**ORDINANCE NO. 19-2022**

**CONSENTING TO A MUNICIPAL BRIDGE INSPECTION PROGRAM AS REQUESTED BY THE OHIO DEPARTMENT OF TRANSPORTATION, AND DECLARING AN EMERGENCY**

 **WHEREAS**, the Ohio Department of Transportation (“ODOT” or, as applicable, the “Director of Transportation” or the “State”) operates a project with the following Project Title: Municipal Bridge Inspection Program (the “Project”); and

 **WHEREAS,** ODOT’s Project Description is as follows:

Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical findings report, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed; and

 **WHEREAS**, the Village of Fairfax, Hamilton County, Ohio, (the “Village”) is the Local Public Agency (“LPA”) for the Project and determined the need for the Project in the Village; and

 **WHEREAS**, ODOT, therefore, requested that the Village consent to the Project;

 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio, that:

**SECTION I:** **Consent Statement.** Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described Project.

**SECTION II:** **Cooperation Statement.** The LPA shall cooperate with the Director of Transportation in the above-described Project as follows:

The State shall assume and bear 100% of all the cost for Bridge Inspection Program Services requested by the Village and agreed by the State. Eligible Bridge Inspection Services are described in the Consultant’s Scope of Services Task Order Contract (Exhibit A hereto).

The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not be limited to the purchasing and erecting of the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, and the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the municipality. As of October 2019, FHWA requires installing weight limit posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.

**SECTION III:** **Utilities and Right-of-Way Statement.** The LPA agrees that all right-of-way required for the described Project will be made available in accordance with current State and Federal regulations.

**SECTION IV**: **Project Duration and Consent Applicability.** The Project is based on the available funds provided by ODOT aimed at assisting the LPA in reaching compliance with State and Federal laws and policies for bridge inspection. The Project specifics (program duration, PID number, and consultant scope of services (Exhibit A)) shall be provided to the designated LPA Contractual Agent via email sent by the ODOT Office of Structural Engineering (“OSE”).

ODOT will seek additional funds to renew the Project in future years. If such funds are allocated, ODOT will send an email with the Project specifics to the designated LPA Contractual Agent seeking approval for the new Project. ODOT will not proceed with any Project that does not have written authorization via email from the designated LPA Contractual Agent.

**SECTION V**: **Authorization of Project.** The Village hereby authorizes its Administrator, currently Jennifer M. Kaminer, to provide written authorization via email to the Director of Transportation to complete the above-described Project and any renewals, and hereby designates the Administrator as LPA Contractual Agent.

**SECTION VI:** **Other Agreements.** The Village’s consent and all provisions of Sections I-V above are subject to and conditioned upon, and do not change, amend, terminate, or in any way supersede, the agreement between the Village and the State of Ohio set forth in Village Ordinance No. 20-1958 adopted May 28, 1958 and executed by the State of Ohio on June 23, 1958 (the “1958 Agreement”). By executing this Ordinance or otherwise participating in the Project, the Village does not waive any provision of the 1958 Agreement and reserves all rights thereunder.

**SECTION VII:** **Emergency Authorization.** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to allow ODOT to proceed with the Project as scheduled.

Passed this 19th day of September, 2022.

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 Mayor

ATTEST:

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Fiscal Officer

**CERTIFICATE OF COPY**

I, Robert Doppes, as Fiscal Officer of the Village, hereby certify the foregoing to be a true and correct copy of Ordinance No. 19-2022 adopted at a meeting of the Council of the Village of Fairfax on the 19th day of September 2022.

I certify further that the publication of such Ordinance is being made and certified of record according to law, that no referendum proceedings have been taken, and that such Ordinance and certificate of publication thereof are being placed of record in the Village’s books and records as required by law.

 IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of September, 2022. No seal is required to accompany this signature or legislation.

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 Fiscal Officer

**ACCEPTANCE**

The foregoing is accepted as a basis for proceeding with the Project herein described.

**For the Village of Fairfax, Hamilton County, Ohio**

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Attested Contractual Agent

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Date

**For the State of Ohio**

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Attested Director, Ohio Department of

 Transportation

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Date