

CITY OF OBERLIN, OHIO

ORDINANCE No. 23-31 AC CMS

AN ORDINANCE DETERMINING THAT A REAL AND PRESENT EMERGENCY EXISTS IN THE CITY OF OBERLIN PUBLIC WORKS DEPARTMENT AND AUTHORIZING THE PURCHASE OF REPLACEMENT DISTRIBUTOR ARMS AND RELATED EQUIPMENT FOR THE NITRIFICATION TOWER AT THE WATER ENVIRONMENT PROTECTION FACILITY FROM AMWELL, A DIVISION OF MCNISH CORPORATION OF NORTH AURORA, ILLINOIS AS AN EMERGENCY MEASURE

WHEREAS, the Public Works Department has budgeted funds to rebuild the distribution system on the nitrification tower at the Water Environment Protection Facility; and

WHEREAS, the Public Works Department has determined that the original equipment manufacturer, Amwell, a Division of McNish Corporation, is the sole supplier of replacement distributor arms and related equipment necessary to rebuild the existing nitrification tower distribution system at the City of Oberlin Water Environment Protection Facility; and

WHEREAS, Section II of the Oberlin City Charter provides that the powers of local self-government and those powers possessed by municipalities under the Constitution and laws of Ohio may be exercised in the manner prescribed in the Charter, or by ordinances of Council created thereby.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That under the provisions of Section 735.051 of the Ohio Revised Code it is hereby declared and determined that a real and present emergency exists in the Oberlin Municipal Public Works Department due to the need to rebuild the existing nitrification tower distribution system to ensure wastewater treatment in accordance with all of the requirements of the NPDES discharge permit for the City's Water Environment Protection Facility thereby requiring immediate authority for the City Manager to enter into an agreement without advertisement or competitive bidding for the purchase of the necessary equipment.

SECTION 2. That the City Manager is hereby authorized and directed to purchase replacement distributor arms and related equipment necessary to rebuild the existing nitrification tower distributor system from Amwell, a Division of McNish Corporation of North Aurora, Illinois for the City of Oberlin Public Works Department for the not-to-exceed price of \$79,574.00.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption 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 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to secure the purchase and delivery of the nitrification tower distributor arms and related equipment in a timely fashion and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest period allowed by law.

PASSED: 1st Reading: April 17, 2023

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 04/18/2023

EFFECTIVE DATE: 04/17/2023