

RECORD OF ORDINANCES

Ordinance No. 2025-0-09 Passed February 18, 2025
YEAR

VILLAGE COUNCIL OF GREENWICH, OHIO
ORDINANCE NO. 2025-O-09

EMERGENCY AUTHORIZATION
OBVIATE BIDDING
ORC 735.051
CAPITAL OUTLAY FUND

AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO THE AGREEMENTS NECESSARY FOR THE EMERGENCY REPAIR OF A VITAL TRANSFORMER WITH **LAKEPARK INDUSTRIES**; WITHOUT FORMAL BIDDING; AND AUTHORIZING THE FISCAL OFFICER TO EXPEND THE MONEY NECESSARY REPAYMENT AND FOR THE EMERGENCY REPAIRS TO THE VILLAGE ELECTRICAL GRID FROM THE CAPITAL OUTLAY FUND AND DECLARING AN EMERGENCY.

WHEREAS the Village furnishes inhabitants with municipal power as permitted by ORC 715.06 and Greenwich codified Municipal Code of Ordinances Chapter 1048; and

WHEREAS an essential, vital and necessary electric transformer failed recently causing parts of the electrical grid to be without power; and

WHEREAS, the Village has obtained emergency quotes to immediately replace the transformer and to restore vital power with the best quote estimated at around \$200,000.00; and

WHEREAS, ORC Section 735.051 provides that emergency conditions obviate formal bidding and advertising for contracts; and

Section 735.051 | Emergency conditions obviate formal bidding and advertising for contracts.

In the case of a real and present emergency arising in connection with the operation and maintenance of the department of public service, including all municipally owned utilities, the department of public safety, or any other department, division, commission, bureau, or board of the municipality, the legislative authority of the municipality may by a two-thirds vote of all the members elected thereto, authorize the director of public service, director of public safety, city manager, board of public affairs, or other duly authorized contracting officer, commission, board, or authority, to enter into a contract for work to be done or for the purchase of supplies or materials without formal bidding and advertising.

WHEREAS, in an emergency Motion of Council on 02/04/2025, Village Council approved the Motion by two thirds vote of all the members, finding that the situation was a clear and present emergency and further authorizing the Administrator to enter into contract for the work to be done without bidding and advertising; and

WHEREAS, the Fiscal Officer reports that there are insufficient funds currently in the Electric Fund to pay the emergency transformer replacement costs and electric grid repairs; and

WHEREAS, the Fiscal Officer requests authorization to expend money from the CAPITAL OUTLAY FUND to pay for the emergency replacement of the transformer; and

WHEREAS, the Mayor reports that Lakepark Industries lost 25% of their production capabilities during the outage. The outage required generator rental and fuel to keep their business running. The Mayor further reports that Lakepark Industries has offered to arrange for all materials, equipment and necessary personnel to make emergency repairs. Lakepark will pay all parties involved and then submit invoices to the Village; and

WHEREAS, Village council wishes to reaffirm its emergency actions taken by Motion on 02/04/2025 by adopting this Ordinance to be applied retroactively and further authorize the repayment to Lakepark Industries for the costs incurred to replace transformer and make emergency repairs to the municipal electrical grid.

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NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GREENWICH, STATE OF OHIO: (RC 731.18)

SECTION 1. CLEAR AND PRESENT EMERGENCY. That Council hereby finds and determines that the unexpected loss of a necessary and vital electric transformer is a clear and present emergency in connection with the operation and maintenance of the Village electric utility.

SECTION 2. OBVIATE FORMAL BIDDING. That the finding of a clear and present emergency above, Village Council by two thirds vote of its member, hereby authorizes the Village Administrator to enter into contract for the necessary emergency work to be done without formal bidding and advertising pursuant to ORC 735.051.

SECTION 3. AUTHORIZATION. That the Village Administrator is hereby authorized and directed to enter into an emergency contract with **LAKEPARK INDUSTRIES** for the emergency repair and/or replacement of the failed transformer and to take steps necessary to restore the municipal power grid in an amount not to exceed \$200,000.00.

SECTION 4. REPAYMENT. That the Fiscal officer is also hereby authorized to make repayment to Lakeside Industries for any cost incurred directly related for the repair and replacement of any equipment which is part of the municipal electric grid.

SECTION 4. That the contract shall be executed in the name of the village and signed on its behalf by the village administrator. [Section 731.141 of the Ohio Revised Code; See also Section 232.01 of the Greenwich Codified Municipal Code]

SECTION 5. That Council hereby authorizes and directs the Fiscal Officer to expend the funds necessary for the Lakeside Industries repayment and also Village emergency repairs to the electrical grid and transformer from the following fund:

CAPITAL OUTLAY FUND: #5301-800-5000-000
Not to exceed \$200,000.00

Pursuant to Section 5705.41(D) of the Ohio Revised Code, the Fiscal Officer reports that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of the CAPITAL OUTLAY FUND free from any previous encumbrances.

SECTION 6. MOTION REAFFIRMED. That Village Council hereby reaffirms its Motion regarding this matter approved on 02/02/2025 with this Ordinance and any additional provisions provided herein.

SECTION 7. EFFECT. That this legislation shall take effect **RETROACTIVELY** on: 02/04/2024

SECTION 8. RETROACTIVE. That Village Council expressly intends this legislation to operate retrospectively pursuant to Section 1.48 of the Ohio Revised Code. Council further finds that the retroactive application does not take away or impair vested rights acquired under current existing laws, nor does it create new obligations, nor imposes a new duty, nor attaches a new disability, in respect to transactions or considerations already passed and adopted.

SECTION 9. DISPENSE WITH THREE READINGS. [R.C. 731.17(A)(2)] That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days.

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SECTION 10. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this legislation is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

To facilitate the necessary emergency repairs which are vital to the municipal electric utility grid.

SECTION 11. PUBLIC MEETING. It is found and determined that all formal action of this public body concerning or relating to the passage of this legislation were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 18 day of February, 2025.

ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by ORC 731.17.

Jane Swadlow
MAYOR

Karley M. B...
FISCAL OFFICER

LEGISLATION READINGS ORC 731.17(A)

- (1) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.
(2) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

First Reading: 2/18/25 Second Reading: dispensed Third Reading: dispensed

ROLL CALL VOTE ORC 731.17(A)(3)

The vote on the passage was taken by yeas and nays and entered upon the journal. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority. Yeas, nays, abstentions, excused or absent votes were recorded as follows:

Yea
Mike King

Yea
Randy Wilson

Yea
Lynne Phillips

Excused
Jason Hunter

Yea
Regina Lueck

Yea
Dorene Beverly

PREPARED BY AND APPROVED AS TO LEGAL FORM (See also ORC 731.21(B)):

Steve Palmer
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF PUBLICATION ORC 731.21 and 731.22

Pursuant to ORC 731.21(A)(3), I hereby certify that a succinct summary of the above legislation was/will be published using the following method: **ON THE WEBSITE AND SOCIAL MEDIA ACCOUNT OF THE MUNICIPAL CORPORATION**

The succinct summary was reviewed by the village solicitor as required by ORC 731.21(B). Publication was/will be made at least once a week for two consecutive weeks as required by ORC 731.22.

Karley M. B...
FISCAL OFFICER

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