

RESOLUTION NO. 052-17R

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SERVICES WITH THE ERIE COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH FOR BULKY AND SOLID WASTE VEHICLE INSPECTION SERVICES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City Commission approved the Erie County Solid Waste Management District Plan by Resolution No. 018-10R, and the Amendment of Chapter 955 (Solid Waste Disposal) of the Codified Ordinances, both passed on June 28, 2010; and

**WHEREAS**, starting in 2010, the City has entered into contracts with the Erie County General Health District Board of Health for inspection services of all commercial haulers of solid and/or bulky waste who operate within the City; and

**WHEREAS**, pursuant to Section 955.05 of the Codified Ordinances, all commercial haulers of solid and/or bulky waste intending to operate within the City Sandusky are required to apply for a registration certificate with the City annually and provide proof that all vehicles used for the collection and transportation of solid waste and/or bulky waste within the City have been inspected annually by the Erie County Health Department; and

**WHEREAS**, the City will collect an annual registration fee of \$50.00 per vehicle for the purpose of inspection, administration and enforcement of Chapter 955 and one-half of the fees collected will be paid by the City to the Erie County Board of Health; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the agreement prior to the current contract's expiration date of November 30, 2017, and continue to be in compliance with the City's Ordinance and the updated Solid Waste Management District Plan; 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 operation of the Municipal Departments, including the Police Department, 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 **Resolution** 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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves the Contract for Services with the Erie County General Health District Board of Health for bulky and solid waste vehicle inspection services for the period of December 1, 2017, through November 30, 2018, a copy of which is marked Exhibit "1", and attached to this Resolution and is specifically incorporated as if fully rewritten herein, together with such revisions

or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Resolution, and authorizes and directs the City Manager to sign the Contract for Services on behalf of the City.

Section 2. If any section, phrase, sentence, or portion of this Resolution 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 Resolution 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 Resolution 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.



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DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST:



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KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: November 13, 2017

## **CONTRACT FOR SERVICES**

This Contract entered into at Sandusky, Ohio, between the Erie County General Health District Board of Health [Inspector] and the City of Sandusky [City].

WHEREAS, the City is in need of the services of the Inspector to provide solid and bulky waste hauler inspection services; and,

WHEREAS, the Inspector is qualified and willing to provide such services as may be needed by the City, NOW, THEREFORE, it is hereby mutually understood and agreed as follows:

### **A. DUTIES OF INSPECTOR**

1. The Inspector will provide a scheduled inspection of bulky and solid waste hauler trucks that collect waste in enforcement of Chapter 955 of the City codified ordinances for the City during regular hours of operation between 8AM and 5PM Monday through Friday prior to initial registration, or renewal of annual vehicle registration, with the City; and
2. The Inspector will provide scheduled re-inspections of bulky and solid waste hauler vehicles to confirm resolution of documented violations; and
3. The Inspector will provide violation inspection records to the City for consideration prior to registration by the City; and
4. The Inspector will make its authorized representatives available for consultation upon prior request of the City or its authorized representatives; and
5. The Inspector will invoice the City on a monthly basis for all inspections done in that month.

### **B. DUTIES OF THE CITY**

1. The City will provide a list of applicants for solid waste haulers to the Inspector who shall utilize the list for the purposes of inspections; and



2. Any changes or alterations in the City's administrative or regulatory requirements, in regard to bulky or solid waste inspection services, may be done after consultation and approval by the Inspector; and
3. The City agrees to reimburse the Inspector from any collected fees, Twenty-five Dollars (\$25.00) per inspection of any initial or renewal of a registered bulky or solid waste vehicle; payable within 30 days of invoice and vehicle registration as agreed in this Contract.

**C. TERM OF CONTRACT AND TERMINATION OF THIS CONTRACT**

1. This Contract shall become effective on December 1, 2017, and shall remain in effect until November 30, 2018, unless terminated in accordance with this section.
2. Either party may terminate this Contract at any time without cause after giving thirty (30) days notice to the other by simultaneous U.S. Regular and Certified Mail to the addresses listed below.
3. Either Party may terminate this Contract immediately upon notice as given above if:
  - a. The Inspector is no longer able to provide inspections;
  - b. The City no longer has solid waste haulers.
  - c. The City does not provide the required list of applicants for hauling solid waste.

**D. MISCELLANEOUS**

1. Neither agreement or any duties or obligations imposed hereunder shall be assignable by the City or Inspector without the prior written consent of the other party.
2. No modification of this Contract shall be effective unless it is in writing and signed by both Parties.

3. This Contract contains the entire agreement between the Parties and all of the terms and conditions to which the Parties have agreed and supersedes all prior oral or written agreements or understandings concerning the subject matter hereof and shall be interpreted in accordance with the laws of the State of Ohio.
4. Notice: Any notice under this Contract shall be by simultaneous U.S. Regular and Certified Mail, return receipt requested, addressed to the following:  

<u>For the City</u> City of Sandusky ATTN: City Manager 222 Meigs Sandusky OH 44870	<u>For the Inspector</u> Erie County Health Department ATTN: Health Commissioner 420 Superior St. Sandusky OH 44870
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5. The City and Inspector will provide a resolution and/or approved meeting minutes, herein attached as Exhibit A and Exhibit B, respectively, which authorizes its designated representative to enter into this Contract.
6. If any section, sentence, clause or phrase of this Contract is for any reason held to be illegal, invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remainder of this contract and it shall remain in full force and effect.

**SIGNATURES TO FOLLOW**

FOR THE CITY OF SANDUSKY

\_\_\_\_\_  
Eric L. Wobser, City Manager  
City of Sandusky

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Date

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Justin D. Harris, Law Director  
City of Sandusky

\_\_\_\_\_  
Date

FOR THE ERIE COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH

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Peter T. Schade, M.P.H., R.S.  
Health Commissioner  
Erie County General Health District

\_\_\_\_\_  
Date