

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONTRACT FOR THE RECONSTRUCTION OF KARNES AVENUE AND DECLARING AN EMERGENCY

WHEREAS, the City Engineer identified Karnes Avenue between Ottawa Avenue and Summit Street as a street requiring complete reconstruction; and,

WHEREAS, the opinion of probable costs for this project was an estimated \$1,213,000.00; and,

WHEREAS, the Ohio Public Works Commission ("OPWC") awarded \$325,000.00 and the Ohio Development Services Agency ("ODSA") awarded \$500,000.00 in federal Community Development Block Grant ("CDBG") funds for this project; and,

WHEREAS, the City opened competitive bidding for the project on March 10, 2020 and Hillabrand & Sons Construction, LLC submitted the *lowest and best* bid in the amount of \$1,177,294.29; and,

WHEREAS, Council finds that the is project supports the Connectivity Pillar of the Defiance Community Strategic Plan by providing a new surface to a heavily traveled street;

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 Hillabrand & Sons Construction, LLC to reconstruct Karnes Avenue between Ottawa Avenue and Summit Street in the amount of \$1,177,294.29 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 403-901-52-979102 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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO FINDINGS AND ORDERS WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Environmental Protection Agency ("OEPA") is requiring to City to install and implement a Granular Activated Carbon filter system ("GAC system") at the Water Treatment Plant; and,

WHEREAS, Council approved a professional design contract for the GAC system in Ordinance No. 8175 on November 19, 2019; and,

WHEREAS, Section 133.05(d)(2) of the Codified Ordinances of Defiance, Ohio require Council authorization by ordinance for the settlement of all claims in excess of \$2,500.00; and,

WHEREAS, Council accepts an obligation to complete this project that could exceed \$8,000,000.00 by consenting to the Findings & Orders attached as "Exhibit A"; and,

WHEREAS, Council finds that the implementation of GAC will promote the Health and Wellness Pillar of the Defiance Community Strategic Plan by lowering or eliminating the Total Trihalomethanes ("TTHMs") in the water supply and shielding customers from the effects of harmful algal blooms;

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 the proposed Findings & Orders attached as "Exhibit A" and on file in the office of the Law Director.

Section 2: The Law Director is authorized to indicate his legal approval of the proposed Findings & Orders should he recommend the same.

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 immediate execution of these Findings & Orders and implementation of the GAC system is necessary to avoid costly litigation and fines. 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