

SPONSOR: *EBrown/Elliott*

ORDINANCE NO. 119-08

AN ORDINANCE FINDING A REAL AND PRESENT EMERGENCY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A NEW GARBAGE TRUCK WITHOUT FORMAL BIDDING AND ADVERTISING, AND DECLARING AN EMERGENCY.

WHEREAS, the City's Garbage Truck fleet is in need of a new Garbage Truck to enable the City to adequately perform the public service of the collection of garbage, as the back up truck is in bad condition and is undependable; and

WHEREAS, a few new diesel garbage trucks for the 2007 model year and a few from the 2008 model year are sporadically available and these trucks have less restrictive emission requirements and are cheaper than the models after 2008, and these 2007 and 2008 models occasionally become available with little or no notice, and require immediate action in order to purchase them; and

WHEREAS, as such trucks become available time constraints will not permit a formal bidding process; and

WHEREAS, Jackson City Council hereby finds and declares a real and present emergency exists under the provisions of Section 753.051 of the Ohio Revised Code for the reason that the purchase of a new garbage truck is a needed and necessary improvement that needs to be implemented in the City's garbage system as soon as possible, and for the further reason that the garbage trucks that will be available will be for a limited time period without much notice of availability which will preclude formal bidding.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Director of Public Service is hereby authorized to contract for the purchase of a new garbage truck for the City's Garbage Department, said truck to be a 2007 diesel model or 2008 diesel model with the less restrictive emission requirements. Inasmuch as Council finds that a real and present emergency exists under R.C. Section 753.051, Council hereby authorizes the City to authorize the Service Director to enter into a contract for the purchase of the garbage truck without competitive bidding. The contract price for the garbage truck shall not exceed an amount of One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00). In the event the Service Director enters into a contract for the purchase of a new garbage truck, the final purchase of said truck shall be formalized and approved by City Council.

Section Two. This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, in that it is necessary to authorize the Service Director to enter into a contract to purchase a garbage truck as soon as a new truck becomes available. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four.

It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date: 11-24-08

Ronald G. Scarborough
PRESIDENT OF COUNCIL

Dea Brown
CLERK OF COUNCIL

Approved:

Date: 11-25-08

Conroy R. Hebert
MAYOR