

# COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2020-53

By Gene Zacharyasz Sponsored By Mayor Cyril M. Kloem

## AN ORDINANCE

**AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ONE OR MORE CONTRACTS WITHOUT PUBLIC BIDDING FOR THE PURPOSE OF MAKING TEMPORARY REPAIRS TO THE EARTHEN DAM LOCATED ON THE SOUTH EDGE OF COE LAKE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Item IX-4 of the Charter of the City of Berea provides that the Council may authorize a contract expending the funds of the City without public bidding for any item and/or service declared necessary as an emergency by three-quarters (3/4) vote of all members elected to Council; and

**WHEREAS**, an earthen dam is located on the south edge of Coe Lake separating Baldwin Creek from Coe Lake; and

**WHEREAS**, over time there has been at least a 100-foot erosion of the earthen dam, but in the last 45-days there has been additional erosion in one section down to the bedrock; and

**WHEREAS**, the City uses the water in Coe Lake as a backup water source, especially during the winter months when the Rocky River water is not as desirable; and

**WHEREAS**, a drop in the surface level of Coe Lake reduces the City's ability to make potable water; and

**WHEREAS**, the City Engineer has determined that in order to provide potable water to Berea during the winter of 2020-2021, it is necessary to make immediate temporary repairs to the earthen dam; and

**WHEREAS**, if the City is unable to provide potable water it might be necessary to temporarily utilize other sources of water.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That the Council of the City of Berea declares by a vote of three-quarters (3/4) of its members that the condition of the earthen dam due to erosion in the last 45 days constitutes an emergency.

**SECTION 2.** That the Director of Public Service be, and hereby is, authorized to enter into one or more contracts without public bidding for the temporary repair to the earthen dam.

**SECTION 3.** That the Director of Finance be, and hereby is, authorized and directed to pay out such contract sum(s) and charge the same to, and the funds therefor are hereby appropriated from, the General Capital Fund, designated for accounting purposes as Fund No. 400, for the purposes set forth in Section 1 hereinabove.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the City must secure the ability to continue to provide potable water in the winter months to its users. Therefore, provided this Ordinance receives the affirmative vote of two-

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thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: November 16, 2020

[Signature]  
President of Council

ATTEST: [Signature]  
Clerk of Council

APPROVED: November 17, 2020  
[Signature]  
Mayor

Approved as to Form:

[Signature]  
Director of Law