

City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE
AUTHORIZED BY: SMITH, LASTIC & PROFATO

DRAFT NO. 109-18

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 25-18 CREATING THE POSITION OF OPERATOR TRUCK DRIVER WORK LEADER; AMENDING THE AUTHORIZED WORK FORCE ORDINANCE TO REFLECT THIS NEWLY DESIGNATED POSITION; AND, DECLARING AN EMERGENCY

WHEREAS, the position of Operator Truck Driver Work Leader was created by ordinance 25-18; and

WHEREAS, the Ordinance incorrectly stated the position will be filled by appointment of the Mayor; and,

WHEREAS, the position is in fact a bargaining unit position that will be filled in compliance with the Union contract.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby amends Ordinance 25-18 to state that the position of Operator Truck Driver Work Leader **shall be bid on and will be hired in accordance with all contracts.**

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare for the reason that its implementation should provide greater efficiency on an immediate basis to the City's Street Department. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the ____ day of _____, 2018 and signed by me as such Mayor on this ____ day of _____, 2018

MAYOR

City of Niles

SPONSORED BY: FINANCE COMMITTEE
AUTHORIZED BY: SMITH

DRAFT NO. 110-18

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 75-17, THE PURCHASING POLICY FOR THE CITY; AND, DECLARING AN EMERGENCY

WHEREAS, the Council approved the amended purchasing policy in December, 2017.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That Council hereby approves the amended Purchasing Policy, a copy of which is attached hereto.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interests of the public health, safety and welfare, for the reason that it is imperative that a Purchasing Policy be established as soon as possible to give proper guidance to City officials and employees regarding purchasing issues at the earliest possible time. As such an emergency measure, this ordinance shall take effect upon passage by Council and approval by the Mayor.

President of Council

Passed: _____

Attest: _____
Clerk of Council

Received by the Mayor of the City of Niles this _____ day of _____, 2018,
and approved by me as such Mayor this _____ day of _____, 2018.

Mayor

City of Niles, Ohio

Purchasing Policy

POLICY STATEMENT

The City of Niles shall provide a legally compliant process to participants in formal competitive bid processes and the solicitation or proposals by ensuring a communication protocol, respondents' code of conduct, confidentiality during the evaluation process, and conflict of interest in all competitive solicitations. Any allegations of Conflict of Interest or misconduct brought to the attention of City shall be investigated.

This Policy is not all-inclusive.

If in doubt or a question arises, please consult with the City Auditor.

1. Processing of Purchase Orders:

- 1.1 The supervisor/employee determined the operational need to procure supplies, materials, and equipment.
- 1.2 The Department is directed to determine if the purchase is continuous or one-time requirement for such supplies, materials, service and equipment. If the procurement is continuous, a blanket purchase order shall be requested.
- 1.3 Single item limit for procurement with the purchase order shall not exceed \$1,000.00. Should the single item within the purchase order exceed \$1,000.00; a minimum of 3 separate vendor quotes must be obtained. If a purchase requires multiple supplies, materials, services, and equipment for the completion of a project and total is greater than \$1,000.00: a minimum of 3 separate vendor quotes must be obtained. In the event that 3 vendor quotes are not available, sufficient justification needs to be provided. These situations will be evaluated on a case by case basis.
- 1.4 If the requirement is infrequent and the requirement does not exceed the City's competitive solicitation requirement of \$50,000, and/or the unit Cost does not exceed the Single Transaction limit for Procurement a Purchase Order is to be submitted. (W-9 and Vendor information required prior to initiation of PO process.) If the requirement exceeds the City's competitive requirement of \$50,000, the Department must develop specifications for such supplies, materials, and equipment. The solicitation of three (3) quotes is required. Specifications must provide for fair and open competition, cannot be restrictive to a certain brand, and cannot be written by potential respondents to the resulting solicitation. (Reference Conflict of Interest Policy)
- 1.5 If the requirement exceeds the City's competitive bid requirement of \$50,000, the Department must develop specifications for such supplies, materials, and equipment. The solicitation of three (3) formal bids is required in accordance with Ohio Revised Code. Specifications must provide for fair and open competition, cannot be restrictive to a certain brand, and cannot be written by potential respondents to the resulting solicitation. (Reference Conflict of Interest Policy)
- 1.6 Purchases may be procured through the State of Ohio Procurement System under \$10,000. Purchases from the State of Ohio Procurement System for \$10,000 and above must be approved by City Council.
- 1.7 All bids/quotes are required to be submitted and maintained in the City Auditor's Office.
- 1.8 If grant funds are used for procurement, budgeting and procurement requirements must be followed.
- 1.9 Should a purchase order be submitted for procurement due to a contract entered into by the City, such contract must be on file with the Auditor's office.

- 1.10 All contracts, quotes, bids, or any supporting documents of a purchase order must be electronically uploaded to the Auditor's database by the purchasing department.
- 1.11 If multiple items are purchased on one requisition each item purchased must be itemized on the requisition.
- 1.12 All items for procurement must be procured utilizing a Purchase Order.

2. Then & Now Requests

- 2.1 Then and Now requests are defined as: The Auditor Certifies that the funds for a purchase requisition were available THEN and are still available NOW when the purchase was procured.
- 2.2 Then & Now requests for procurement of supplies, materials, services and equipment, shall only be utilized when the authorization of a Purchase Order could not be obtained. Prior to procurement of supplies, materials, services and equipment must be directed by the Service Director or his/her designee.
- 2.3 Then & Now requests may only be used due to emergency repairs, employee benefits, contractual or service agreement obligations, and/or when such procurement of a Purchase Order could not be obtained due to unforeseen circumstances that shall be documented and provided to the Auditor.
- 2.4 Approval from Service Director and Auditor (or their designees) must be obtained for all invoice payments of Then & Now requests.
- 2.5 All situations will be evaluated on a case by case basis and approved by Service Director and Auditor (or their designees)

3. Confidentiality

City employees as well as consultants, and outside evaluators, who are participants in the development of specifications and the evaluation process shall not share any information about the specification development process and responses received and the evaluation process until the City has a formal bid opening or proposal review.

4. Vendors

All vendors must have the ability to accept Purchase Orders. All vendors must be approved through the Auditor's office. All vendors shall have a W-9 on file with the Auditor's office.

5. Blanket Purchase Orders

- 5.1 Blanket purchase orders shall have the following maximum limits:
 - a) Employee / Employer Benefits: \$1,000,000.00
 - b) Contracted Labor: \$25,000.00
 - c) Power Cost: \$6,000,000.00
 - d) Water Cost: \$1,500,000.00
 - e) Sewer Sludge and Chemical Costs: \$25,000.00
 - f) Capital Projects: amount of contract of each project
 - g) Fuel Purchase: \$50,000.00
- 5.2 Blanket purchase orders shall be issued in the full amount of any contracts or agreements that have been established.
- 5.3 Blanket purchase orders must include vendor name and must be utilized for emergency purposes. Emergency purchase orders are not to exceed \$1,000.00. Emergency blanket purchase orders must have a detailed description for such supplies, materials, services and equipment to be procured.
- 5.4 Blanket Purchase Orders for Blanket Vendors shall be issued for following:
 - a) City Utilities (telephone, wireless, internet, natural gas, etc.)
 - b) Public Notices
 - c) Insurance Premiums
 - d) Print Services
 - e) Instructor & Referees
 - f) State Examiner Fees
 - g) Utility Refunds

- h) Healthcare
- i) Capital Projects with multiple vendors
- j) Inspector and Reviewers
- k) Acting Prosecutors
- l) Pre-employment testing
- m) Police investigative expense
- n) Housing Demolition/Clean up

6. **Debt Service Payments**

Debt Service Payments shall be authorized by each debt service agreement and are exempt from this policy

7. **Employee Reimbursements**

In the occurrence of an employee expense the following procedures shall be followed:

- 7.1 All expenses to be reimbursed shall be in conformity with the Ohio Revised Code, current Collective Bargaining Agreement's, and any City of Niles Ordinances.
- 7.2 The employee must obtain prior authorization from their immediate supervisor, Service/ Safety Director, and Mayor.
- 7.3 Any job related expenses (training, education, seminar, certifications, etc.) these expenses shall be paid in advance and must be made payable to the vendor supplying the service. Documentation of such events must be supplied to the Auditor's office along with the Purchase Order Request
- 7.4 Employee reimbursement expenses, including all original receipts, shall be submitted to the Auditor for payment utilizing an employee expense report.
- 7.5 Employee reimbursement of such expenses will be processed utilizing the Then & Now request.

***DURING FISCAL EMERGENCY PLEASE REFER TO ORC 118.15 SHOULD AN ITEM PROCURED REQUIRE A DEBT OBLIGATION**

City of Niles, Ohio

SPONSORED BY: SAFETY COMMITTEE
AUTHORIZED BY: MARCHESE

DRAFT NO. 111-18

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 32-01, A MORATORIUM ON THE OPENING OF ANY NEW BUSINESS ESTABLISHMENT WITHIN THE CITY OF NILES THAT OFFERS BODY PIERCING, TATTOOING, SCARIFICATION OR BRANDING SERVICES; AND, DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 32.01 passed on October 17, 2001, established a moratorium on the opening of any new business establishment within the City of Niles that offered body piercing, tattooing, scarification or branding services; and

WHEREAS, Council has determined the need for the moratorium no longer exists as state laws have been established regulating such businesses; and

WHEREAS, this Council wants to repeal this moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That Council hereby repeals ORDINANCE NO. 32-01, A MORATORIUM ON THE OPENING OF ANY NEW BUSINESS ESTABLISHMENT WITHIN THE CITY OF NILES THAT OFFERS BODY PIERCING, TATTOOING, SCARIFICATION OR BRANDING SERVICES, in its entirety.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that the change is necessary to permit business to operate in the City of Niles. As such an emergency this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2018 and signed by me as such Mayor on the _____ day of _____, 2018.

MAYOR

City of Niles, Ohio

SPONSORED BY: SAFETY COMMITTEE
AUTHORIZED BY: MARCHESE

DRAFT NO. 112-18

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE \$9,333.33 GRANT TO THE FIRE DEPARTMENT FROM THE BUREAU OF WORKERS' COMPENSATION AND FOR APPROVING APPROPRIATIONS AND A TRANSFER OF FUNDS TO THE FIRE DEPARTMENT ACCOUNT; AND DECLARING AN EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That Council hereby authorizes acceptance of the nine thousand three hundred thirty three and 33/100 dollars (\$9,333.33) grant from the Bureau of Workers' Compensation.

SECTION 2: That Council hereby authorizes the appropriation of nine thousand three hundred thirty three and 33/100 dollars (\$9,333.33) from the Unappropriated General Fund 101 to the General Fund Miscellaneous Transfer Account, Account No. 101-1090-59000.

SECTION 3: That Council hereby authorizes the cash transfer of nine thousand three hundred thirty three and 33/100 dollars (\$9,333.33) from the General Fund Miscellaneous Transfer Account, Account No. 101-1090-59000 to the Police & Fire 1% Fund.

SECTION 4: That Council hereby authorizes the appropriation of nine thousand three hundred thirty three and 33/100 dollars (\$9,333.33) from the Police & Fire 1% Fund to the Fire Grant Account, Account No. 217-1715-56560.

SECTION 5: This Resolution is hereby declared to be an emergency measure in the interests of the public health, safety and welfare for the reason that funds received were a grant to the fire department. As such an emergency measure, this Resolution shall be effective upon passage by Council and approval by the Mayor.

President of Council

Passed: _____

Attest: _____

Clerk of Council

Received by the Mayor of the City of Niles this _____ day of _____, 2018,
and approved by me as such Mayor this _____ day of _____, 2018.

Mayor