

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

December 7, 2023

OLD BUSINESS (NONE)

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 12 – 23 – 27

**AN ORDINANCE APPROVING A TWENTY PERCENT (20%) INCREASE OF THE
COMPETITIVE BID THRESHOLD PURSUANT TO CITY CHARTER SECTIONS
8.02(B) AND 8.02(C)(1)**

WHEREAS, Section 8.02(B) of the City of Clayton Charter states, “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.”; and

WHEREAS, Section 8.02(C)(1) of the City of Clayton Charter states, “In the 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;” and

WHEREAS, City staff has recommended and Council desires to approve a twenty percent increase in the competitive bidding threshold from \$64,498.00 (approved by Council via Ordinance No. O-02-21-01 on February 18, 2021) to \$77,398.00 in accordance with Charter Sections 8.02(B) and 8.02(C)(1).

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

1. That, pursuant to City of Clayton Charter Sections 8.02(B) and 8.02(C)(1), the competitive bid threshold is hereby increased by twenty percent from \$64,498.00 to \$77,398.00.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on December 7, 2023 and December 19, 2023.

4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON DECEMBER 19, 2023

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 12 – 23 – 67

A RESOLUTION APPROVING A NEW COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMENS BENEVOLENT ASSOCIATION SETTING FORTH THE WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT FOR PATROL OFFICERS WITHIN THE CLAYTON POLICE DEPARTMENT FOR THE PERIOD JANUARY 1, 2024 THROUGH DECEMBER 31, 2027

WHEREAS, representatives of the City and Union have tentatively agreed upon a successor Collective Bargaining Agreement for the patrol officers within the Clayton Police Department and staff has recommended it for approval; and

WHEREAS, said Agreement provides for a wage increase of 2.0% in year one, with wage re-openers in years 2 and 3; and

WHEREAS, said Agreement maintains the City of Clayton in a comparable position on wages and benefits relative to surrounding departments within the Miami Valley.

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

1. That the Collective Bargaining Agreement with the OPBA for the period 1/1/24-12/31/27 appended hereto as *Exhibit A* and made a part hereof is approved and the City Manager is authorized to execute said Agreement on behalf of the City.

ADOPTED BY COUNCIL ON DECEMBER 7, 2023

RESOLUTION NO. R – 12 – 23 – 68

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CLAY TOWNSHIP, THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, AND QUICKTRIP CORPORATION REGARDING A PROPOSED PUBLIC WATER LINE EXTENSION

WHEREAS, QuickTrip Corporation has proposed development of a site located in Clay Township between Interstate 70, State Route 49, and Brookville-Salem Road which will require access improvements to local and state roadways and the extension of related utilities to the proposed site (“State Route 49 Project”); and

WHEREAS, City Council has determined the State Route 49 Project would provide economic benefits to the residents and businesses of the City; and

WHEREAS, City Council desires to authorize the City Manager to enter into a Memorandum of Understanding with Clay Township, the Montgomery County Transportation Improvement District, and QuickTrip Corporation in substantially similar form as *Exhibit A*, appended hereto and incorporated herein.

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

1. That the City Manager is authorized to enter into a Memorandum of Understanding with Clay Township, the Montgomery County Transportation Improvement District, and QuickTrip Corporation in substantially similar form as *Exhibit A*, appended hereto and incorporated herein.
2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

ADOPTED BY COUNCIL ON DECEMBER 7, 2023

RESOLUTION NO. R – 12 – 23 – 69

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH INTERSTATE GAS SUPPLY, LLC

WHEREAS, the City of Clayton is authorized as a charter municipality to exercise all powers of local self-government; and

WHEREAS, via adoption of prior legislation, Council authorized the Miami Valley Communications Council (“MVCC”) to act as the City of Clayton’s governmental aggregator for electrical aggregation; and

WHEREAS, MVCC has presented the attached Generation Supply Agreement (“Agreement”) Amendment (**Exhibit A**) to the City of Clayton for execution.

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

1. The City Manager is hereby authorized to execute an amendment to the Agreement in substantially the same form as **Exhibit A** appended hereto and any other necessary documents on behalf of the City for electric generation and transmission supply services with a competitive retail electric service provider as described herein with the supplier of said services being Interstate Gas Supply, LLC and approving the terms of same as delineated in the attached **Exhibit A**, including approval of the per KWh price specified in the attached **Exhibit A** and extending the term of said Agreement as specified in the attached **Exhibit A**.
2. It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.
3. That this Resolution shall be in full force and effect at the earliest date allowed by law.

ADOPTED BY COUNCIL ON DECEMBER 7, 2023

RESOLUTION NO. R – 12 – 23 – 70

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE-YEAR CONTRACT WITH OPTI-VISE, LLC FOR INFORMATION TECHNOLOGY SERVICES FOR AN AMOUNT NOT TO EXCEED \$68,230.20 ANNUALLY

WHEREAS, Charter Section 8.02(C)(3)(a) exempts expenditures authorized by a two-thirds vote of Council from competitive bidding; and

WHEREAS, City staff has recommended entering into a three-year agreement with Opti-Vise, LLC for the provision to the City of Clayton of information technology services.

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

1. That the City Manager is authorized to enter into a three-year agreement for an amount not to exceed \$68,230.20 annually with Opti-Vise, LLC for the provision to the City of Clayton of information technology services.

ADOPTED BY COUNCIL ON DECEMBER 7, 2023

RESOLUTION NO. R – 12 – 23 – 71

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO PUBLIC WORKS MUTUAL AID AGREEMENT

WHEREAS, the City of Clayton desires to enter into a *Public Works Mutual Aid Agreement* with other public entities for the purpose of rendering mutual aid, assistance, labor, and equipment to each other in the event of non-emergency and emergency situations arising within their individual jurisdictions when their own non-safety public works labor and equipment is deemed inadequate; and

WHEREAS, the Council of the City of Clayton deems entering into a *Public Works Mutual Aid Agreement* to be in the best interest of the City and necessary for the preservation of the health, safety, and welfare of its citizens.

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

1. The City Manager is authorized to enter into a *Public Works Mutual Aid Agreement* with other public entities in substantially similar form as appended hereto as **Exhibit A**.
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 Ordinance or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON DECEMBER 7, 2023
