**ORDINANCE NO. 9-2023**

**AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN EMERGENCY AGREEMENT FOR EQUIPMENT REPLACEMENT FOR THE VILLAGE MUNICIPAL BUILDING, AND DECLARING AN EMERGENCY**

**WHEREAS,** the Village of Fairfax, Ohio’s (the “Village’s”) Municipal Building is the operational center for the Village, including, but not limited to, the Mayor’s Office, Administrator’s Office, Police Department, Fiscal Officer’s Office, Tax Department, and Maintenance Department; and

**WHEREAS,** Village officials and employees, as well as the general public and visiting governmental officials and employees, conduct necessary Village business at the Municipal Building on a daily basis; and

**WHEREAS,** the Administrator learned suddenly that the air conditioning unit for the Municipal Building has a defect that cannot be repaired, resulting in the immediate inability of the unit to cool the Municipal Building sufficiently as warmer weather requires for the health, safety, and comfort of those working in or visiting the Municipal Building; and

 **WHEREAS,** accordingly, the Village must replace the entire air conditioning unit promptly; and

 **WHEREAS,** given that rapidly approaching warm weather will require a properly functioning air conditioning unit as soon as possible for the conduct of necessary Village business and aforementioned health, safety, and comfort of those working in or visiting the Municipal Building; and

 **WHEREAS,** after investigation, the Administrator determined that, given uncontrollable supply chain delays, the Village must act on an expedited basis to secure a new air conditioning unit, and that the time required for competitive bidding will not allow the Village to secure such a unit promptly enough; and

 **WHEREAS,** the Administrator secured multiple quotes for a new air conditioning unit, and determined that the Quote from Bachman’s HVAC Solutions attached as Exhibit A is the lowest and best quote obtained; and

 **WHEREAS,** as a result of the foregoing findings, there is not sufficient time to place a contract for replacement of the air conditioning unit out for bid under the non-emergency procedures set forth in the Ohio Revised Code; and

 **WHEREAS,** R.C. 735.051 provides for the authorization of emergency purchasing and related work without the need for competitive bidding in the case of a real and present emergency; and

 **WHEREAS,** the conditions described above constitute a real and present emergency that must be addressed as soon as possible to alleviate the disruption to Village business, as well as for the protection of the Village’s officials, employees, residents, businesses, and others doing business with the Village;

 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio, two-thirds of the members elected hereto concurring, that:

 **SECTION I**: The Village Administrator is hereby authorized to enter into an agreement substantially the same as Exhibit A, with such non-material modifications as she deems appropriate, for the purchase and installation of a new air conditioning unit necessary to remedy the emergency conditions described above.

 **SECTION II**: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety, and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to replace the air conditioning unit in the Municipal Building to allow the Village to operate all of its departments without threat to the health, safety, and comfort of those entering the Municipal Building.

Passed this 8th day of May, 2023.

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 Mayor

ATTEST:

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Fiscal Officer

# **CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 9-2023 adopted at a meeting of the Council of the Village of Fairfax, this 8th day of May, 2023.

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 Fiscal Officer