

# ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE EXTENDING THE SUSPENSION OF CERTAIN RULES OF CONDUCT AND PROCEDURE AND DECLARING AN EMERGENCY

**WHEREAS**, Governor Mike DeWine declared a State of Emergency in Executive Order 2020-01D on March 9, 2020 for the purpose of protecting the lives, safety, and health of Ohio residents from the COVID-19 virus; and,

**WHEREAS**, this state of emergency remains in full force and effect until the emergency no longer exists, as determined by the Director of Health and the Executive Director of the Emergency Management Agency; and,

**WHEREAS**, this Order exempted essential government functions, including "services provided by the State or any municipality...needed to ensure continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the general public..."; and,

**WHEREAS**, the Ohio General Assembly passed H.B. 197 effective on March 27, 2020, a part of which permits a public body to limit access to public meetings provided there is sufficient ability for the general public to "observe and hear the discussions and deliberations of all the members of the public body..."; and,

**WHEREAS**, the Ohio General Assembly passed Substitute H.B. 404 on November 19, 2020, a part of which permits the public body "to provide the public access to any hearing that the public would otherwise be entitled to attend...by live-streaming by means of the internet, local radio, television, cable, or other public access channels, call in information for a teleconference, or by means of other similar electronic technology...until July 1, 2021"; and,

**WHEREAS**, Council finds that a suspension of certain rules is both necessary and vital to comply with the above-referenced laws and to ensure the safety of the general public;

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

**Section 1:** Pursuant to Rule 23 of the Rules of Conduct and Procedure and upon proper Motion made and adopted, Council hereby suspends the following Rules as they relate to the right of the general public to participate in City Council meetings:

- Rule 1.2. "Deliberations to be Conducted in Public Session";
- Rule 6.1(C)(1). "Public Hearings";
- Rule 10.1. "Duty to Attend Meetings";
- Rule 12.1(8). "Public Hearings";
- Rule 12.1(9). "Matters of Public Interest";
- Rule 12.1(12). "Citizen Concerns";
- Rule 19.2. "Conduct of Debate" – as applies to any provisions pertaining to members of the general public; and
- Rule 22.4. "Public Meetings."

**Section 2:** "Present" for the purposes of Rules 8.5(E), 10.1, 10.2, 10.3, 12.1, 13.5, 13.7(E), 19.1, 19.3, and 19.4 of the Rules of Conduct and Procedure shall mean attendance of the public meeting by means of teleconference, video conference, or any similar electronic technology, or by in-person attendance.

**Section 3:** This rule amendment and suspension shall remain in effect until the Governor rescinds the State of Emergency or on July 1, 2021, whichever is sooner.

**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 is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that the COVID-19 pandemic presents an urgent need to protect the general public and prevent or reduce in-person gatherings at City Council meetings. 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: \_\_\_\_\_, 2020

\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_

Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE RIVERSIDE PARK SOCCER COMPLEX AND DECLARING AN EMERGENCY**

**WHEREAS**, the City recognizes the need to upgrade and improve field conditions at the Riverside Park Soccer Complex; and,

**WHEREAS**, the opinion of probable costs for this project was an estimated \$125,000.00; and,

**WHEREAS**, the Defiance Soccer Association fundraised approximately \$55,000.00 to be applied towards this project; and,

**WHEREAS**, the City opened competitive bidding for the project on November 17, 2020 and B. Hill'z Excavating, Inc. submitted the *lowest and best* bid in the amount of \$100,148.00; and,

**WHEREAS**, Council finds that this project supports the Health and Wellness Pillar of the Defiance Community Strategic Plan by providing a safe and attractive playing surface for youth soccer organizations;

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

**Section 1:** The City Administrator is directed to enter into a contract with B. Hill'z Excavating, Inc. to construct field improvements at the Riverside Park Soccer Complex in the amount of \$100,148.00 and according to the specifications of the City on file with the City Engineer.

**Section 2:** The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 403-901-52-978060 of the 2020 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: \_\_\_\_\_, 2020

\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_

Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor