

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

May 2, 2024

OLD BUSINESS - NONE

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 05 – 24 – 27

A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2024

WHEREAS, the City of Clayton, Ohio, located in Montgomery County, (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon of award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees that each party hereto shall be responsible for liability associated with that party’s own errors, actions, and failures to act; and
- d. *The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and*
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than **Friday, May 3rd by 5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

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

1. That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT sale contract.

ADOPTED BY COUNCIL ON MAY 2, 2024

RESOLUTION NO. R – 05 – 24 – 28

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE EIGHT (8) NEW MOTOROLA APX 6500 MOBILE RADIOS FOR POLICE CRUISERS FROM P & R COMMUNICATIONS SERVICE, INC. AT A COST OF \$54,485.00

WHEREAS, via City Charter Section 8.02(C)(1) and enactment of Ordinance No. 12-23-27, the current minimum competitive bid threshold is \$77,398.00; and

WHEREAS, on November 2, 2023, via adoption of Resolution No. R-11-23-61, Council adopted and approved a Five-Year Capital Improvement Budget ("CIP Budget"); and

WHEREAS, the aforementioned CIP Budget provided for the purchase of mobile radios for use by the Police Department in 2025; and

WHEREAS, Council has determined that it is in the best interest of the City and has further determined the health, safety, and welfare of the community to be advanced by purchasing the mobile radios for use by the Police Department this year rather than in 2025; and

WHEREAS, City Staff has requested and recommended the purchase of eight (8) new Motorola APX 6500 mobile radios for police cruisers from P & R Communications Service, Inc. at a cost of \$54,485.00, including installation and encryption.

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

1. That the City Manager is authorized to purchase eight (8) new Motorola APX 6500 mobile radios for police cruisers from P & R Communications Service, Inc. at a cost of \$54,485.00, including installation and encryption.
2. That having been duly advised by City staff that the above identified purchase satisfies applicable requirements, the City is authorized to use ARPA funds in the amount of \$54,485.00 toward said purchase.
3. That the five-year capital improvement budget shall be amended to reflect the purchase of the aforesaid radios will occur in 2024 rather than 2025 and to facilitate such other amendment(s) to said CIP Budget which are necessitated by the fact that this purchase will occur in 2024 rather than 2025.

ADOPTED BY COUNCIL ON MAY 2, 2024

RESOLUTION NO. R – 05 – 24 – 29

**A RESOLUTION APPROVING A CONTRACT WITH TEAMSTERS LOCAL UNION
957 FOR MAINTENANCE WORKER I AND MAINTENANCE WORKER II
EMPLOYEES OF THE CLAYTON SERVICE DEPARTMENT FOR THE PERIOD
JANUARY 1, 2024 THROUGH DECEMBER 31, 2026**

WHEREAS, the City of Clayton and the Teamsters Local Union 957, as the designated bargaining agent for Maintenance Worker I and Maintenance Worker II employees of the Service Department, have negotiated a contract covering the said employees' wages, hours, and other terms and conditions of employment; and

WHEREAS, said Agreement provides, *inter alia*, for a wage increase of 2% for 2024 retroactive to the first pay period of January, 2024 and wage re-opens for the remaining two years along with other terms and conditions of employment as indicated in the attached Collective Bargaining Agreement (**Exhibit A**).

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

1. That the Collective Bargaining Agreement for the time period January 1, 2024 through December 31, 2026, between the City of Clayton and the Teamsters Local Union 957 appended hereto as **Exhibit A** is hereby approved and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

ADOPTED BY COUNCIL ON MAY 2, 2024

RESOLUTION NO. R – 05 – 24 – 30

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
DELINQUENT DEBT COLLECTION AGREEMENT WITH THE OHIO ATTORNEY
GENERAL FOR COLLECTION OF DELINQUENT EMS BILLING**

WHEREAS, Charter Section 8.02 provides that the City Manager shall be the contracting officer of the City and shall award and execute all contracts on behalf of the City; and

WHEREAS, City Council desires to authorize the City Manager to enter into a *Delinquent Debt Collection Agreement* with the Ohio Attorney General for the collection of delinquent EMS billing due and owing the City of Clayton, Ohio.

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 *Delinquent Debt Collection Agreement*, in substantially similar form as appended hereto (**Exhibit A**) and with approved modifications, if any, by the Law Department, with the Ohio Attorney General for the collection of delinquent EMS billing due and owing the City of Clayton, Ohio.

ADOPTED BY COUNCIL ON MAY 2, 2024
