

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE AMENDMENT OF SECTION 8.04 OF THE CITY OF REYNOLDSBURG CHARTER AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to City Charter Section 7.05, Council appointed a Charter Review Commission; and

WHEREAS, pursuant to City Charter Section 7.05, the Charter Review Commission has studied and reviewed the provisions of the City Charter and reported its recommendations for amendment of the Charter to Council;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO, TWO-THIRDS OF ALL MEMBERS ELECTED THERETO CONCURRING:

SECTION 1. That there be submitted to the electors of the City of Reynoldsburg, Ohio, at the general election to be held Tuesday, the 7th day of November 2017, during such time and places in the City of Reynoldsburg as established by the Boards of Elections of Franklin, Licking and Fairfield Counties, the following amendment to Section 8.04 of the City of Reynoldsburg Charter. It is the intention of this Council to have the Board of Elections place the proposed amendment to Section 8.04 on the voting machines as one ballot issue. The question to be submitted on the ballot shall be as follows, to-wit:

CITY OF REYNOLDSBURG, OHIO

PROPOSED CHARTER AMENDMENT

(Majority affirmative vote is necessary for passage)

SECTION 8.04 PURCHASING AND CONTRACTING PROCEDURES.

(a) The Mayor shall award contracts and authorize expenditures without competitive bidding if said contract or expenditure does not exceed the limit set by the State of Ohio Council, by ordinance as of 6/1/92 to require competitive bidding.

~~(b) When a proposed contract or expenditure exceeds the State of Ohio limit, as of 6/1/92, for competitive bidding, then the Council shall, by motion, authorize the director of the appropriate department or other appropriate officer or employee of the City to cause plans and specifications to be prepared and advertise for bids once a week for two consecutive weeks in at least one newspaper of general circulation within the City, and the Council shall appropriate funds for that purpose unless they have been previously appropriated and remain unencumbered. Upon such authorization, the appropriate official or employee shall cause such plans and specifications to be prepared and such advertising to be made. The Mayor and the City Auditor, or their designated~~

~~representatives, shall receive and publicly announce sealed bids in the manner and at the time specified in the specifications. Sealed bids shall be submitted in the manner required by the specifications. The Mayor shall recommend to the Council, at its next regular meeting or a special meeting called for the purpose, the bid or bids he or she believes to be the lowest and best bid. At such meeting or its next regular meeting, the Council shall determine which bid or bids are the lowest and best and shall be an ordinance or resolution, which shall be read only once and which shall not be subject to the requirement for three readings under Section 4.04(a) of this Charter, direct the Mayor to enter into a written contract with the person or persons who submitted the bid or bids determined by the Council to be the lowest and best. Such ordinance or resolution shall appropriate funds for the purpose of the contract unless they have been previously appropriated and remain unencumbered. The Mayor shall execute a written contract on behalf of the City after such ordinance or resolution becomes effective and upon receipt of a certification from the City Auditor that funds for the contract are available, as provided in division (e) of this section. The City Attorney shall approve the contract as to its form. The Council may reject any and all bids by motion, and may direct that the proposed contract or expenditure be re-advertised and that new bids be invited and received.~~

~~(Amended 11-3-92.)~~

(b) THE PURCHASE OF SUPPLIES, MATERIALS, EQUIPMENT AND CONSTRUCTION OF PUBLIC IMPROVEMENTS FOR THE CITY SHALL BE MADE PURSUANT TO SPECIFICATIONS THROUGH OPEN, COMPETITIVE BIDDING, UNDER SUCH RULES CONSISTENT WITH THIS CHARTER AS THE COUNCIL MAY ESTABLISH BY ORDINANCE. FORMAL ADVERTISING, BIDDING, AND PUBLIC OPENING AND TABULATION OF BIDS SHALL BE REQUIRED IF THE STATUTORY OR COMMON LAW OF THE STATE REQUIRES IT. THE ACQUISITION OF PROFESSIONAL SERVICES MAY BE, BUT ARE NOT REQUIRED TO BE OBTAINED BY COMPETITIVE BIDDING. THE COUNCIL, BY ORDINANCE OR RESOLUTIONS ADOPTED BY A VOTE OF AT LEAST TWO-THIRDS OF ITS MEMBERS, MAY AUTHORIZE, WITHOUT COMPETITIVE BIDDING, CONTRACTS AND EXPENDITURES FOR ANY OTHER PURPOSE WHERE THE STATUTORY OR COMMON LAW OF OHIO DOES NOT REQUIRE COMPETITIVE BIDDING.

~~—(c) The Council, by ordinance or resolution adopted by a vote of at least two-thirds of its members, may authorize, without competitive bidding, contracts and alterations or modifications thereof for the expenditure of money for the acquisition or lease of real property, the discharge of noncontractual obligations of or claims against the City, for joining with the State of Ohio or other political subdivisions or units of government to acquire or construct improvements or facilities or to exercise their powers jointly, or for the purchase of products or services of publicly or privately owned or operated public utilities. The Council, by ordinance or resolutions adopted by a vote of at least two-thirds of its members, may authorize, without competitive bidding, contracts and expenditures for any other purpose where the statutory or common law of Ohio does not require competitive bidding.~~

~~—(d) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contracts in excess of the State of Ohio limit, as of 6/1/92, that are awarded by Council, whether or not bidding is required by division (b) of this section, such~~

~~alterations or modifications shall be made only upon the order of the Council given by a motion adopted by a majority vote of its members; provided that if such alterations or modifications to such contracts do not authorize or require the expenditure of additional sums of money in the aggregate as to each contract, the Mayor shall authorize such alterations or modifications without further action by the Council. No order for the alteration or modification of any contract shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the Mayor on behalf of the City. Bidding or further bidding shall not be required because of any alteration or modification of any contract.~~

~~(Amended 11-3-92.)~~

(e) (c) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the Mayor unless the City Auditor or a duly authorized representative of the Auditor shall first certify:

(1) That the money required for the contract, agreement, obligation or expenditure is in the City's treasury or in the process of collection, and

(2) That the money has been appropriated by Council for the purpose and remains unencumbered.

The certification as to the availability of funds shall be filed and recorded in the accounting records of the City and a copy furnished the vendor or contractor. Without the certification, contractual obligations shall be void and unenforceable against the City unless authorized by an ordinance or resolution of the Council, as a moral obligation. The City Auditor shall not arbitrarily withhold the certificate required by this division.

(f) (d) The Council or the Mayor shall not divide any order or contract to avoid the requirements of competitive bidding. Expenditures to pay the compensation and fringe benefits of officers and employees of the City shall be exempt from the provisions of this section; except the City Auditor shall not pay such compensation or fringe benefits unless the Council shall have appropriated sufficient money to cover such payments and the money required for payment is in the City's treasury or in the process of collection.

(g) (e) Copies of all written contracts and purchase orders shall be filed with and maintained as public records by the City Auditor.

SECTION 2. That the Board of Elections of Franklin County be and is hereby directed to give public notice of the time and place of holding such election, by publication of such notice at least ten days prior to the date of such election in a newspaper of general circulation in the City of Reynoldsburg, Ohio.

SECTION 3. That the Clerk of Council be and is hereby directed to publish the full text of the proposed Charter amendment once a week for not less than two consecutive weeks in a newspaper published and of general circulation in the City of Reynoldsburg, with the first publication being at least fifteen days prior to the election hereinbefore provided and to certify a copy of this ordinance to the Boards of Elections of Franklin, Licking and Fairfield Counties.

SECTION 4. That upon passage of this amendment to the City of Reynoldsburg Charter by a

majority of the electors voting thereon, existing Section 8.04 shall be so amended.

SECTION 5. That this ordinance is deemed to be an emergency measure necessary for the preservation of the public peace, health and safety and further for the reason that pursuant to Section 7.05 of the City Charter the amendment is to be placed before the voters and must be received by the Boards of Elections no later than ninety days prior to the election; wherefore upon adoption by Council this ordinance shall be in effect immediately upon signature by the Mayor.

Doug Joseph
Doug Joseph, President of Council

ATTEST: April L. Beggerow
April L. Beggerow, Clerk of Council

APPROVED: Bradley L. McCloud DATE 7/11/17
Bradley L. McCloud, Mayor

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. 69-17 as passed by Council of said City on the 10th day of July, 2017 and as recorded in the Record of Proceedings of said Council.

April L. Beggerow
April L. Beggerow, Clerk of Council

Filed with Mayor: 7/11/17

Published: _____