

**ORDINANCE NO. 24-051**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS FOR THE PURCHASE OF ONE (1) INTOX DMT BREATH TESTING INSTRUMENT AND RELATED ACCESSORIES FOR OVI ENFORCEMENT TO INTOXIMETERS INC. OF SAINT LOUIS, MISSOURI, FOR THE SANDUSKY POLICE DEPARTMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Police Department currently uses the DataMaster breath testing instrument for OVI enforcement and this equipment will be removed from service in January 2025 pursuant to the Ohio Department of Health; and

**WHEREAS**, the Ohio Department of Health has certified the Intox DMT for breath testing beginning in January of 2025 of the current lead time for delivery of this equipment is approximately ten (10) months from the date of order; and

**WHEREAS**, Intoximeters Inc. of Saint Louis, Missouri, is the sole source provider for the Intox DMT breath testing instrument for OVI enforcement; and

**WHEREAS**, the total cost for the Intox DMT instrument is \$12,081.50 and will be paid with Federal Forfeiture Funds; 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 expedite the purchase of the Intox DMT breath testing instrument and related equipment as the current lead time for delivery is at least ten (10) months; 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 **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 authorized and directed to expend funds for the purchase of one (1) Intox DMT Breath Testing Instrument and related accessories for OVI Enforcement to Intoximeters Inc. of Saint Louis, Missouri, for the Sandusky Police Department in an amount **not to exceed** Twelve Thousand Eighty-One and 50/100 Dollars (\$12,081.50).

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.

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Section 3. This 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 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 upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST:

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CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: February 26, 2024