

ORDINANCE NO. 32 - 22

AN ORDINANCE AUTHORIZING THE DIRECTOR OF SAFETY AND SERVICE TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS (USACE) FOR THE CONSTRUCTION OF THE PORT CLINTON WATER AND SANITARY SEWER REPLACEMENT USACE SECTION 594 PROJECT (THE PROJECT) AND DECLARING AN EMERGENCY

WHEREAS, the City of Port Clinton was awarded \$2,000,000.00 in June, 2022, under the Ohio Environmental Infrastructure Program (the Program), authorized by Section 594 of the Water Resources Development Act of 1999, and

WHEREAS, the cost of the Project equals \$2,666,666.00, and

WHEREAS, the Program requires twenty-five percent (25%) of the project costs equal to \$666,666.00 to be provided by the City as the local cost share, and seventy-five percent (75%) of project costs equal to \$2,000,000.00 to be provided by USACE as the federal cost share, less certain USACE project costs estimated at \$75,000.00, through reimbursement, and

WHEREAS, this Council has considered the benefits to the City by entering into the agreement with USACE, and finds and determines that the City should execute the Agreement as authorized by this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. The Director of Safety and Service is hereby authorized to enter into the Agreement with the United States Army Corps of Engineers (USACE) for the construction of the Port Clinton Water and Sanitary Sewer Replacement USACE Section 594 Project. A copy of the Agreement is on file with the Director. A final draft of the Agreement is required to be executed and is hereby authorized and directed to be executed by the Director, but with such changes and modifications therein as he shall determine necessary, that are not materially adverse to the City, after consultation and review with the Director of Law, and which changes are approved on behalf of the City by Director, all of which shall be evidenced conclusively by his execution of the Agreement.

Section 2. The funds necessary to enter into the Agreement are hereby appropriated from the Infrastructure Improvement Fund.

Section 3. The Mayor, the Auditor, the Treasurer, the Clerk of Council, the Director of Safety and Service, the Director of Law and other City officials, as appropriate, are each authorized and directed to take any and all such other actions, including execution and delivery of any agreements or instruments as are necessary,

appropriate or required to consummate the transactions contemplated by this Ordinance.

Section 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the City may immediately execute the Agreement authorized herein, wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2022

President of Council

Attest: _____
Clerk of Council

Approved _____, 2022

Mayor