

North Canton City Council
Street and Alley Committee

ORDINANCE 06 - 2021

An ordinance authorizing the Mayor of the City of North Canton, on behalf of the City of North Canton, to enter into an agreement to participate in the Ohio Department of Transportation's (ODOT) cooperative purchasing program to contract for the purchase of sodium chloride (rock salt) for the 2021-2022 winter season, and declaring the same to be an emergency.

WHEREAS, section 5513.01(B) of the Revised Code provides the opportunity for the Ohio turnpike and infrastructure commission, any political subdivision, and any state university or college to participate in contracts with ODOT for the purchase of machinery, material, supplies, or other articles; and

WHEREAS, the City of North Canton is in need of rock salt for the 2020-2021 winter season, and because historically, the City has not received sufficient notice to participate in the cooperative purchase program by utilizing our general legislative process, time is of the essence to place it in position to timely respond and ensure our participation, thus obtaining the best price available for rock salt to maintain clear our roadways during the winter season.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Mayor be, and is hereby authorized, on behalf of the City of North Canton, to enter into an agreement to participate in the ODOT contract for the purchase of rock salt for the 2021-2022 winter season.
- Section 2. That the Mayor is hereby authorized to agree in the name of the City of North Canton to be bound by all terms and conditions as the Director of Transportation prescribes.
- Section 3. That the Mayor is hereby authorized to agree in the name of the City of North Canton to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of North Canton participates.
- Section 4. That the City of North Canton shall be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Revised Code. The City of North Canton releases and forever discharges the Director of Transportation and ODOT from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchase program that the City of North Canton may have or claim to have against ODOT or its employees unless such liability is the result of negligence on the part of ODOT or its employees.
- Section 5. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary to ensure the City is able to promptly take advantage of the cost-saving measures through the ODOT cooperative purchasing program; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 25th day of January 2021.

Attest: Benjamin R. Young
Benjamin R. Young, Clerk of Council

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed on: 26 January 2021