

**AN ORDINANCE  
ENACTING NEW SECTION 105.03 OF THE CODIFIED  
ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS  
RELATING TO CONTRACT PROCEDURES, AMENDING  
SECTION 121.02 OF THE CODIFIED ORDINANCES  
RELATING TO MAYOR'S PURCHASING AUTHORITY,  
REPEALING CERTAIN ORDINANCES, AND DECLARING  
AN EMERGENCY.**

WHEREAS, Section 121.02 of the Codified Ordinances authorizes the Mayor to make purchases without formal bidding and without Council approval in an amount not exceeding the amount set forth in the Ohio Revised Code; and

WHEREAS, Ohio Revised Code Section 731.14 establishes procedures for contracts entered into by a village and requires contracts in excess of fifty thousand dollars (\$50,000) to be competitively bid; and

WHEREAS, the fifty thousand dollar (\$50,000) competitive bidding threshold was established in the 2011-2012 State of Ohio biennial budget bill (House Bill 153), signed by the Governor on June 30, 2011; and

WHEREAS, the General Assembly, in House Bill 153, did not change the twenty-five thousand dollar (\$25,000) competitive bidding threshold for villages that have established the position of village administrator as provided for in Ohio Revised Code Section 735.271; and

WHEREAS, the Village of Chagrin Falls has established the position of village administrator pursuant to its Charter, not as provided for in Ohio Revised Code Section 735.271; and

WHEREAS, the Village of Chagrin Falls, therefore, is subject to the fifty thousand dollar (\$50,000) competitive bidding threshold set forth in Section 731.14; and

WHEREAS, this Council, in order to avoid any ambiguity, desires to enact new Section 105.03 of the Codified Ordinances to require competitive bidding of contracts in excess of fifty thousand dollars (\$50,000); and

WHEREAS, such amendment and competitive bidding threshold is consistent with state law; and

WHEREAS, this Council also desires, in the event of an emergency, to authorize the dispensing of the competitive bidding requirement; and

WHEREAS, this Council also desires to authorize the option to enter into contracts pursuant to the cooperative purchasing program administered by the Ohio Department of Administrative Services.

**ORDINANCE NO.: 2012-03**  
**INTRODUCED BY: MR. PATTON**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That Section 105.03, Contract Procedures, of the Codified Ordinances of the Village of Chagrin Falls be and the same is hereby amended to read and provide, in its entirety, as follows:

**"105.03 CONTRACT PROCEDURES.**

(a) Except as otherwise provided in this chapter, no contract which provides for an expenditure in excess of fifty thousand dollars (\$50,000) shall be authorized except by resolution or ordinance of Council, adopted by a majority vote of the members of Council at any regular or special Council meeting, to award the contract to the lowest and best bidder after advertising once a week for not less than two nor more than four consecutive weeks in a newspaper of general circulation in the Village.

(b) Council may, in its sole discretion, by resolution or ordinance of Council adopted by a majority vote of the members of Council at any regular or special meeting of Council, determine that an emergency exists which necessitates the immediate expenditure of funds in excess of fifty thousand dollars (\$50,000) for the preservation of the immediate health, safety and welfare of the Village and its residents, which shall dispose of the necessity of advertising for bids, in accordance with subsection (a) hereof.

(c) Council may, by resolution or ordinance of Council adopted by a majority vote of the members of Council at any regular or special meeting, authorize the Mayor to enter into a contract pursuant to the Ohio Department of Administrative Services Cooperative Purchasing Program, or any similar program provided for by the Ohio Revised Code (collectively, the "State Cooperative Program"). Alternatively, if the goods, materials or equipment which are available under the State Cooperative Program are available to the Village upon equivalent or better conditions and specifications, but at a lower price than is available under the program, the Council may, by resolution or ordinance of Council adopted by a majority vote of the members of Council at any regular or special meeting, authorize the Mayor to enter into a contract for such goods or services."

SECTION 2. That existing Section 121.02, Mayor's Authority to Purchase, of the Codified Ordinances of the Village of Chagrin Falls be, and the same is hereby amended to read and provide, in its entirety, as follows:

**"121.02 MAYOR'S AUTHORITY TO PURCHASE.**

Except as otherwise provided in Chapter 105, the Mayor is hereby authorized to make purchases on behalf of the Village without formal bidding and without Council approval in an amount not to exceed fifty thousand dollars (\$50,000.00) the amount as set forth in the Ohio Revised Code."

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SECTION 3. That existing Section 121.02, Mayor's Authority to Purchase, of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict herewith, be and the same are hereby repealed.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 5. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

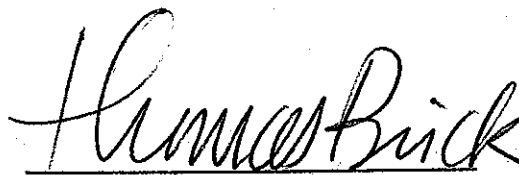
SECTION 6. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective to enable the effective administrative operations of the Village to continue uninterrupted and to provide for contracting procedures that are consistent with state law; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: January 23, 2012

  
\_\_\_\_\_  
Council President

Submitted to the Mayor for  
his approval on this  
24 day of January, 2012

Approved by the Mayor  
January 24, 2012

  
\_\_\_\_\_  
Mayor

I hereby certify that Ordinance No. 2012-03 was duly enacted on the 23 day of January, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

  
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Clerk of Council