

(Mayor Potter)

CITY OF KIRTLAND

RESOLUTION NUMBER 22-R-56

A RESOLUTION MODIFYING RESOLUTION 21-R-48 AND CLARIFYING THE AUTHORITY GRANTED BY THE CITY IN ITS PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM, 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, the City of Kirtland has previously passed Resolution 21-R-48 granting the Director of Public Service the authority to make certain transactions on behalf of the City of Kirtland; and

WHEREAS, the City desires to delineate the spending authority granted under 21-R-48 and will therefore pass this new resolution which clarifies the same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I. Resolution 21-R-48 is hereby modified and amended to reflect the following:

SECTION II. The Director of Public Service is authorized, for the term of his employment with the City of Kirtland, to act on behalf of the City of Kirtland and 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). The Director of Public Service is hereby authorized to agree in the name of the City of Kirtland to be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION III. The Director of Public Service, for the term of his employment, is hereby authorized to agree in the name of the City of Kirtland to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Kirtland participates, for items it receives pursuant to the contract. This Council hereby grants him the authority to enter into a contract on behalf of the City and to authorize the expenditure of funds at an amount not to exceed what has been approved by City Council in its annual appropriation relative to the annual road plan adopted that calendar year.

SECTION IV. That the City of Kirtland 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 Kirtland agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Kirtland 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 V:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed 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.

(b) This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide for the usual and customary operations of the City, particularly by utilizing the best rates possible to pay for road materials and maintain or fix this City's roads. Therefore, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2022.

ATTEST:

Approved by the Mayor, this ___ day
of _____, 2022.

Clerk of Council
Modify 21-R-48 for ODOT Co-op Purchasing

Mayor Kevin F. Potter