

CITY OF OAKWOOD
COUNCIL AGENDA
MAY 3, 2021

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF APRIL 5 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION
- V. STATUS REPORTS
 - Citizen Committee Appointments
- VI. VISITORS
- VII. LEGISLATION
 - An Ordinance to levy special assessments for the 2022 Street Lighting, Mr. Stephens
 - An Ordinance adopting the 2022 tax budget, Mayor Duncan
 - An Ordinance to provide an appropriation for a refuse packer, Vice Mayor Byington
 - An Ordinance to provide an appropriation for recycling improvements to the Public Works Center, Vice Mayor Byington
 - An Ordinance to establish a new fund for federal American Rescue Plan grant money, Vice Mayor Byington
 - An Ordinance to exempt certain purchases via broker from formal bidding requirements, Vice Mayor Byington
 - An Ordinance to terminate Special Revenue Fund 209, Vice Mayor Byington
- VIII. STAFF REPORT – FINANCE DIRECTOR CINDY STAFFORD
- IX. CITY MANAGER’S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR JUNE 7, 2021

AN ORDINANCE

BY: _____

NO. _____

LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

That the revised assessments for the cost and expense of improving in the City of Oakwood, Ohio, the streets designated and between the termini set forth in Resolution No. 1881, adopted March 1, 2021, by lighting the same with electricity from the 1st day of January, 2022 through the 31st day of December, 2022, amounting in the aggregate estimated to be \$123,663.59, which were filed with the Clerk of Council the 1st day of March, 2021 and are now on file in the office of the Clerk of Council, be and the same are hereby adopted and confirmed and such revised assessments are hereby levied and assessed upon the lots and lands bounding and abutting upon said improvement in the respective amounts reported as aforesaid, which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

SECTION II.

That this Council hereby finds and determines that the revised assessments as now on file in the office of said Clerk of Council are in the same proportion to the estimated assessments as originally filed as the actual costs of the above described improvement is to the estimated cost of the improvement as originally filed.

SECTION III.

That the assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after passage of this Ordinance. All cash payments shall be made to the Director of Finance of this City. All assessments and installments thereof remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

SECTION IV.

That the Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and to continue on file in her office said revised assessments.

SECTION V.

That the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within twenty days after its passage.

SECTION VI.

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VII.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL this _____ day of _____, 2021.

Mayor William D. Duncan

ATTEST:

Clerk of Council

To the Clerk:
Please publish in summary form below.

City Attorney Robert F. Jacques

LEGAL NOTICE

The Council of the City of Oakwood, Montgomery County, Ohio adopted Ordinance No. _____ entitled "LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY."

Lori Stacel
Clerk of Council
City of Oakwood

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing Ordinance was duly published in the Oakwood Register, a newspaper of general circulation in the said City of Oakwood, that said publication occurred on the following date:

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

ADOPTING THE 2022 TAX BUDGET FOR THE CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022.

WHEREAS, the City Manager has prepared the attached tax budget for the city of Oakwood, Ohio, for fiscal year beginning January 1, 2022, in conformance with the requirements of law and in accordance with Section 6.01 of Article VI of the Charter of the city of Oakwood, which tax budget sets forth all revenues expected to be received for such fiscal year; including but not limited to all general and special taxes, fees, costs, percentages, penalties, allowances and prerequisites; and

WHEREAS, based on preliminary estimates, 2022 operating expenditures are not expected to exceed the 2021 operating expenditure appropriations by more than 3%; and

WHEREAS, based on preliminary estimates, 2022 capital expenditures are not expected to exceed \$2,500,000.00;

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

SECTION I.

The budget described in the above recital paragraph, shall be and is hereby adopted as the official tax budget of the city of Oakwood, Ohio, for the fiscal year beginning January 1, 2022.

SECTION II.

That this ordinance be and remain in force from and after the earliest date allowed by law.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2021.

Mayor William D. Duncan

ATTEST:

Clerk of Council

To the Clerk:
Please publish in summary form set forth below.

LEGAL NOTICE

Ordinance _____ of the City of Oakwood was passed on _____, to adopt the 2022 Tax Budget.

City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing Ordinance was duly published in the Oakwood Register, a newspaper of general circulation in said City of Oakwood, that said publication occurred on the following date:

Clerk of Council

Cities/Villages Tax Budget

Council of the City of Oakwood,

May 3, 2021

To Karl L. Keith, Montgomery County Auditor:

The Council of the City of Oakwood hereby submits its annual Budget for the year commencing January 1st, 2022 for consideration of the Montgomery County Budget Commission pursuant to Section 6.01 of the Oakwood City Charter.

Director of Finance

Fund	Estimated Unencumbered Balance January 1st, 2022	Other Sources	Total
GENERAL FUND	7,548,949	8,896,302	16,445,251
MAJOR OPERATING FUNDS			
Street Maintenance and Repair	503,880	1,339,057	1,842,937
Leisure Activity	509,332	1,185,535	1,694,867
Health	125,613	159,244	284,857
Sidewalk, Curb & Apron	218,300	195,000	413,300
Equipment Replacement	1,078,104	432,100	1,510,204
Capital Improvement	1,179,248	1,328,500	2,507,748
Service Center	104,471	694,160	798,631
OTHER FUNDS			
Bullock Endowment Trust	51,292	300	51,592
MLK Community Recognition	0	0	0
Special Improvement District Assessment	0	90,000	90,000
Smith Memorial Gardens	400,292	116,559	516,851
Indigent Drivers Alcohol Treatment	36,021	2,600	38,621
Enforcement and Education	8,575	200	8,775
Law Enforcement	10,109	0	10,109
Drug Law Enforcement	0	0	0
Police Pension	0	0	0
Court Clerk Computerization	35,540	8,000	43,540
Court Computerization	33,115	4,200	37,315
Court Special Projects	43,502	7,000	50,502
Sub-Total, Page 1	11,886,343	14,458,757	26,345,100

Cities/Villages Tax Budget

Fund	Estimated Unencumbered Balance January 1st, 2022	Other Sources	Total
OTHER FUNDS (continued)			
State Highway Improvement	135,290	47,000	182,290
Public Safety Endowment	201,940	1,300	203,240
Special Projects	1,999,265	0	1,999,265
Issue 2 Projects	0	0	0
Public Facilities	0	0	0
Local Coronavirus Relief	0	0	0
Bond Retirement	0	0	0
Electric Street Lighting	99,856	145,296	245,152
Self-Funded Insurance Trust	25,000	17,500	42,500
Fire Insurance Trust	0	0	0
Contractor's Permit Fee	0	2,000	2,000
REFUSE			
Refuse	416,992	1,352,600	1,769,592
Refuse Improve/Equip Replacement	99,313	430,000	529,313
ENTERPRISE FUNDS			
Water Operating	1,021,624	1,176,700	2,198,324
Water Improve/Equip Replacement	327,942	50,000	377,942
Sanitary Sewer Operating	1,548,520	1,867,200	3,415,720
Sanitary Sewer Improve/Equip Replace	214,067	150,000	364,067
Stormwater Operating	296,784	467,135	763,919
Stormwater Improve/Equip Replacement	109,390	75,000	184,390
Sub-Total, Page 2	6,495,983	5,781,731	12,277,714
Grand Total	18,382,326	20,240,488	38,622,814

**Exhibit of Bonds, Notes, and Certificates of Indebtedness Outstanding January 1st of the Coming Year,
and Bond Retirement Fund Requirements, for the coming year.**

Purpose of Bonds and Notes	Authority for Levy Outside 10 mill Limit	Date of Issue	Date Due	Rate of Interest	Amount Outstanding	Amount Required for Principal & Interest	Amount Required from Sources other than Property Tax	Total Required from General Property Taxes
INSIDE 10 MILL LIMIT:	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
TOTAL	XXXXX	XXXXX	XXXXX	XXXXX				
OUTSIDE 10 MILL LIMIT:	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL	XXXXX	XXXXX	XXXXX	XXXXX				

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

Fund (Include only those funds which are requesting general property tax revenue)	Amount Approved By Budget Commission Inside 10M. Limitation Column I	Amount To Be Derived From Levies Outside 10 M. Limitation Column II	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit Column III	Outside 10 M. Limit Column IV
GOVERNMENTAL FUNDS				
GENERAL FUND	1,131,795	1,523,751		
PROPRIETARY FUNDS				
FIDUCIARY FUNDS				
TOTAL ALL FUNDS	1,131,795	1,523,751		

AN ORDINANCE

BY: _____

NO. _____

TO AMEND SECTION I, 2021 ORIGINAL APPROPRIATION ORDINANCE NO. 4925, AND ANY EXISTING SUPPLEMENTS THERETO, TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$280,000 TO BE EXPENDED FROM THE GENERAL EQUIPMENT REPLACEMENT FUND FOR THE PURCHASE OF A REFUSE PACKER; AND
2. AN AMOUNT OF \$280,000 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE GENERAL EQUIPMENT REPLACEMENT FUND;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021.

WHEREAS, the capital purchase of a refuse packer for use by the Public Works Department was planned as a 2022 expenditure; and

WHEREAS, due to manufacturing and supply chain issues that have emerged during the COVID-19 pandemic, delivery of large trucks and other equipment has been significantly delayed and costs are anticipated to rise; and

WHEREAS, to ensure that manufacturing delays do not impact the city’s refuse operations, and to take advantage of current pricing, the City Manager has recommended ordering the refuse packer in 2021; and

WHEREAS, this supplemental appropriation will authorize an additional amount of \$280,000 to be expended from the General Equipment Replacement Fund, and transfer of \$280,000 from the city’s General Fund to the General Equipment Replacement Fund, which will be utilized to purchase the refuse packer;

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

SECTION I.

To provide for the current expenses and other expenditures of the said city of Oakwood during the period commencing January 1, 2021 and ending December 31, 2021, the following revised sums shall be and they are hereby set aside and appropriated as follows, with added material in **bold** type and deleted material in ~~strike-through~~ type:

Fund	Appropriation	
101 General Fund	\$11,428,814	\$11,708,814
308 General Equipment Replacement Fund	\$366,000	\$646,000

SECTION II.

The Director of Finance is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by this ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION III.

This ordinance, as an appropriation to meet current expenses of the City, takes effect immediately upon its passage as provided by Section 3.04 of the City Charter.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2021.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance _____ of the Council of the city of Oakwood, Ohio was passed on the ____ day of _____, 2021. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2021.

LORI STACEL
CLERK OF COUNCIL

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the city of Oakwood, State of Ohio, hereby certify that the foregoing Ordinance was duly published in summary form in The Oakwood Register, a newspaper of general circulation in said city of Oakwood, and that said publication occurred on the following date:

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

TO AMEND SECTION I, 2021 ORIGINAL APPROPRIATION ORDINANCE NO. 4925, AND ANY EXISTING SUPPLEMENTS THERETO, TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$257,730 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO THE RECYCLING CENTER; AND
2. AN AMOUNT OF \$257,730 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENT FUND;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021.

WHEREAS, the Public Works Department has been developing a plan to relocate and make significant updates to the city’s 24/7 public-access recycling center, a project originally planned for 2022; and

WHEREAS, the Public Works Department capitalized on a grant funding opportunity through the Montgomery County Solid Waste District; and

WHEREAS, city staff applied for a District Incentive Grant for this project and was recently informed that the city will be awarded \$72,000, the highest single amount being awarded to any community under this year’s District Incentive Grant program, in recognition of the city’s commitment to recycling; and

WHEREAS the grant amounts to about 28% of the \$257,730 project cost, but is conditioned upon the project taking place in 2021; and

WHEREAS, Council believes it is financially prudent to schedule the project for 2021 in order to take advantage of this opportunity, which represents a significant savings to the citizens of Oakwood; and

WHEREAS, this supplemental appropriation will authorize an additional amount of \$257,730 to be expended from the Capital Improvement Fund, and transfer of \$257,730 from the city’s General Fund to the Capital Improvement Fund, which will be utilized to relocate and update the city’s 24/7 public-access recycling center;

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

SECTION I.

To provide for the current expenses and other expenditures of the said city of Oakwood during the period commencing January 1, 2021 and ending December 31, 2021, the following revised sums shall be and they are hereby set aside and appropriated as follows, with added material in **bold** type and deleted material in ~~strike-through~~ type:

Fund	Appropriation	
101 General Fund	\$11,708,814	\$11,966,544
309 Capital Improvement Fund	\$716,000	\$973,730

SECTION II.

The Director of Finance is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by this ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION III.

This ordinance, as an appropriation to meet current expenses of the City, takes effect immediately upon its passage as provided by Section 3.04 of the City Charter.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this ___ day of _____, 2021.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance _____ of the Council of the city of Oakwood, Ohio was passed on the ___ day of _____, 2021. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2021.

LORI STACEL
CLERK OF COUNCIL

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the city of Oakwood, State of Ohio, hereby certify that the foregoing Ordinance was duly published in summary form in The Oakwood Register, a newspaper of general circulation in said city of Oakwood, and that said publication occurred on the following date:

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

TO CREATE A FUND WITHIN THE FISCAL RECORDS OF THIS CITY TO BE KNOWN AS THE LOCAL FISCAL RECOVERY FUND; AND TO DECLARE AN EMERGENCY.

WHEREAS, the American Rescue Plan Act of 2021, Public Law No. 117-2, (ARP Act) was signed into law by the President of the United States on March 11, 2021; and

WHEREAS, unlike the previous federal CARES Act adopted last year, the ARP Act provides for direct and indirect relief payments to local governmental entities including the city of Oakwood; and

WHEREAS, in order to receive the funds for which the city is eligible, the Federal Funding Accountability and Transparency Act (FFATA) requires separate accountability for direct recipients as well as subrecipients of federal awards greater than \$25,000; and

WHEREAS, to comply with these requirements, the City must account for ARP monies in a new segregated fund to be known as the "Local Fiscal Recovery Fund," which will allow such funds to be separately accounted and reported; and

WHEREAS, Council finds it necessary and desirable to establish such a fund; and

WHEREAS, pursuant to guidance from the Ohio Auditor of State, Bulletin 2021-004, this fund may be established by local legislative action without requiring approval from the Auditor of State;

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

SECTION I.

Through this ordinance a new fund entitled the Local Fiscal Recovery Fund is created.

SECTION II.

The Director of Finance is hereby authorized and directed to take such actions as may be necessary to enter the same upon the fiscal records of this city, and to utilize the same immediately for the purposes provided by law.

SECTION III.

This ordinance is hereby declared to be an emergency measure and as such shall take effect immediately, on the basis that it is necessary to create the new fund promptly so that it is in place to receive coronavirus relief funds as soon as the same may become available, and on the further basis of protection of the public peace, health, safety and welfare.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of _____, 2021.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish in the summary form set forth on the following page:

LEGAL NOTICE

On _____, the Council of the City of Oakwood, Montgomery County, Ohio, adopted Ordinance No. _____ entitled “AN ORDINANCE TO CREATE A FUND WITHIN THE FISCAL RECORDS OF THIS CITY TO BE KNOWN AS THE LOCAL FISCAL RECOVERY FUND; AND TO DECLARE AN EMERGENCY.”

Lori Stacel, Clerk of Council, City of Oakwood

City Attorney Robert Jacques

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing ordinance was duly published in the _____, a newspaper of general circulation in said city and that the publication occurred on the following date:_____.

Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

AMENDING SECTION 145.04, *FORMAL BIDDING PROCEDURES*, OF THE OAKWOOD ADMINISTRATIVE CODE TO CLARIFY THAT CERTAIN BROKERED PURCHASES AND CONTRACTS ARE EXEMPT FROM FORMAL BIDDING REQUIREMENTS.

WHEREAS, Chapter 145 of the Oakwood Administrative Code governs all city purchases and contracts, and is intended as an exercise of the City's power of local self-government pursuant to Section 1.02 of the City Charter and Section 3, Article XVIII of the Constitution of the State of Ohio; and

WHEREAS, Administrative Code Section 145.04(E) provides an exception to formal bidding requirements for certain kinds of purchases and contracts, where, because of the nature of such purchase or contract, there are inherent assurances to ensure fair and reasonable pricing and the prudent, responsible use of public resources; and

WHEREAS, the city has a long-standing practice of obtaining insurance and other employee benefits through the services of brokers who are familiar with the local market and who, by contract with the city, have a fiduciary duty to act in the best interests of the city; and

WHEREAS, these broker service contracts have always been exempt from competitive bidding as contracts for professional or personal services, but the Law Director has recommended a clarification to ensure that the underlying employee benefit contracts are also clearly exempted; and

WHEREAS, Council accepts the Law Director's recommendation and desires to amend Section 145.04(E) accordingly;

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

SECTION I.

Section 145.04, *Formal Bidding Procedures*, of the Oakwood Administrative Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~striketrough~~ font:

145.04 FORMAL BIDDING PROCEDURES

A. Formal sealed bids shall be used to determine the lowest and best responsible Vendor for the awarding of any purchase or contract that is subject to formal bidding under Section 145.03(B).

B. Formal bids shall be solicited by publishing an advertisement once a week, for not less than two weeks, in a newspaper of general circulation in the City. The advertisement shall set forth the day, hour and place of the bid opening, and shall provide contact information for the person or department responsible for distributing specifications and/or bidding instructions. If, in the discretion of the Purchasing and Contracting Agent, publication in a professional or trade publication or internet website is more likely to attract bidders appropriate to the City's need or purpose, publication may be made in that forum instead, for a similar duration.

C. Each bid must conform to the following general requirements:

1. Each bid shall contain the full name of each person or company interested therein;
2. Each bid shall be accompanied by appropriate bid security; and
3. No bid may be altered or modified after it has been delivered to the City.

D. The City may establish prequalifications or prerequisites for bidders, including but not limited to references and a statement of similar work previously performed.

E. Formal bidding shall not be required in any of the following situations, which shall constitute exceptions to the general rule set forth above in subsection (A), regardless of the probable cost or obligation to be incurred:

1. Public emergency declared in a resolution by a four-fifths vote of Council;
2. Where proximity of the supplier and/or immediate availability of the product or service is a determinative factor;
3. Where special or unusual circumstances make it advisable that the City deal with a particular Vendor on a sole-source basis;
4. Where a contract has already been entered into and a change order is sought for additional items or services, so long as all such change orders on a particular contract do not exceed twenty five percent (25%) of the original contract amount;
5. Participation in state contracts arranged by the Office of State Purchasing (part of the Ohio Department of Administrative Services) pursuant to Ohio Revised Code Section 125.04, or any other governmental cooperative purchasing program;
6. Where a purchase or contract can be obtained locally at a price below the price offered under a governmental cooperative purchasing program;
7. Contracts for professional or personal services;
- 8. Contracts for insurance, employee benefits, or other products or services where the purchase price or rates have been obtained through the services of a broker hired or contracted by the City;**
- ~~8.9.~~ Any other situation in which Council declares, by resolution, that the best interests of the City would be served by dispensing with the requirement of formal bidding for a particular purchase or contract; and
- ~~9.10.~~ Any other exception in this chapter or allowed by the Charter or Ohio law.

SECTION II.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio Revised Code, Sec. 121.22.

SECTION III.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of _____, 2020.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish by incorporating into the Codified Ordinances of the city.

City Attorney Robert F. Jacques

AN ORDINANCE

BY: _____

NO. _____

TO TERMINATE SPECIAL REVENUE FUND 209 UPON THE FINANCIAL RECORDS OF THE CITY; AUTHORIZE THE TRANSFER OF ITS REMAINING BALANCE TO THE GENERAL FUND; AND AMEND EXISTING APPROPRIATIONS OF THE CITY TO INCLUDE SAID TRANSFER.

WHEREAS, Ordinance No. 4595, adopted on November 7, 2005, established a special revenue fund known as the MLK Community Recognition Fund, which is designated as Fund 209 upon the financial records of the city; and

WHEREAS, the purpose of Fund 209 was to receive, hold, and expend money collected by and between the cities of Oakwood and Kettering in connection with a recurring breakfast event to recognize the life and vision of Dr. Martin Luther King, Jr.; and

WHEREAS, Oakwood and Kettering discontinued conducting the joint breakfast exclusively for the two communities, instead supporting larger regional celebrations and/or developing other programs, leaving a fund balance of \$7,506.52; and

WHEREAS, a portion of the remaining balance (\$3,753.50) was allocated and has been returned to the city of Kettering; and

WHEREAS, the city of Oakwood desires to use the remaining balance of \$3,753.02 to provide initial seed funding to the Oakwood Inclusion Coalition (“OIC”), a non-profit citizen-driven organization with the mission “to study, promote, and celebrate an inclusive, equitable, diverse and welcoming environment and community for everyone who lives, works, visits, or passes through Oakwood;” and

WHEREAS, the OIC’s mission is wholly consistent with the vision of Dr. Martin Luther King, Jr., and Council has determined that this use of the remaining Fund 209 balance is a fitting and proper tribute to Dr. King’s legacy and is for a public purpose; and

WHEREAS, through adoption of Resolution No. 1878 on October 5, 2020, Council recognized the establishment of the OIC and expressed strong support of the OIC’s mission and purpose;

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

SECTION I.

Pursuant to Section 5705.14(D) of the Ohio Revised Code, the Director of Finance is hereby authorized and directed to terminate Fund 209 upon the financial records of the city, and to transfer the remaining balance thereof to the General Fund, and to take such other measures as may be necessary to effectuate the intent of this ordinance.

SECTION II.

Ordinance No. 4925 and any existing supplements thereto, which together constitute Council’s appropriation of funds for 2021 city expenses, are hereby amended so as to characterize the expenditure of funds from Fund 209 as a “transfer” rather than an “appropriation.” No further amendment or supplemental appropriation is made, nor is any necessary, as the existing appropriations enacted by Council are sufficient for the purposes described herein.

SECTION III.

This ordinance, as an appropriation to meet current expenses of the City, takes effect immediately upon its passage as provided by Section 3.04 of the City Charter.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of _____, 2021.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish in the following summary form.

City Attorney Robert Jacques

LEGAL NOTICE

On _____, the Council of the City of Oakwood, Montgomery County, Ohio, adopted Ordinance No. _____ entitled "AN ORDINANCE TO TERMINATE SPECIAL REVENUE FUND 209 UPON THE FINANCIAL RECORDS OF THE CITY; AUTHORIZE THE TRANSFER OF ITS REMAINING BALANCE TO THE GENERAL FUND; AND AMEND EXISTING APPROPRIATIONS OF THE CITY TO INCLUDE SAID TRANSFER."

Lori Stacel, Clerk of Council

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing ordinance was duly published in the Oakwood Register, a newspaper of general circulation in said city, and that the publication occurred on the following date: _____

CLERK OF COUNCIL