

## **CITY OF OBERLIN, OHIO**

### **ORDINANCE No. 20-11 AC CMS**

#### **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S ANNUAL WINTER ROAD SALT CONTRACT AS AN EMERGENCY MEASURE**

WHEREAS, the City of Oberlin, County of Lorain hereby submits this written agreement to participate in the ODOT annual winter road salt bid in accordance with Ohio Revised Code 5513.01(B) and in accordance with the terms and conditions herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That the City Manager is hereby authorized and directed to participate in the ODOT Annual Winter Road Salt Contract.

SECTION 2. That the necessary funds required to meet the City of Oberlin's obligation for this participation will be available on or before July 1, 2020.

SECTION 3. That the City of Oberlin agrees to the following terms and conditions regarding its participation in the ODOT winter road salt contract:

- a. The City of Oberlin hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The City of Oberlin hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the City of Oberlin; and
- c. The City of Oberlin agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold ODOT harmless for any claims, actions, expenses, or other damages arising out of the City of Oberlin's participation in the winter road salt contract; and
- d. The City of Oberlin's electronic order for Sodium Chloride (Road Salt) will be the amount the City of Oberlin agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The City of Oberlin hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The City of Oberlin hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to this ODOT winter salt contract; and


- g. The City of Oberlin acknowledges that should it wish to rescind this participation agreement it will do so by written, e-mail request no later than Friday, April 24, 2020 by 12:00 p.m. Furthermore, it is the sole responsibility of the City of Oberlin to ensure ODOT has received this participation agreement. The Department shall not be held responsible or liable for failure to receive the City of Oberlin's participation agreement.


SECTION 4. It is hereby found and determined that all formal actions of this Council concerning or 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 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, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: *"to authorize a participation agreement for road salt with ODOT in accordance with its time requirements"*, and shall take effect immediately upon passage." and shall take effect immediately upon passage; and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest date allowed by law.

PASSED:        1<sup>st</sup> Reading: April 6, 2020 (E)  
                     2<sup>nd</sup> Reading \_\_\_\_\_  
                     3<sup>rd</sup> Reading \_\_\_\_\_

ATTEST:

  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
LINDA SLOCUM  
PRESIDENT OF COUNCIL

POSTED: 04/07/2020

EFFECTIVE DATE: 04/06/2020