

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2016-90

By Jim Maxwell Sponsored By Mayor Cyril M. Kleem  
AN ORDINANCE

AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE THROUGH THE ODOT STATE CONTRACT PROGRAM AND/OR THE STATE OF OHIO PURCHASING PROGRAM, OR DIRECTLY PURCHASING FROM A STATE APPROVED VENDOR AT A PRICE LOWER THAN THAT AVAILABLE THROUGH THE ODOT STATE CONTRACT PROGRAM AND/OR THE STATE OF OHIO PURCHASING PROGRAM, OR, ALTERNATIVELY, TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACT(S) FOR THE PURCHASE OF MOTORIZED VEHICLES, EQUIPMENT, MACHINERY, MATERIALS, SUPPLIES OR OTHER ARTICLES FOR USE IN ONE OR MORE CITY DEPARTMENTS, AND DECLARING AN EMERGENCY.

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

**SECTION 1.** That the Director of Public Service be, and hereby is authorized to purchase through the ODOT State Contract Program and/or the State of Ohio Purchasing Program, or to directly purchase from a state approved vendor at a price lower than that available through the ODOT State Contract Program and/or the State of Ohio Purchasing Program, or, alternatively, to advertise for bids and enter into one or more contract(s) with the lowest, most responsive and responsible bidder, after approval by the Board of Control, for the purchase of motorized vehicles, equipment, machinery, materials, supplies or other articles according to specifications on file in the office of the Director of Public Service, and the Director of Public Service is authorized, in the name of the City of Berea, to participate in the Ohio Department of Transportation contracts for the purchase of motorized vehicles, equipment, machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01(B).

**SECTION 2.** That the Director of Finance be, and hereby is authorized and directed to pay out such contract sum(s), after approval by the Board of Control, and charge the same to, and the funds thereof are hereby appropriated from the General Capital Improvement Fund, designated for accounting purposes as Fund No. 400, for the purpose(s) set forth in Section 1 hereinabove.

**SECTION 3.** That the Director of Public Service is hereby authorized to agree in the name of the City of Berea to be bound by all terms and conditions as the Director of Transportation prescribes including the provision that the City shall hold the state and Director harmless with respect to the City's participation in the State Purchasing Contract Program.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption 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 actions 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 operations of the Public Service Department require the acquisition of new and updated equipment at the best obtainable price in order to maintain and carry on their usual day-to-day operations. Therefore, provided this Ordinance receives the affirmative vote of two-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: December 5, 2016

ATTEST: [Signature]  
Clerk of Council

APPROVED: December 6, 2016

APPROVED AS TO FORM:

[Signature], Director of Law

[Signature]  
President of Council

[Signature]  
Mayor