

**ORDINANCE 2021-16  
INTRODUCED BY: DEBERNARDO**

**4306**

**AN ORDINANCE  
AUTHORIZING THE VILLAGE'S PARTICIPATION IN THE  
OHIO DEPARTMENT OF TRANSPORTATION WINTER  
CONTRACT (021-22) FOR ROAD SALT AND DECLARING  
AN EMERGENCY.**

WHEREAS, the Ohio Department of Transportation ("ODOT") has created a consortium of governmental entities to band together to purchase road salt, for the purposes of controlling ice and snow on Ohio's Roads; and

WHEREAS, this Council finds and determines that it is appropriate for the Village of Chagrin Falls to purchase road salt with other organization, through ODOT, in order to take advantage of economies of scale.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE  
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

Section 1. That the Mayor is authorized to enter into an Agreement with ODOT, pursuant to the Resolution attached hereto and made a part hereof as **Exhibit "1"** in order to participate in bulk purchasing of road salt, and to enter into any additional agreements, or take any further necessary actions, to implement the road salt program(s) sponsored by ODOT for the 2021-2022 winter season.

Section 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

Section 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

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Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the Village and for the further reason that this Ordinance must be immediately effective in order to obtain road salt pursuant to the ODOT contract and immediate action is necessary to meet ODOT's required deadline for submission; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: March 22, 2021

*Erinn W Grube*

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Erinn Grube, Council President

Submitted to the Mayor for  
his approval on this

23<sup>rd</sup> day of March, 2021

Approved by the Mayor

03/22/2021

*William A. Tomko*

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Mayor William Tomko

I hereby certify that Ordinance No. 2021-16 was duly enacted on the 22nd day of March, 2021, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

*David B. Bloom*

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David Bloom, Clerk of Council

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**EXHIBIT “1”**

**RESOLUTION AUTHORIZING PARTICIPATION  
IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2021**

**WHEREAS**, the Village of Chagrin Falls, Cuyahoga County (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the road salt contract; and
- d. The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 30 **by 5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

**NOW, THEREFORE**, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

**THIS RESOLUTION MUST BE UPLOADED TO THE SALT PARTICIPATION WEBSITE BY NO LATER  
THAN FRIDAY, APRIL 30, 2021.**

**PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.**