

# CITY OF CLAYTON, OHIO

## RESOLUTION NO. R - 07 - 16 - 63

### A RESOLUTION APPROVING AN AMENDMENT TO CLAYTON CHARTER SECTION 8.02(C) – CONTRACTING POWERS AND PROCEDURES

WHEREAS, the Clayton Charter Review Commission has submitted the following rationale for the below listed amendment to the Clayton City Charter:

*Rationale: this is a modification which provides for more responsive and efficient operations.*

### NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the following amendment to the Clayton City Charter is hereby approved for submission to the voters of the City of Clayton at the November 8, 2016 General Election:

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#### ARTICLE VIII FINANCE, TAXATION AND DEBT

##### **8.02 Contracting Powers and Procedures**

- (A) The City Manager shall be the contracting officer of the City and shall award and execute all contracts on behalf of the City.
- (B) When any expenditure or contract is required to be competitively bid under the provisions of this Charter or ordinance or resolution of Council, the City Manager may solicit competitive bids without the prior approval of Council. All solicitations for submittal of bids shall be advertised once a week for at least two weeks in a newspaper of general circulation in the City. The award shall be made by the City Manager after approval by majority vote of Council to the lowest and best, responsive bid submitted by a responsible bidder. The City shall have the right to waive defects in a bid and to reject any and all bids.
- (C) This division (C) of this Section 8.02 imposes the following restrictions and limitations to Division (B) of this Section:
  - (1) In the first fiscal year this Charter is in effect, the amount of an expenditure or contract which shall require bidding under Division (B) shall be fifteen thousand dollars or more. Thereafter Council may by

ordinance increase the amount by twenty percent once each year, but the amount fixed by council shall not exceed twice the statutory amount for which general Ohio statutory plan cities are required to engage in competitive bidding;

- (2) Contracts or expenditures shall not be divided or split to avoid competitive bidding. Annual requirement contracts shall require bidding if the reasonably estimated amount of the contract exceeds the amount required for competitive bidding;
- (3) The following expenditures may be exempted by Council from competitive bidding:
  - (a) Emergency contracts or expenditures authorized by a vote of two-thirds of the members of Council;
  - (b) Intergovernmental contracts or expenditures. Intergovernmental contracts or expenditures, as used in this Sub-division (b) means those entities described in Section 2.04(A) (1) through (6) of this Charter, and non-profit corporations and non-profit unincorporated organizations providing or assisting in a public purpose, including entities or organizations in which the City holds membership;
  - (c) The acquisition of used equipment;
  - (d) The acquisition of real property, since specific property is unique;
  - (e) Where there exists only a sole source to supply requirements to the City;
  - (f) Professional contracts with attorneys and counselors-at-law;
  - (g) Professional services, other than contracts with attorneys and counselors at law, not to exceed One Hundred Fifty Thousand Dollars. (Contracts subject to this Sub-division (3)(g) in excess of One Hundred Fifty Thousand Dollars shall be subject to competitive bidding in such fashion as determined by Council); and
  - (h) Other exceptions to the requirements of competitive bidding as set forth by the general laws pertaining to general statutory plan cities or established by the common law of Ohio.

(i) **Compensation of persons and fringe benefits, such as health and life insurance premiums.**

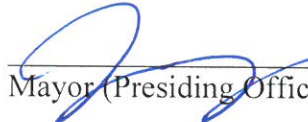
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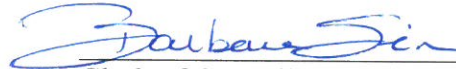
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2. That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution to the Montgomery County Board of Elections for placement on the November 8, 2016 Ballot.
3. That this Resolution shall take effect from and after the date of its passage.

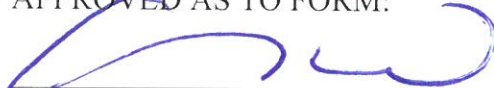
ADOPTED BY COUNCIL ON JULY 7, 2016.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor (Presiding Officer of Council)

  
\_\_\_\_\_  
Clerk of Council

APPROVED AS TO FORM:

  
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Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper                      Date of publication  
Englewood Independent      July 14, 2016

  
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CLERK