

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

**AN ORDINANCE RESCINDING THE SUSPENSION OF RULES OF CONDUCT AND PROCEDURE OF THE DEFIANCE CITY COUNCIL AND DECLARING AN EMERGENCY**

**WHEREAS**, Council suspended certain Rules of Conduct and Procedure after the coronavirus outbreak related to mandatory attendance by Members of Council and public participation in Ordinance No. 8211 on April 7, 2020; and,

**WHEREAS**, Council extended the suspension of the rules in Ordinance No. 8264 on November 24, 2020; and,

**WHEREAS**, the Director of the Ohio Department of Health issued an Amended Order for Social Distancing, Facial Coverings and Non-Congregating on April 8, 2021 which, among other topics, established facial covering requirements, congregation limits, and requirements for buildings; and,

**WHEREAS**, Council finds that the reinstatement of the Rules of Conduct is necessary to ensure full participation and engagement by the general public with their elected officials;

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

**Section 1:** Council hereby rescinds the suspension of the following Rules of Conduct and Procedure from Ordinance No. 8211 and, subject to certain limitations imposed by the Governor and the Ohio Department of Health, restores them to full effect:

- 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:** The operation of Council meetings shall comply with all Orders of the Governor, Ohio Department of Health Director's Orders, and Rules of Conduct and Procedure of the Council of the City of Defiance, Ohio and all meeting participants shall abide by the aforementioned rules and orders while in attendance.

**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 Council desires to restore the right of the general public to observe and engage with their government without delay. 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: \_\_\_\_\_, 2021 \_\_\_\_\_  
President of Council

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

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

Approved: \_\_\_\_\_, 2021 \_\_\_\_\_  
Mayor

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A REPLACEMENT  
HURCO VALVE EXERCISER MACHINE AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the Street and Water Distribution Divisions rely on a valve exerciser machine to prevent injury and Workers' Compensation claims for the City while quickly enabling City crews to make repairs to water lines; and,

**WHEREAS**, R.C. §735.054 permits municipal corporations to award contracts for the repair and maintenance of appurtenant water facilities without competitive bidding through its Director of Public Service; and,

**WHEREAS**, Lewis Municipal Sales of Carmel, IN provided a quote for a Hurco Valve Exerciser/Vac Machine at a price of \$64,000.00; and,

**WHEREAS**, Council finds that this purchase will help maintain a functioning water distribution system and contribute to the overall health of City residents;

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

**Section 1:** The City Administrator is directed to award a contract to Lewis Municipal Sales for one (1) Hurco Valve Exerciser/Vac Machine at the price of \$64,000.00.

**Section 2:** The Finance Director is authorized to pay the contract price from Line 591-538-52-980880 of the 2021 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 the City requires this item as soon as possible to protect City employees from injury and to prevent claims against the City. 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: \_\_\_\_\_, 2021

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President of Council

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

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

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

Approved: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

Ordinance No. \_\_\_\_\_

**AN ORDINANCE ACCEPTING A DONATION OF REAL ESTATE AT 150  
DOMERSVILLE ROAD**

**WHEREAS**, the City owns and maintains a pump station for the sewer system on property owned by Employees' Own Federal Credit Union, nka Midwest Community Federal Credit Union, at 150 Domersville Road; and,

**WHEREAS**, the property owner wishes to convey the 0.31-acre property located at the above-mentioned address and identified as Permanent Parcel No. J05-0182-A-090-00 to the City for \$1.00 of consideration; and,

**WHEREAS**, Section 2.12(11) of the City Charter gives Council the authority to purchase property; and,

**WHEREAS**, Council finds that ownership of this property in fee simple absolute will enable the City to maintain critical infrastructure in perpetuity;

**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 purchase agreement with the above-referenced property owner in exchange for the purchase price of One Dollar (\$1.00).

**Section 2:** The conveyance by quitclaim deed of the property at 150 Domersville Road and described as Permanent Parcel No. J05-0182-A-090-00 is hereby accepted.

**Section 3:** The Finance Director is authorized to pay the purchase price from Section 1, plus all settlement charges, closing costs, title insurance fees, and prorated real property taxes to the date of closing incurred in Section 1 from Line 403-901-52-979036 of the 2021 annual budget.

**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 shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2021 \_\_\_\_\_  
President of Council

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

Approved: \_\_\_\_\_, 2021 \_\_\_\_\_  
Mayor

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

**AN ORDINANCE AUTHORIZING A CONTRACT FOR THE CONSTRUCTION OF A MULTI-USE PATH ON OTTAWA AVENUE AND DECLARING AN EMERGENCY**

**WHEREAS**, Council authorized the entry of a professional services agreement for the design of a multi-use path between the intersection of Cleveland Avenue/Ottawa Avenue intersection along Ottawa Avenue to Greenbriar Lane in Ordinance No. 8199 on February 4, 2020; and,

**WHEREAS**, the project design engineer estimated a probable cost of the project of \$280,000.00; and,

**WHEREAS**, the City Engineer solicited bids to construct the multi-use path and Ward Construction Company of Leipsic, Ohio submitted the lowest and best bid in the amount of \$233,881.90; and,

**WHEREAS**, Council finds that the construction of this multi-use path would provide safe pedestrian access to and from the Spring Meadows community;

**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 Ward Construction Company in the amount of \$233,881.90 for the construction of a 10' wide multi-use path from the intersection of Cleveland Avenue and Ottawa Avenue according to the plans, specifications, terms, and conditions of performance of the accepted bid on April 6, 2021.

**Section 2:** The Finance Director shall pay the cost of the contract authorized by Section 1 from Line 403-901-52-978105 of the 2021 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: \_\_\_\_\_, 2021

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

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

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

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

Approved: \_\_\_\_\_, 2021

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Mayor