

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 03 - 19 - 18

A RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT WITH THE TROTWOOD FIRE DEPARTMENT FOR THE SALE OF NINE (9) PORTABLE RADIOS

WHEREAS, the Clayton Charter provides Council has the authority to exercise all powers of local self-government provided by to the City by the Constitution of the State of Ohio; and

WHEREAS, the Clayton Charter provides that the powers of Council are to be exercised in the manner prescribed in the Charter, and if not so prescribed in the Charter in the manner provided by ordinance or resolution of Council; and

WHEREAS, the Clayton Charter provides the powers of the City under the Charter shall be construed liberally in favor of the City; and

WHEREAS, a municipality may sell personal property not needed by it in such manner as prescribed by its charter and need not comply with R.C. 721.15 (ref. 1942 OAG No. 5558); and

WHEREAS, Clayton Charter Section 8.02(C)(3)(b) exempts intergovernmental contracts from competitive bidding; and

WHEREAS, the Clayton Fire Department would like to enter into an intergovernmental agreement with the Trotwood Fire Department for the sale of nine (9) portable radios for a total sale price of \$19,800.00, and the nine (9) portable radios are not needed for public use by the City of Clayton, are obsolete and/or unfit for the purpose for which they were acquired.

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

1. That the nine (9) portable radios referenced herein be sold by intergovernmental agreement to the Trotwood Fire Department for a total sale price of \$19,800.00 subject to receipt of an executed liability release substantially in the form appended hereto.
2. That this Resolution shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Resolution or which imposes additional requirements for effectiveness or validity.

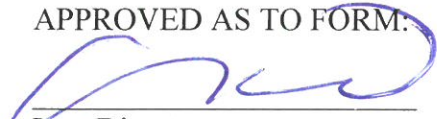
ADOPTED BY COUNCIL ON MARCH 7, 2019.

AUTHENTICATION:


Mayor (Presiding Officer of Council)


Clerk of Council

APPROVED AS TO FORM:



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 March 10, 2019



CLERK


RELEASE OF CLAIMS BY PUBLIC ENTITY

This INSTRUMENT is executed this March 20th day of 2019 between the City of Clayton, County of Montgomery, State of Ohio, hereinafter referred to as "RELEASEE" and the City of Trotwood hereinafter referred to as "RELEASOR".

NOW THEREFORE, with intent to be legally bound, and for valuable consideration, receipt of which is hereby acknowledge, RELEASOR agrees as follows:

1. RELEASOR, on behalf of itself, officers, administrators, employees, directors, successors, and assigns, hereby fully releases and forever discharges RELEASEE, its elected and appointed officials, employees, agents, successors and assigns from all rights, claims, and actions that RELEASOR, its elected and appointed officials, employees, agents, successors, and assigns now have or may have after the signing of this RELEASE for any and all claims which are related to the use of the **9 APX 6000 radios** which have been sold by the **City of Clayton** to the **City of Trotwood**.
2. RELEASEE makes no representations that said items are fit for their intended purpose and RELEASOR agrees that it is relying upon its own inspection of said items and is not relying upon any representations made by RELEASEE, its elected and appointed officials, employees, agents, successors and assigns or any other party acting on behalf of RELEASEE.
3. This Release is freely and voluntarily executed by RELEASOR after having been apprised of all relevant information and data and all other information relevant to such a Release.

**CITY OF CLAYTON –
RELEASEE**

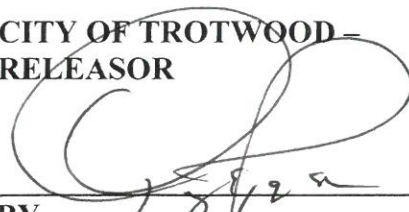


BY

3/20/19

DATE

**CITY OF TROTWOOD –
RELEASOR**



BY

3/18/19

DATE