

# RECORD OF ORDINANCES

## VILLAGE OF MCCONNELSVILLE

Resolution No. 17-05                      Passed the 21<sup>st</sup> day of                      March                      2017

**A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AGREEMENTS WITH BURGESS AND NIPLE ENGINEERING FIRM AND A TANK REPAIR AND PAINTING COMPANY TO REPAIR AND PAINT THE HAWK WATER TANK AND DECLARING IT AND EMERGENCY**

**Whereas**, The Village of McConnelsville operates and maintains a water system, which is a municipally owned utility, (the “System”) and this System contains facilities that pump and store water, and

**Whereas**, one of the System’s facilities, known as the “Hawk Tank,” has developed a leak in its access hatch and is leaking water onto the telemetry system, which will damage the telemetry system, creating a real and present emergency, and

**Whereas**, the Village had planned to repaint and do repairs to the Hawk Tank in 2018; however because of the water leak discussed above, an emergency exists that effects the general health, safety and welfare of the citizens of the Village of McConnelsville, and

**Whereas**, this Council, as legislative authority of the Village, pursuant to R.C. 735.051 may by a two-thirds vote authorize the Village Administrator to enter into a contract to repair the Hawk Tank in the case of a real and present emergency without the need for formal bidding and advertising;

***Now therefore it be resolved;***

**Section 1:** The Council of the Village of McConnelsville, in the County of Morgan, in the State of Ohio, hereby finds by a two-thirds vote that the water leak described above creates a real and present emergency that effects the general health, safety, and welfare of its citizens and there is not sufficient time to allow for public bid to alleviate the safety concerns;

**Section 2:** Pursuant to Ohio Revised Code, Section 735.051, because of the present emergency, this Council hereby authorizes the Village Administrator to enter into a contract with Burgess and Niple Engineering LTD. for the purpose of overseeing the painting and repair of the Hawk Tank, and to further enter into such agreements as necessary for the review and recommendation of companies qualified for the painting and repair of the Hawk Tank, as well as inspection of work performed on the tank and reviewing and submitting paper work as needed to complete the project.

**Section 3:** This Council hereby authorizes the Village Administrator to enter into other such contracts for painting and repair of the Hawk Tank without the need for public bid to alleviate the present emergency at the Hawk Tank.

**Section 4:** That is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of the Council, and that all deliberations of this Council and of 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 5:** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of the people of the Village of McConnelsville, Ohio, and therefore this Resolution shall be in full force and effect immediately after its passage.

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John W. Finley  
Mayor

ATTEST:

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Ellen M. Hemry  
Fiscal Officer