

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A CONTRACT FOR THE
INSTALLATION AND MONITORING OF SLOPE INCLINOMETERS AND
DECLARING AN EMERGENCY**

WHEREAS, a fifty-foot portion of the embankment on the west half of the Water Treatment Plant slid down the slope into the Maumee River at the confluence of the Tiffin River, thereby jeopardizing the plant and water mains; and,

WHEREAS, Council authorized a contract with a design professional in Ordinance No. 8129 on May 28, 2019 and a construction contract for the slope stabilization improvements in Ordinance No. 8153 on September 3, 2019; and,

WHEREAS, the Ohio Environmental Protection Agency ("OEPA") is requiring the City to install inclinometers to monitor any further erosion under the OEPA Director's Final Findings and Orders; and,

WHEREAS, Council finds that this contract is for a professional or technical service exempt from competitive bidding requirements pursuant to Section 151.03(e) of the Codified Ordinances of Defiance, Ohio;

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 Agreement for Professional Services for the installation and monitoring of three (3) slope inclinometers at the Water Treatment Plant on file in the office of the City Engineer at the price of \$55,296.00.

Section 2: The Finance Director is authorized to pay the contract price in Section 1 from Line 591-537-52-980880 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 time is of the essence to monitor and prevent further erosion of the slope at the Water Treatment Plant and in order to avoid regulatory penalty. 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