

PASSED Oct. 1, 2018

ORDINANCE NO. 12 - 2018

**AN ORDINANCE REPEALING CODIFIED ORDINANCE § 32.25
AND ENACTING AN ORDINANCE ALLOWING THE LEGISLATIVE
AUTHORITY OR VILLAGE ADMINISTRATOR TO ENTER INTO CONTRACTS**

WHEREAS, under current State law, the Village Administrator has the authority to enter into contracts without competitive bidding if the amount of the contract is less than \$50,000.00; and

WHEREAS, the Village Council of Oak Harbor previously intended to keep the authority of the Village Administrator to enter into contracts without competitive bidding at \$15,000.00; and

WHEREAS, the Village Council previously allowed authorization for the Village Administrator to enter into contracts with legislative approval and without competitive bidding for amounts that exceed \$15,000.00 but are less than \$50,000.00.

WHEREAS, the Village Council now desires to repeal the current Oak Harbor Codified Ordinance §32.25 (Ordinance No. 18-2018) and allow the Village Administrator to enter into contracts as authorized by the Ohio Revised Code.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OAK HARBOR, OTTAWA COUNTY, OHIO AS FOLLOWS:

Section 1.

Section 32.25 of the Codified Ordinances of the Village of Oak Harbor is hereby repealed in its entirety.

Section 2.

That the following language shall be adopted to replace Codified Ordinance § 32.25:

§ 32.25 CONTRACTS BY THE LEGISLATIVE AUTHORITY OR ADMINISTRATOR.

(A) *Contracts by the Legislative Authority.*

(1) All contracts made by the Legislative Authority shall be executed in the name of the municipality and signed on its behalf by the Mayor and Fiscal Officer. Except where the contract is for equipment, services, materials or supplies to be purchased under R.C. § 125.04, 713.23(D), or 5513.01, or available from a qualified nonprofit agency pursuant to R.C. §§ 4511.31 through 4511.35, or required to be purchased from a qualified nonprofit agency under R.C. §§ 125.60 through 125.6012, when any expenditure, other than the compensation of

persons employed in the municipality, exceeds \$50,000, such contracts shall be in writing and made to the lowest and best bidder after advertising once a week for not less than two consecutive weeks in a newspaper of general circulation within the municipality. The Legislative Authority may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the Legislative Authority's internet web site. If the Legislative Authority posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the municipality, provided that the first notice published in such newspaper meets all of the following requirements:

- (a) It is published at least two weeks before the opening of bids.
- (b) It includes a statement that the notice is posted on the Legislative Authority's internet web site.
- (c) It includes the internet address of the Legislative Authority's internet web site.
- (d) It includes instructions describing how the notice may be accessed on the Legislative Authority's internet web site.

(2) The bids shall be opened and shall be publicly read by the Fiscal Officer or a person designated by the Fiscal Officer at the time, date and place specified in the advertisement to bidders or specifications. The time, date and place of bid openings may be extended to a late date by the Legislative Authority, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than 96 hours prior to the original time and date fixed for the opening. This division does not apply to the municipality if an Administrator has been appointed pursuant to the provisions of R.C. § 735.271, or a substantially similar municipal ordinance.

(R.C. § 731.14)

(B) *Contract by Administrator; central purchasing.*

(1) In those municipalities that have established the position of Administrator as provided by R.C. § 735.271, or a substantially similar municipal ordinance, the Administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the Administrator's supervision involving not more than \$50,000. When an expenditure, other than the compensation of persons employed by the municipality, exceeds \$50,000, the expenditure shall first be authorized and directed by ordinance of the Legislative Authority. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under R.C. § 125.04, 713.23(D), or 5513.01 or available from a qualified nonprofit agency pursuant to R.C. §§ 4115.31 through 4115.35, or required to be purchased from a qualified nonprofit agency under R.C. §§ 125.60 through 125.6012, the Administrator shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipality or as provided in R.C. § 7.16. The bids shall be opened and shall be

publicly read by the Administrator or a person designated by the Administrator at the time, date and place specified in the advertisement to bidders or specifications. The time, date and place of bid openings may be extended to a later date by the Administrator, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than 96 hours prior to the original time and date fixed for the opening. All contracts shall be executed in the name of the municipality and signed on its behalf by the Administrator and the Fiscal Officer.

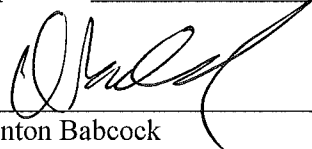
(2) The Legislative Authority may provide, by ordinance, for central purchasing for all offices, departments, divisions, boards, and commissions of the municipality, under the direction of the Administrator who shall make contracts, purchase supplies or materials, and provide labor for any work of the municipality in the manner provided by this division (B).

(R.C. § 731.141)

Section 3.

This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of Council, and of its committees, which result in formal action, were taken in full compliance with the applicable legal requirements.

Approved Oct. 1st, 2018



Quinton Babcock
President Pro Tempore

Attest:



Henry R. Jarrett, Fiscal Officer

Dated October 1, 2018

First Reading: September 4, 2018

Second Reading: September 17, 2018

Third Reading: October 1, 2018

Adopted: October 1, 2018