

ORDINANCE NO. 20-097

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND & FINAL CHANGE ORDER FOR WORK PERFORMED BY BARNES NURSERY, INC., OF HURON, OHIO, FOR THE RUNOFF REDUCTION THROUGH STRATEGIC TREE PLANTING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Runoff Reduction Through Strategic Tree Planting Project involved the planting of approximately 290 trees at strategic locations around the City and that targeted publicly owned properties that lack desirable and/or sufficient tree canopies and were located near the shoreline and adjacent to streams and water bodies; and

WHEREAS, the City Commission approved and ratified the submission of a grant application to the U.S. Forest Service for financial assistance through the 2018 Great lakes Restoration Initiative (GLRI) to support the City's Runoff Reduction Through Strategic Tree Planting Project by Resolution No. 022-18R, passed on May 29, 2018, and subsequently the City was awarded funds in the amount of \$100,000.00; and

WHEREAS, the City Commission declared the necessity for the City to proceed with the proposed Runoff Reduction through Strategic Tree Planting Project by Resolution No. 018-19R, passed on May 13, 2019; and

WHEREAS, the City Commission approved the awarding of the contract to Barnes Nursery, Inc., of Huron, Ohio, for work to be performed for the Runoff Reduction Through Strategic Tree Planting Project by Ordinance No. 19-124, passed on July 22, 2019; and

WHEREAS, this City Commission approved the First Change Order for the Runoff Reduction Through Strategic Tree Planting Project by Ordinance No. 20-035, passed on February 10, 2020, for the addition of 94 trees to be installed and maximize the GLRI grant award; and

WHEREAS, this Second & Final Change Order reflects the actual work performed in the field by the contractor and the actual quantities used; and

WHEREAS, the revised contract with Barnes Nursery, Inc., was \$123,176.05 and with the deduction of this Second & Final Change Order in the amount of \$576.75, the final contract cost is \$122,599.30; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to close out the completed project; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily

PAGE 2 - ORDINANCE NO. 20-097

operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is hereby authorized and directed to approve this Second & Final Change Order for work performed for the Runoff Reduction Through Strategic Tree Planting Project and to deduct from the contract amount the sum of Five Hundred Seventy Six and 75/100 Dollars (\$576.75) resulting in a revised contract cost of One Hundred Twenty Two Thousand Five Hundred Ninety Nine and 30/100 Dollars (\$122,599.30) with Barnes Nursery, Inc., of Huron, Ohio.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST: KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: July 13, 2020