

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 09-28

INTRODUCED BY: Nickell, Antoskiewicz, Gentile

AN ORDINANCE AUTHORIZING THE CITY OF NORTH ROYALTON TO PARTICIPATE IN OHIO DEPARTMENT OF TRANSPORTATION CONTRACTS FOR THE PURCHASE OF MACHINERY, MATERIALS, SUPPLIES, OR OTHER ARTICLES, AND DECLARING AN EMERGENCY

WHEREAS: Section 5513.01 (B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles; and

WHEREAS: It has been determined that at certain times it is the most cost effective means to purchase machinery, materials, supplies, or other articles through participation in various Ohio Department of Transportation contracts; and

WHEREAS: The City of North Royalton desires to participate in Ohio Department of Transportation contracts pursuant to Ohio Revised Code 5513.01.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Mayor hereby requests authority in the name of the City of North Royalton to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01 (B).

Section 2. The Mayor is hereby authorized to agree in the name of City of North Royalton to be bound by all terms and conditions as the Director of Transportation prescribes and approved by the Law Director.

Section 3. The Mayor is hereby authorized to agree in the name of City of North Royalton to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of North Royalton participates, for items it receives pursuant to the contract.

Section 4. The City of North Royalton agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of North Royalton releases and forever discharges the Director of Transportation and the Ohio Department of Transportation from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of North Royalton may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

Section 5. The Legislative Director is hereby authorized and directed to forward a certified copy of this Ordinance to the Director of Transportation, Ohio Department of Transportation.

Section 6. 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 7. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to participate in Ohio Department of Transportation contracts.

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.

/s/ Vincent A. Gentile
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: March 3, 2009

DATE APPROVED: March 4, 2009

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading March 3, 2009

YEAS: Gentile, Nickell, Petrusky, Willey,
Farrell, Antoskiewicz, Kasaris

NAYS: none