

City of Willoughby Hills

ORDINANCE NO. 2014-2

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT MODIFICATION AGREEMENT BY AND BETWEEN CITY OF WILLOUGHBY HILLS, OHIO AND RICHARD L. BOWEN + ASSOCIATES, INC. AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

WHEREAS, Ordinance No. 2013-4, adopted by Council on January 24, 2013 authorized and directed the Mayor to enter into an agreement with Richard L. Bowen + Associates, Inc. of 13000 Shaker Boulevard, Cleveland, Ohio 44120, pursuant to the terms and conditions identified and outlined in the “*Agreement Between the City of Willoughby Hills, Ohio & Richard L. Bowen + Associates, Inc. for City Engineering Services*”, terms there of effective February 1, 2013 through January 31, 2015; and

WHEREAS, the original Agreement, marked as Exhibit “A” consisted of twelve (12) pages and addressed: Basic Services, Additional Services, Documents, Authorization for Additional Engineering Work, Status Report, Autocad, Terms of Appointment and Agreement, cost, Acceptance of Other Employment, Disputes, Termination of Agreement, Insurance, Indemnification and Miscellaneous; and

WHEREAS, the original Agreement, marked as Exhibit “A” provided for the City Engineer and for the Assistant City Engineer to each receive a retaining fee in the sum of Six Thousand Five Hundred Dollars (\$6,500.00) per annum unless increased by Council; and

WHEREAS, on January 16, 2014, via email directed to the President of Council and Council Clerk, Administration requested that Council review the **Contract Modification Agreement by and between City of Willoughby Hills, Ohio & Richard L. Bowen + Associates, Inc., attached hereto as Exhibit “B”**, consisting of one (1) page and incorporated herein at the next Council Meeting that being the Regular Council Meeting of January 23, 2014; and

WHEREAS, the Contract Modification Agreement, marked as Exhibit “B” provides for the City Engineer to receive a retaining fee in the sum of Thirteen Thousand Dollars (\$13,000) per annum and for the Assistant City Engineer to receive a retaining fee in the sum of Thirteen Thousand Dollars (\$13,000) per annum unless increased by Council; and

WHEREAS, Administration requested the above mentioned increase in the retaining fees for the City Engineer and the Assistant City Engineer based on the hours actually worked in 2013 vs. the anticipated hours to be worked when the original contract was signed on February 1, 2013; the increase is also largely due to the amount of projects by way of grants from the county that were at no cost to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor is hereby authorized and directed to enter into the **Contract Modification Agreement by and between City of Willoughby Hills, Ohio & Richard L. Bowen + Associates, Inc., attached hereto as Exhibit “B”**, consisting of one (1) page and incorporated herein by reference. Said Contract Modification Agreement is to provide for the City Engineer to receive a retaining fee in the sum of Thirteen Thousand Dollars (\$13,000) per annum and for the Assistant City Engineer to receive a retaining fee in the sum of Thirteen Thousand Dollars (\$13,000) per annum unless increased by Council.

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 3. This Ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED: _____, 2014

Raymond C. Somich
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2014

Approved by the Mayor

ATTEST:

_____, 2014

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor