

CITY OF KIRTLAND

ORDINANCE NUMBER 24-O-14

**AN ORDINANCE AMENDING SECTION 236.02 OF THE
CODIFIED ORDINANCES OF THE CITY OF KIRTLAND,
RELATING TO EXPENDITURES AND COMPETITIVE
BIDDING, AND DECLARING AN EMERGENCY.**

WHEREAS, the State of Ohio in 2012 enacted legislation authorizing counties, villages and municipal governments to increase the requirement for formal bidding from \$25,000 to \$50,000; and

WHEREAS, the State of Ohio in 2023 enacted legislation in Ohio Revised Code Section 9.17 which authorizes counties, villages, and municipal governments to increase the requirement for formal bidding, starting on its effective date and through the 2024 calendar year, from \$50,000 to \$75,000 and for each calendar year thereafter it will increase by an additional 3%; and

WHEREAS, the City of Kirtland, pursuant to §236.02 of the Codified Ordinances, requires that expenditures of \$50,000 or more comply with the formal bidding requirements set forth in §236.02(e); and

WHEREAS, this City Council, having duly considered the expenses and delays associated with compliance with the formal bidding process, has determined that the City of Kirtland as a home rule municipality, with authorities granted under its charter, should increase the requirement for formal bidding in accordance with Ohio Revised Code Section 9.17 for the calendar year 2024 from \$50,000 to \$75,000, to authorize the annual increase of that threshold by 3%, to grant the City Council the authority to authorize expenditures between \$25,000 and that competitive bidding threshold by utilizing an informal bidding process and without complying with the formal bidding requirements as set forth in §236.02(e), and to further authorize the Mayor to make expenditures of \$25,000 or less without the approval of Council but with the taking of informal bids when such procedure would tend to conserve public funds.

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

SECTION I:

Codified Ordinance Section 236.02, enacted by Ordinance No. 99-O-1 and amended by 13-O-37, is hereby amended to read as follows:

§236.02 EXPENDITURES; COMPETITIVE BIDDING.

(a) Competitive Bidding Threshold:

(1) In the calendar year 2024, if the probable cost of an expenditure by the city will be seventy-five thousand dollars (\$75,000.00) or more, the city shall follow the formal bidding requirements of subsection (e) hereof.

(2) For every calendar year thereafter, in accordance with Ohio Revised Code Section 9.17(A)(2), the competitive bidding threshold amount shall be increased by three percent over the previous year. If the probable cost of an expenditure meets or exceeds that figure, then the city shall follow the formal bidding requirements of subsection (e) hereof.

(b) If the probable cost of an expenditure by the city will be more than twenty-five thousand dollars (\$25,000.00) but less than the competitive bidding threshold as set forth in subsection (a) of this ordinance, Council may authorize the Mayor or a person designated by him or her to take informal bids, and Council may award the contract to the lowest and best informal bidder.

(c) Expenditures of twenty-five thousand dollars (\$25,000.00) or less may be made by the Mayor without the approval of Council, but the taking of informal bids shall be used when such procedure would tend to conserve public funds.

(d) All expenditures made under this section must be in conformity with the general appropriations ordinance and shall have the approval of the Finance Director.

(e) The formal bidding process shall be carried out as follows.

(1) The Mayor or a person designated by him or her shall prepare or cause to be prepared specifications for the articles or services required and shall advertise the requirements of the city for the same for at least two consecutive weeks in a newspaper of general circulation in the city or in a professional or trade magazine appropriate for such purpose, inviting suppliers to tender sealed bids in writing for the furnishing of such articles or services, such bids to be publicly opened not less than 15 days following the date of the first advertisement, at a time and place specified in the current published notice.

(2) The formal bids shall be opened and tabulated publicly at the time and place specified in the advertisement for bids, an investigation of the responsibility of the bidders shall be made by the Mayor as he or she may deem necessary. The Mayor shall report to Council the bids and the results of any investigation of the responsibility of the bidders and shall recommend to Council the selection of the lowest and best bid or, if the Mayor determines that the interest of the city would be better served, the rejection of all bids.

(3) Council shall accept or reject the bids received under this procedure.

(f) Competitive bidding shall not be required where a contract involves performance of personal services of a specialized nature requiring the exercise of a peculiar skill and aptitude, such as, but not limited to, engineers, architects, legal services, accounting services and the like. Further, competitive bidding shall not be required where a two-thirds vote of Council determines that there exists a real and present emergency arising in connection with the maintenance and repair of a municipal utility, the operation and maintenance of the Department of Public Service, the Fire and Police Divisions and/or any other department, division or commission of the city.

(g) Notwithstanding any of the provisions of this section, no contract for the purchase of articles or services at a cost of more than twenty-five thousand dollars (\$25,000.00) shall be made unless Council has, by ordinance or resolution, authorized and directed the Mayor to do so. Contracts for the purchase of articles or services costing more than twenty-five thousand dollars (\$25,000.00) shall be submitted to the Director of Finance for certification as to the availability of funds.

SECTION II:

That the heretofore existing Section 236.02 of the Codified Ordinances of the City of Kirtland, previously enacted and in force, be amended by the passage of this ordinance, and is hereby repealed and replaced as set forth in Section I hereinabove.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is 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 needs of the municipality; wherefor, this Ordinance 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 Ordinance 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
_____, 2024.

ATTEST:

Approved by the Mayor, this _____
day of _____, 2024.

Clerk of Council

Amend 236.02 Expenditures; Competitive Bidding

Mayor Kevin F. Potter