

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 20-94

INTRODUCED BY: Marnecheck, Fenos, Barath,  
Dietrich, Weimer, Wos

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF NORTH ROYALTON A CERTAIN AMENDMENT TO ARTICLE XVI, FINANCE, OF THE CHARTER OF THE CITY OF NORTH ROYALTON IN ORDER TO ALLOW COUNCIL THE DISCRETION TO WAIVE PUBLIC BIDDING IN THE EVENT OF AN EMERGENCY AND TO SELECT THE LOWEST AND/OR BEST BIDDER WHEN APPROPRIATE, AND DECLARING AN EMERGENCY

WHEREAS: The 2020 North Royalton Charter Review Commission has determined to submit a ballot issue to grant City Council the authority to respond swiftly in the event of an emergency and waive public bidding in limited circumstances and, where public bidding is employed, to allow City Council the authority to choose the bidder which is “lowest and/or best” as Council shall determine; and

WHEREAS: The Constitution of the State of Ohio allows Chartered Municipalities to order their own communities to suit their own local circumstances and to vary from the state laws in certain instances if they choose to do so; and

WHEREAS: The state statutes do not provide city councils with the emergency authority to waive public bidding nor to allow council the discretion to select a bid that is “lowest and/or best”; and

WHEREAS: This amendment will allow City Council the authority in the case of emergencies to waive public bidding to respond in a timely manner to any such emergency and, in cases where bidding is employed, to select the “lowest and/or best” bid; and

WHEREAS: In order to provide for the above it is necessary to recommend amending Article XVI, Finance, Section (h) Public Bidding of the Charter of the City of North Royalton; and

WHEREAS: Pursuant to Article XVIII, Subsection (f) of the Charter, the Council is obligated to submit the Charter Review Commission recommendations to the electors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVIII, Section (f) of the Charter of the City of North Royalton, the Council hereby authorizes and directs the submission to the electors of the City of North Royalton, at an election to be held in usual places of voting in said city on November 3, 2020, an amendment to Article XVI, Finance, Section (h) Public Bidding of the Charter of the City of North Royalton which shall upon adoption read as follows:

## ARTICLE XVI FINANCE

### (h) PUBLIC BIDDING

The Council may authorize, in specific cases, expenditures of the funds of the Municipality without public biddings; ***in the instance of an emergency that significantly affects the duties and obligations of the municipality***, for the acquisition of real estate, for the discharge of noncontractual claims against the Municipality, for personal services, for the joint use of facilities or exercise of power with other political subdivisions, or for the product or services of public utilities (including those Municipally operated). ~~But~~ No other expenditures in excess of the amount allowed by Section 733.22, 735.05 and 737.03 and other pertinent sections of the Ohio Revised Code shall be made except pursuant to contracts made with the lowest and/or best bidder after public advertising and receipt of bids in the manner provided by ordinance. Nothing herein shall be construed to require Council to accept any bid.

Section 2. The ballot for said question shall be in substantially the following form:

### **PROPOSED CHARTER AMENDMENT**

A majority affirmative vote is necessary for passage.

SHALL THE CHARTER OF THE CITY OF NORTH ROYALTON, ARTICLE XVI FINANCE (h) PUBLIC BIDDING BE AMENDED TO AUTHORIZE CITY COUNCIL IN EMERGENCY CIRCUMSTANCES TO WAIVE THE REQUIREMENT OF PUBLIC BIDDING TO RESPOND RAIDLY TO THAT EMERGENCY AND, WHERE PUBLIC BIDDING IS EMPLOYED, TO ALLOW CITY COUNCIL TO CHOOSE THE LOWEST AND/OR BEST BID WHERE APPROPRIATE?

	YES
	NO

Section 3. The foregoing proposed amendment, if approved by a majority of the electors voting thereon at the aforesaid election to be held on November 3, 2020, shall become a part of the Charter of this city and shall be effective as of the date that said amendment or amendments have been certified by the Cuyahoga County Board of Elections as having been approved by a majority of the voters.

Section 4. The Director of Legislative Services in her capacity as Clerk of Council is hereby authorized and directed to deliver immediately to the Board of Elections a certified copy of this Ordinance.

Section 5. The Director of Legislative Services in her capacity as Clerk of Council is hereby authorized and directed, pursuant to laws passed by the General Assembly, to give notice of these proposed amendments by newspaper advertising.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 in compliance with all legal requirements.

Section 7. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that this Ordinance must be effective immediately in order to permit necessary arrangements to be made in sufficient time for said election.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Paul F. Marnecheck  
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz  
MAYOR

DATE PASSED: July 7, 2020

DATE APPROVED: July 8, 2020

ATTEST: /s/ Dana A. Schroeder  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading July 7, 2020

YEAS: Marnecheck, Fenos, Barath,  
Dietrich, Weimer, Vos

NAYS: none