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# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: July 6, 2022**

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## ORDINANCES

**The following Ordinance was passed at a Special Council Meeting on July 5, 2022**

**22-24 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JACK CONIE & SONS CORP. (A/K/A CONIE CONSTRUCTION COMPANY) TO REPAIR A SECTION OF A WATERLINE; WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING; APPROPRIATING THE NECESSARY FUNDS; AUTHORIZING AN EXPENDITURE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, on July 16, 2022, a contractor working in the City's right-of-way struck a 12-inch waterline near the CSX railroad tracks; and

**WHEREAS**, as a result, Davidson Road had to be closed and the water from the leak undermined the base of the railroad signal gate; and

**WHEREAS**, due to a water contract between the Hilliard and the City of Columbus, generally Columbus makes all repairs to waterlines (the "Water Contract"); and

**WHEREAS**, because the waterline was struck by a company performing construction, the City of Columbus is exercising language in the Water Contract that exempts the City of Columbus from making repairs in situation where damage to the system is caused by construction;

**WHEREAS**, due to the City of Columbus' exercise of this language and the desire of Hilliard to complete the repairs as soon as possible in order to open Davidson Road, it desires to enter into a contract in order to have the waterline repaired (the "Work"); and

**WHEREAS**, it is the City's best interest to move forward in order to complete the Work in a timely manner, rather than go through the public bidding process; and

**WHEREAS**, Hilliard City Charter Section 6.13 permits City Council, with not less than 5 votes, to waive the competitive bidding requirement if Council determines that a waiver of the competitive bidding requirements is in the best interest of the City; and

**WHEREAS**, the City desires that this Council waive second hearing/public hearing and that this Ordinance be passed as an emergency measure for the health, safety and welfare of the City and its residents in order complete the Work in order to ensure that additional work needed on the railroad line can be completed and Davidson Road can be re-opened.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** Pursuant to Hilliard City Charter Section 6.13, City Council hereby waives the competitive bid process for the Work because it is in the best interest of the City due to the need to complete the repair as necessary and in a timely manner.

**SECTION 2.** An appropriation in the amount of \$150,000 is authorized from Fund 304, Object 53/55.

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**22-24 continued:**

**SECTION 3.** An expenditure is authorized in an amount not to exceed \$150,000 from Fund 305, Object 53/55 which amount includes a contingency for any necessary change orders.

**SECTION 4.** The City Manager is authorized to enter into an agreement with Jack Conie & Sons Corp. (a/k/a Conie Construction Company) to complete the Work. The City Manager is authorized to make changes to the Agreement that are not inconsistent with this Ordinance and not adverse to the City.

**SECTION 6.** The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of the funds.

**SECTION 7.** City Council hereby waives second reading of this Ordinance and declares that it be passed as an emergency measure necessary for the preservation of the general health, safety, and welfare of the City of Hilliard and its citizens. Emergency passage is necessary to ensure that the Work will be completed in a timely manner and ensure that additional work can be completed so that Davidson Road can be re-opened. This Ordinance shall be in full force and effect immediately upon passage.

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