAN, CVS, WALGREENS, AND WALMART AND DECLARING AN EMERGENCY

WHEREAS, the City of Defiance, Ohio is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and,

WHEREAS, the people of the State of Ohio and its communities have been harmed by the actions of certain entities within the pharmaceutical industry and retail pharmacies concerning opioid production and distribution; and,

WHEREAS, the State of Ohio, through its Attorney General, and certain local governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Teva Pharmaceuticals, Allergan, CVS, Walgreens, and Walmart accountable for the damage; and,

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its local governments share a common desire to abate and alleviate the impacts of that damage; and,

WHEREAS, the State and its local governments, subject to completing formal documents effectuating the parties' agreements, have drafted a proposed settlement and resolution of this dispute, including the allocation of damages; and,

WHEREAS, Council wishes to agree to the material terms of the proposed settlement agreement;

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

Section 1: Council hereby accepts the proposed settlement agreement on behalf of the City of Defiance, Ohio pursuant to its terms negotiated by the Ohio Attorney General and the Law Director is authorized to execute any and all necessary documents effecting the settlement.

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 preserve the health, safety, or welfare of the community for the reason that Council desires the prompt pursuit of available funds to assist in abating the opioid epidemic throughout Ohio. 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: _____, 2023
_____ President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2023
_____ Mayor