

# City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL MEMBERS

AMENDED DRAFT NO. 67-25

ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE ENACTING NILES CODIFIED ORDINANCE (NCO) CHAPTER 169.01, INVALID TERMS AND CONDITIONS IN CITY CONTRACTS; AND DECLARING AN EMERGENCY

WHEREAS, the administration is continuously presented with terms and conditions in contracts that are not beneficial to the City and/or outright against the law for the City to accept; and

WHEREAS, the State of Ohio has codified invalid terms and conditions in ORC 9.27; and

WHEREAS, Council desires to incorporate the same restrictions in City contracts as enumerated in ORC 9.27 by enacting NCO 169.01 et seq

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

SECTION 1: Niles Codified Ordinance 169.01 shall state the following:

- (A) As used in this section, "City" shall mean the City of Niles, including the Mayor, auditor, law director, and treasurer, and all departments, offices, and other instrumentalities of the City of Niles, but not including the legislative authority or any or any court or judicial agency.
- (B) Except as otherwise required or permitted by state or federal law, a contract entered into by the City for the procurement of goods or services shall not include any of the following:
- (1) A provision that requires the City to indemnify or hold harmless another person, including any provisions requiring the City to pay attorney's fees and costs of the opposite party for any reason.
  - (2) A provision by which the City agrees to binding arbitration or any other binding extra-judicial dispute resolution process.
  - (3) A provision that names a venue for any action or dispute against the City other than a court of proper jurisdiction in Trumbull County, Ohio.
  - (4) A provision that requires the City to agree to limit liability, including for any direct loss to the City for bodily injury, death, or damage to property of the City caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a person's employees or agents, or a provision that would otherwise impose an indemnification obligation on the City.
  - (5) A provision that requires the City to be bound by a term or condition that is unknown to the City at the time of signing a contract, that is not specifically negotiated with the City, that may be unilaterally changed by the other party, or that is electronically accepted by a City employee.

- (6) A provision that provides for a person other than the law director to serve as legal counsel for the City.
- (7) A provision that is inconsistent with the City's obligations under section 149.43 of the Revised Code.
- (8) A provision for automatic renewal such that City funds are or would be obligated in subsequent fiscal years.
- (9) A provision that limits the City's ability to recover the cost of cover for a replacement contractor.
- (C) If a contract contains a term or condition described in division (B) of this section, the term or condition is void ab initio, and the contract containing that term or condition otherwise shall be enforceable as if it did not contain such term or condition.
- (D) A contract that contains a term or condition described in division (B) of this section shall be governed by and construed in accordance with Ohio law notwithstanding any term or condition to the contrary in the contract.
- (E) This section does not apply to a contract in effect before the effective date of this section or to the renewal or extension of a contract in effect before the effective date of this section.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, and so that the changes may be in effect as soon as possible as the City is procuring goods and services regularly. 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 \_\_\_\_\_, 2025 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 70-25

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR JOHNNY CAKE WATERLINE REPLACEMENT; AND, DECLARING AN EMERGENCY

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

SECTION 1: That the Service Director is hereby authorized to advertise for bids and enter into a contract for Johnny Cake Waterline Replacement.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare and to allow the bidding process to commence at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2025 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 71-25

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR TRU MAIN STREET SIGNALS UPGRADE PROJECT; AND, DECLARING AN EMERGENCY

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

SECTION 1: That the Service Director is hereby authorized to advertise for bids and enter into a contract for TRU Main Street Signals Upgrade Project.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare and to allow the bidding process to commence at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2025 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 72-25

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE AMENDED AUTHORIZED STRENGTH FOR THE CITY OF NILES; REPEALING AND REPLACING ORDINANCE 22-25; AND DECLARING AN EMERGENCY

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

SECTION ONE: Council hereby authorizes the authorized strength positions and compensations sources as attached hereto.

SECTION TWO: This Ordinance repeals all previously existing authorized strength ordinances and any other ordinances regarding compensation sources or pay rates in conflict with this Ordinance.

SECTION THREE: 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 necessary to be in effect to fill key safety positions. 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 \_\_\_\_\_, 2025 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 73-25

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY OF NILES TO ENTER A SETTLEMENT AGREEMENT FOR A DISPUTED CLAIM; APPROPRIATING THE NECESSARY FUNDS; AND DECLARING AN EMERGENCY

WHEREAS, on or about December 7, 2024, the occupant of 611 Warren Ave Niles Ohio, made the allegation that she believed it was a City of Niles snowplow damaged the property when clearing the roads;

WHEREAS, the claim was referred to the City of Niles liability insurance, which denied any liability on the part of the City of Niles due to lack of evidence of responsibility;

WHEREAS, the occupant provided a quote of \$700.00 to repair the damage to the property. The occupant also unequivocally indicated at the regular council meeting on April 2, 2025, that if the City did not restore the property, then litigation would be imminent;

WHEREAS, currently, the City of Niles has engaged Youngstown Landscaping and Design as part of the Spring restoration project and can add the disputed property for a cost of only \$300.00;

WHEREAS, although any wrongdoing is categorically denied and liability is dubious, the City of Niles will resolve this dispute. This resolution is limited to the specific facts of this situation, including that the claim may be resolved for a very de minimis amount of money. Therefore, the City of Niles will add this property to the Spring restoration project. This resolution is contingent on both the occupant(s) and property owner(s) providing a full settlement agreement and release, relieving the City of Niles for all claims and indemnifying the City of Niles from the same.

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

SECTION 1: The City of Niles is hereby authorized to enter into a settlement agreement and release with the occupant(s) and property owner(s) of 611 Warren Ave Niles Ohio 44446. The material terms of the settlement are that the property will be added to the Spring Restoration Project with the cost borne by the City of Niles. Further, the occupant(s) and property owner(s) shall sign a settlement agreement and release, including indemnification, as prepared by the City Law Department.

SECTION 2: Council hereby makes the following appropriation from unappropriated general fund 101:

APPROPRIATION			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
Fund 101	101-1001-53980	Contracted Labor	300.00

SECTION 3: That this Resolution is hereby declared to be an emergency measure in the interests of the public health, safety and welfare so that the property may be added to the restoration project which has already commenced. As such an emergency measure, this Resolution 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 \_\_\_\_\_, 2025,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
MAYOR

Youngstown Landscaping and Design

Job Invoice

Alles City  
611 Warren Ave Niles, OH  
44896

DATE	11/18/16
PHONE NO.	
JOB LOCATION	Niles
EST. NO.	ASAP
TIME	

QTY	MATERIAL	UNIT	AMOUNT	DESCRIPTION OF WORK
	Remove Sod			Lawn Work
	Peelings			
	Top Soil			
	Seed			
	Straw			
\$300				
TOTAL MATERIAL				
TOTAL LABOR				
TOTAL TAX				
TOTAL DUES				
TOTAL GROSS				
TOTAL NET				

DATE ORDERED

DATE COMPLETED

BY

FOR

PAID TO ORDER

PAID BY

DATE PAID

*[Signature]*



# City of Niles, Ohio

SPONSORED BY: COM. DEV. NEIGHBORHOOD STAB. DRAFT NO. 74-25  
AUTHORIZED BY: ALL MEMBERS

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A PURCHASE AGREEMENT WITH TRUMBULL COUNTY LAND REUTILIZATION CORPORATION FOR REAL PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, the City of Niles is purchasing the following parcel on Ward St for redevelopment;

PARCEL NUMBER	LOCATION
25-105300	0 Ward St, Niles, OH 44446

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

SECTION 1: Council authorizes the service director to enter into a purchase agreement for the above described property.

SECTION 2: This Ordinance shall take effect at the earliest time permitted by law.

PASSED: \_\_\_\_\_ PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2025 and signed by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_ MAYOR