

AN ORDINANCE ESTABLISHING SECTION 230.06 OF THE CODIFIED ORDINANCES OF THE CITY OF HUDSON; AND DECLARING AN EMERGENCY

WHEREAS, Section 6.04 of the Charter of the City of Hudson provides that City Council may, by ordinance, authorize the City Manager to make purchases and enter contracts above twenty-five thousand dollars (\$25,000) without public bidding or further action by City Council; and,

WHEREAS, Section 6.04 of the Charter of the City of Hudson further provides that City Council may authorize purchases and contracts involving an expenditure of more than twenty-five thousand dollars (\$25,000) without public bidding when Council determines and declares that an emergency exists affecting life, health, property or the public peace; and,

WHEREAS, recent events in the city have revealed a gap in the City Manager's authority to act by securing materials and/or services with sufficient speed necessary for the immediate preservation of life, safety, health, property, and/or the public peace within the city; and,

WHEREAS, this Council determines and declares that an emergency exists affecting life, safety, health, property, and/or the public peace within the city because, during the first twenty-four (24) hours of a catastrophic event, the City Manager may not be able to sufficiently contract for materials or services necessary to immediately protect and preserve the life, safety, health, property, public peace and general welfare of those within the city; and,

WHEREAS, it is necessary and in the best interest of the City of Hudson and its residents to authorize the City Manager to make purchases or enter contracts during the first twenty-four (24) hours of a catastrophic event in an amount not to exceed one hundred thousand dollars (\$100,000).

NOW, THEREFORE, BE IT ORDAINED by this Council of the City of Hudson, Summit County, Ohio, as follows:

Section 1. That Section 230.06 of the Codified Ordinances of the City of Hudson be hereby established and provide as follows:

- (a) Upon the written or electronic consent of three Council members, the Manager is hereby authorized to make purchases or enter contracts during the first twenty-four (24) hours of a catastrophic event, so long as any such purchase or contract is necessary to immediately protect and preserve the life, safety, health, property, public peace and general welfare of those within the city.

- (b) The purchases and/or contracts authorized in this section shall not exceed the total amount of one hundred thousand dollars (\$100,000) per catastrophic event.
- (c) Any purchase made or contract entered under this section shall be reported on by the Manager and reviewed by Council at a special meeting or the next regularly scheduled Council meeting, whichever occurs first.
- (d) For the purpose of this section, “catastrophic event” shall mean an unforeseen and unavoidable, natural or manmade incident, including terrorism, which without swift intervention, could result in extraordinary levels of injuries or death, damage, or disruption, which will likely severely affect the population, infrastructure, environment, and/or government functions within the city, and almost immediately exceeds resources normally available to the City.

Section 2. That a fund titled “Catastrophic Event Preservation Fund” be hereby established for the purpose of setting aside and appropriating the funds necessary to fund a purchase or other obligations of a contract entered in order to immediately preserve life, safety, health, property, and/or the public peace during the first twenty-four (24) hours of a catastrophic event.

Section 3. The determination that any part of this Ordinance is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

Section 4. That the aforesaid recitals are rendered to be the findings, determinations and declarations of this Council and are hereby incorporated into this Ordinance.

Section 5. 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, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare because, during the first twenty-four (24) hours of a catastrophic event, the City Manager must be able to sufficiently contract for materials and/or services necessary to immediately protect and preserve the life, safety, health, property, public peace and general welfare of those within the city, and, without this measure, he or she may not be able to do so, and shall, therefore, be in full force and effect immediately upon its passage, provided it receives an affirmative vote of at least six (6) members of the Council for its enactment if seven (7) are present, or an affirmative vote of at least five (5) members if only five (5) or six (6) members are present at the meeting at which it is passed; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

Jeffrey Anzevino, Mayor

ATTEST:

Aparna Wheeler, Clerk of Council

I certify that the foregoing Ordinance No. 24-____ was duly passed by the Council of said Municipality on _____, 2024.

Aparna Wheeler, Clerk of Council