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President of Council

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Clerk of Council

City of Willoughby Hills

Council
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FRANK A. GERMANO
KEVIN D. MALECEK
RAYMOND C. SOMICH

ORDINANCE NO. 2012 – 60

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH OHIO PAVING & CONSTRUCTION FOR THE PURCHASE OF A 2003 INTERNATIONAL TRUCK, MODEL 7400 TO BE EQUIPPED WITH ONE HEAVY DUTY WAUSAU HSP4110—SQH SNOW PLOW INSTALLED BY CONCORD ROAD EQUIPMENT MFG., INC. AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Willoughby Hills on February 23, 2012 adopted Ordinance No. 2012-4 authorizing and directing the Mayor to accept the bid and to enter into a Purchase Agreement with Valley Ford Sterling Freightliner & Western Trucks of Cleveland for the purchase of two 2012 Model 108SD Conventional Chassis/Set Back Axle Trucks at a total price not to exceed \$151,824.00 for both Trucks; and

WHEREAS, the Council of the City of Willoughby Hills approved of the immediate purchase by utilizing funds from Fund #250 – Street Construction, Maintenance & Repair and Fund #270 – Road Levy; and

WHEREAS, in his Interoffice Memo of November 30, 2012 directed to the Council of President, attached hereto as “Exhibit A”, consisting of five (5) pages and incorporated herein by reference, the Mayor respectfully requested the preparation of an ordinance to approve the purchase of a used plow truck, a 2003 International Truck, Model 74000 with mileage of 33,000 to replace a current 1996 Ford Plow Truck at a total price not to exceed \$35,000; and

WHEREAS, the abovementioned truck is immediately available locally and is to be equipped with one heavy duty Wausau HSP4110-SQH Snow Plow installed by Concord Road Equipment Mfg., Inc. of Painesville, Ohio, under the State of Ohio Purchasing Program; and

WHEREAS, as the Mayor stated in his Memo, attached hereto as Exhibit “A” this truck will be a much needed addition to the Service Department fleet for the two new snow plows earlier approved by Council are not expected to be completed until the end of December; and

WHEREAS, the Mayor, serving as Service Director and Safety Director, established a case of a real and present emergency arising in connection with the operation and maintenance of the Department of Public Service and the Department of Public Safety exists and has informed the Members of Council of such real and present emergency and the immediate acquisition of said outfitted truck for the preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills; and

WHEREAS, said purchase will be made by the utilization of funds from #420 - the Capital Improvement Fund as provided by appropriations Ordinance No. 2012-59.

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

SECTION 1. Pursuant to ORC 735.051- Emergency Conditions Obviate Formal Bidding and Advertising for Contracts which states that in the case of a real and present emergency arising in connection with the operation and maintenance of the department of public service, including all municipally owned utilities, the department of public safety, or any other department, division, commission, bureau, or board of the municipality, the legislative authority of the municipality may by a two-thirds vote of all the members elected thereto, authorize the director of public service, director of public safety, city manager, board of public affairs, or other duly authorized contracting

officer, commission, board, or authority, to enter into a contract for work to be done or for the purchase of supplies or materials without formal bidding and advertising.

SECTION 2. In accordance with ORC 735.051, upon the determination of the Mayor, serving as Service Director and Safety Director, establishing case of a real and present emergency arising in connection with the operation and maintenance of the Department of Public Service and the Department of Public Safety, or any other department, division, commission, bureau, or board of the municipality, this Council, authorizes the Mayor to enter into a purchase agreement with Ohio Paving & Construction of 38220 Willoughby Parkway, Willoughby, Ohio 44094 for the purchase of a 2003 International Truck Model 7400, VIN #1HPWCAAR73J064963 with mileage of 33,000 for a price not to exceed \$35,000.00 with said truck to be equipped with one heavy duty Wausau HSP4110-SQH Snow Plow installed by Concord Road Equipment Mfg., Inc. of Painesville, Ohio under the State of Ohio Purchasing Program in accordance with the quote provided by Concord Road Equipment Mfg., Inc., dated November 29, 2012, marked as page 4 of the Mayor's Interoffice Memo dated November 30, 2012, attached hereto as Exhibit "A".

SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

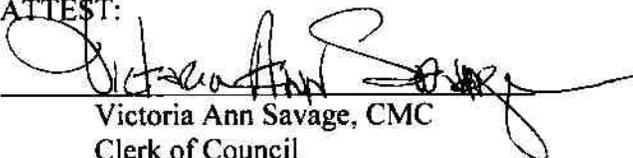
SECTION 4. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the Service Department; to wit: a real and present emergency exists which mandates the immediate acquisition of a 2003 International Truck Model 7400, VIN #1HPWCAAR73J064963 with mileage of 33,000 to be provided by Ohio Paving & Construction with said truck to be equipped with a snow plow installed by Concord Road Equipment Mfg., Inc.; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

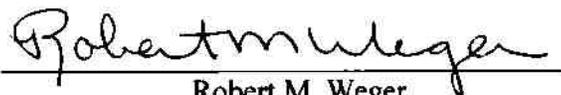
PASSED December 13, 2012


David A. Reichelt
President of Council

Submitted to the Mayor for his approval on this 13 day of December, 2012

Approved by the Mayor
December 13, 2012

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council


Robert M. Weger
Mayor