

ORDINANCE NO 1566-2016

*Introduced by: MR. COLE  
Dispense with the Three Readings: November 7, 2016*

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ACCEPTING THE DEDICATION OF STREETS AND UTILITIES WITHIN THE  
HIDDEN LAKE ESTATES PHASE 4 SUBDIVISION FOR PUBLIC PURPOSES; SET-  
TING PERFORMANCE AND MAINTENANCE GUARANTEES THEREFORE AND  
PROVIDING FOR IMMEDIATE ENACTMENT

WHEREAS, TWL HIDDEN LAKE LLC (OWNER) and/or their designated representative have presented a plat subdividing certain property owned by them within the Village of Lakemore, Ohio; and

WHEREAS, the Planning Commission of the Village has approved such subdivision; and

WHEREAS, TWL HIDDEN LAKE LLC and/or their designated representative desire to dedicate a certain portion of said subdivision land as public streets in the Village of Lakemore, Ohio; and

WHEREAS, this Council deems that the dedication of such streets would serve the interests of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LAKEMORE, COUNTY OF SUMMIT, STATE OF OHIO:

SECTION 1. That Hidden Lake Boulevard and Brentwood Drive as depicted and set forth in the subdivision plat of Hidden Lake Estates Phase 4, are hereby accepted and dedicated for public use along with associated storm sewers, waterlines, and storm detention facilities.

SECTION 2. That the acceptance in Section 1 herein is conditional upon the owner paying total General Improvement costs including but not limited to storm sewers, storm water detention / water quality facilities, sanitary sewers, waterlines, streets, curbs, gutters, sidewalks, street lighting and all other necessary improvements holding the Village harmless therefrom.

SECTION 3. That the acceptance in Section 1 herein is further conditional upon the execution of a bond or irrevocable letter of credit in the sum of \$200,000.00 for General Improvement, excluding sidewalks, to the Village of Lakemore guaranteeing the completion of such streets and improvements as set forth in Section 1 herein on or before eighteen (18) months from the effective date of this Ordinance, in accordance with the standards and specifications of the Village of Lakemore and the County of Summit, Ohio.

SECTION 4. That the acceptance in Section 1 herein is further conditional upon the execution of a bond or irrevocable letter of credit in the sum of \$20,000.00 guaranteeing the completion of sidewalks within six (6) months of final building inspection for each individual lot created therein, but in no event later than on or before thirty-six (36) months from the effective date of this Ordinance, in accordance with the standards and specifications of the Village of Lakemore.

SECTION 5. That the acceptance in Section 1 herein is further conditional upon the owner depositing the sum of \$7,500.00 with the Village of Lakemore ERA / CRA account to cover the necessary costs of inspection, checking of plans and plat, recording of plat, checking of construction, and any

other necessary inspections of the Village in connection with the construction of said streets and in the installation of any improvement therein. TWL HIDDEN LAKE LLC and/or their designated representative shall be furnished an itemized account of such necessary expenditures by the Village and shall, in the event that such is necessary, reimburse the Village for any additional costs properly incurred in addition to the sum originally deposited or shall receive from the Village, in the event that the necessary costs are less, a refund of the balance remaining of the sum originally deposited.

SECTION 6. That in addition to all other sums, TWL HIDDEN LAKE LLC and/or their designated representative shall deposit the sum of \$ 1,500.00 with the Village of Lakemore to provide for installation of street signs. TWL HIDDEN LAKE LLC and/or their designated representative shall be furnished an itemized account of such necessary expenditures by the Village and shall, in the event that such is necessary, reimburse the Village for any additional costs properly incurred in addition to the sum originally deposited or shall receive from the Village, in the event that the necessary costs are less, a refund of the balance remaining of the sum originally deposited.

SECTION 7. That the acceptance set forth in Section 1 herein is further conditional upon the execution of a bond or irrevocable letter of credit to the Village of Lakemore by TWL HIDDEN LAKE LLC and/or their designated representative in the sum of \$ 115,000.00 guaranteeing the maintenance of Hidden Lake Boulevard and Brentwood Drive within said subdivision, including storm sewers, storm water detention facilities, sanitary sewers, waterlines, streets, curbs, gutters, street lighting and other improvements excluding sidewalks across open space areas for a period of two (2) years following the completion and acceptance of the construction of said General Improvements.

SECTION 8. That the acceptance set forth in Section 1 herein is further conditional upon the execution of a bond or irrevocable letter of credit to the Village of Lakemore by TWL HIDDEN LAKE LLC and/or their designated representative in the sum of \$ 5,000.00 guaranteeing the maintenance of Hidden Lake Boulevard and Brentwood Drive within said subdivision for sidewalks across open space areas except for the northeasterly side of Hidden Lake Boulevard which shall not require sidewalks until such time as that side of Hidden Lake Boulevard is developed, for a period of two (2) years following the completion and acceptance of the construction of said improvements.

SECTION 9. That as a further condition to the acceptance set forth in Section 1 herein TWL HIDDEN LAKE LLC and/or their designated representative shall deposit with the Department of Public Service of the Village of Lakemore, the original tracings or approved mylars of the improvement plans, all of which shall become the property of the Village of Lakemore. In addition, record drawings in mylar and electronic file (AutoCAD) format, and related data shall be deposited with the Department of Public Service upon completion of construction.

SECTION 10. That by the dedication of Hidden Lake Boulevard and Brentwood Drive for public use as streets described in Section 1 herein, TWL HIDDEN LAKE LLC and/or their designated representative do for themselves agree and covenant that they shall pay all special assessments on such parcels herein dedicated and hold the Village harmless therefrom.

SECTION 11. That as a further condition to the acceptance set forth in Section 1 herein, TWL HIDDEN LAKE LLC and/or all titled owners making the conveyance, shall provide to the Village of Lakemore a title guarantee and lien releases, if appropriate, for those lands to be dedicated as indicated on the final subdivision plat for Hidden Lake Estates Phase 4. The developer will provide inspector reports of existing infrastructure including but not limited to storm sewer film, sanitary sewer film, and pavement cores. The developer will also attain all approvals, permits, easements, etc. required by the

County of Summit, Ohio, including the Department of Sanitary Sewer Services and the Summit County Conservation District.

SECTION 12. That the Village of Lakemore Fiscal Officer is hereby directed to deliver two (2) certified copies of this Ordinance plus any filing fees to the Fiscal Officer of Summit County within ten (10) days of passage.

SECTION 13. That the Mayor and Chairman of the Planning Commission are hereby directed to endorse upon the subdivision plat of Hidden Lake Estates Phase 4 the approval and acceptance of this Council of Hidden Lake Boulevard and Brentwood Drive within the subdivision as dedicated streets of the Village.

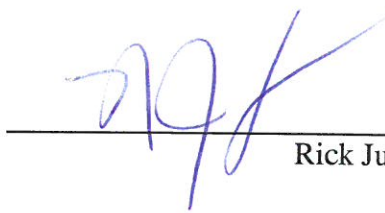
SECTION 14. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 15. That this ordinance is necessary to provide for and to accomplish the purposes herein set forth, which are conducive to the health, safety, and welfare of the citizens of Lakemore. For that reason, provided this ordinance shall receive the affirmative vote of two-thirds of the members of Council and approval by the Mayor, it shall take effect on the earliest period allowed by law.

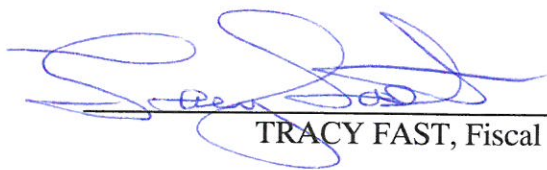
Passed: November 7, 2016

ATTEST:

  
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TRACY FAST, Fiscal Officer

  
\_\_\_\_\_  
Rick Justice, Mayor

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance 1566-2016 was duly adopted by Council at its regular meeting held on November 7, 2016.

  
\_\_\_\_\_  
TRACY FAST, Fiscal Officer



ORDINANCE NO 1567-2016

*Introduced by: Mrs. Cochran*  
First Reading: October 3, 2016  
Second Reading: October 17, 2016  
Third Reading: November 7, 2016

AN ORDINANCE TO AMEND "EMPLOYEE POLICIES AND PROCEDURES MANUAL FOR THE VILLAGE OF LAKEMORE" BY INCLUDING "PROCUREMENT POLICIES AND PROCEDURES"

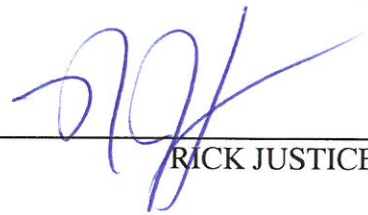
Be it Ordained by the Council of the Village of Lakemore, Ohio:

Section 1: Council approves to incorporate Section 3.15 "Procurement Policies and Procedures" in the Village of Lakemore Policies & Procedures Manual

Section 2: Section 3.15 is attached hereto and made part hereof as if fully re-written herein

Section 3: This Ordinance shall go into effect on and after the earliest period allowed by law. .

Passed: November 7, 2016



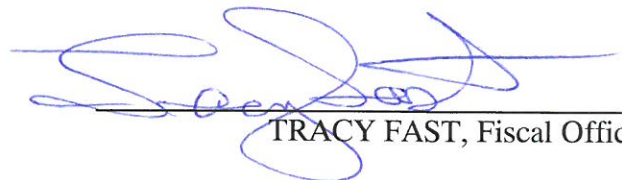
\_\_\_\_\_  
RICK JUSTICE, Mayor

ATTEST:



\_\_\_\_\_  
TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1567-2016 was duly adopted by Council at its regular meeting held on November 7, 2016



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TRACY FAST, Fiscal Officer



## **Ordinance 1567-2016**

### **Village of Lakemore Procurement Policies and Procedures**

**1. Purpose of procurement standards.** The purpose of these standards is to establish procedures for the Village of Lakemore for the procurement of supplies and other expendable property, equipment, real property and other services.

**2. Code of conduct.** No employee, official, or agent shall participate in the selection, award, or administration of a contract if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, official, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officials, employees, and agents of the Village of Lakemore shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements except for where the financial interest is not substantial or the gift is an unsolicited item of nominal value. Members of the Village of Lakemore's Council shall comply with all relevant fiduciary duties, including those governing conflicts of interest, when they vote upon matters related to procurement contracts in which they have a direct or indirect financial or personal interest. Officials, employees, and agents of the Village of Lakemore shall be subject to disciplinary actions for violations of these standards.

**3. Competition.** All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The Village of Lakemore shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the Village of Lakemore, price, quality and other factors considered. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for the bid or offer to be evaluated by the Village of Lakemore. Any and all bids or offers may be rejected when it is in the Village of Lakemore's interest to do so. In all procurement the Village of Lakemore shall avoid practices that are restrictive of competition. These include but are not limited to:

- (a) Placing unreasonable requirements on firms in order for them to qualify to do business,
- (b) Requiring unnecessary experience and excessive bonding,
- (c) Noncompetitive pricing practices between firms or between affiliated companies,

- (d) Noncompetitive awards to consultants that are on retainer contracts,
- (e) Organizational conflicts of interest,
- (f) Specifying only a brand name product instead of allowing an equal product to be offered and describing the performance of other relevant requirements of the procurement, and
- (g) Any arbitrary action in the procurement process.

**4. Methods of Procurement to be Followed.**

(a) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that comply with Section 3.06 "Policy Regarding Purchase Orders, Blanket Purchase Orders, And 'THEN AND NOW' Purchase Orders", do not cost more than the "Simplified Acquisition Threshold" fixed at 41 U.S.C. 403(11) (currently set at \$100,000) and where procurement by sealed bid is not required. If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources to insure that the selection process is competitive in accordance with these policies.

(b) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the lowest responsive and responsible bidder. A bidder shall be considered responsive if his proposal responds to bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage. The factors that will be considered in determining whether a bidder on the contract is responsible include the experience of the bidder, financial condition, conduct and performance on previous contracts, facilities, management skills, and ability to execute the contract properly. Additionally for construction contracts governed by Section 177.14, the additional criteria identified in that Section shall also be used to determine whether a bidder on a contract is responsible.

(i) The sealed bid method is the preferred method for procuring construction if the following conditions are present:

- (A) A complete, adequate, and realistic specification or purchase description is available;
- (B) Two or more responsible bidders are willing and able to compete effectively and for the business; and
- (C) The procurement lends itself to a firm fixed price contract and

the selection of the successful bidder can be made principally on the basis of price.

- (ii) If sealed bids are used, the following requirements apply:
  - (A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;
  - (B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;
  - (C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;
  - (D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of;
  - (E) Each bid in excess of the amount of fifty thousand dollars (\$50,000.00) shall be accompanied by a bid bond signed by a surety company authorized to do business in Ohio, or by a cashier's check or certified check on a solvent bank, which bond or check shall be in an amount not less than three percent (3%) of the amount of the bid. Such bond or check shall be given as security that if the bid is accepted, a contract will be executed in conformity with the bid. Bids less than fifty thousand dollars (\$50,000.00) require no bid bond; and
  - (F) Any or all bids may be rejected if there is a sound documented reason.

(c) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids or small purchase procedures. If this method is used, the following requirements apply:

- (i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized

requests for proposals shall be honored to the maximum extent practical;

- (ii) Proposals will be solicited from an adequate number of qualified sources;
- (iii) The Village of Lakemore shall evaluate responses to its solicitations and select awardees in accordance with the procedures outlined in section 5 below ("Procurement Procedures");
- (iv) Awards will be made to the responsible firm whose proposal is most advantageous to the Village of Lakemore with price and other factors considered; and
- (v) The Village of Lakemore may use the competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. A procurement process where price is not to be used as a stated selection factor can only be used in procurement of A/E professional services. It cannot be used to purchase other types of although A/E firms are a potential source to perform the proposed effort.

(d) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

- (i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:
  - (A) The item is available only from a single source;
  - (B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - (C) The funding source specifically authorizes the use of noncompetitive proposals; or
  - (D) After solicitation of a number of sources, competition is determined inadequate.
- (ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

- (iii) When using a non-competitive process the Village of Lakemore normally would be expected to submit the proposed procurement to the relevant funding source for pre-award.

**5. Procurement procedures.**

- (a) All procurement by the Village of Lakemore shall comply, at a minimum, with the requirements of subsections (i), (ii), and (iii) below:

- (i) The Village of Lakemore will avoid purchasing unnecessary items.
- (ii) Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement.
- (iii) Solicitations for goods and services provide for all of the following.
  - (A) A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.
  - (B) Requirements which must be fulfilled and all other factors to be used in evaluating proposal submitted in response to solicitations.
  - (C) A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
  - (D) When relevant, the specific features of "brand name or equal" descriptions that are to be included in responses submitted to solicitation.
  - (E) The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.
  - (F) Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.

- (b) Positive efforts shall be made by the Village of Lakemore to utilize small businesses, minority-owned firms, and women's business enterprises, whenever

possible. The Village of Lakemore shall take all of the following steps to further this goal.

- (i) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
- (ii) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
- (iii) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
- (iv) Encourage, when practical, contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
- (v) Use the services and assistance, as appropriate and practical, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

(c) The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the Village of Lakemore but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved. The "cost-plus-a-percentage-of- cost" or "percentage of construction cost" methods of contracting shall not be used.

(d) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.

(e) Debarment and Suspension – The Village of Lakemore Council by a two-thirds majority vote of its members may debar a vendor from consideration for contract awards upon a finding listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." All bidders will also be researched with the State of Ohio Auditor's office "Findings for Recovery" database when entering into contracts. Section 9.24 of the Ohio Revised Code prohibits any State agency or political subdivision from awarding a contract for goods, services, or construction, paid for in whole or in part with State funds, to any person against whom a finding for

recovery has been issued by the Auditor of State if that finding is unresolved.

(f) Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

**6 Cost and price analysis.** Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action above \$500 in value. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

**6. Procurement records** - Procurement records and files for purchases in excess of the small purchase threshold as fixed at 41 U.S.C. 403(11) (currently \$25,000) shall include the following at a minimum: (a) basis for contractor selection, (b) justification for lack of competition when competitive bids or offers are not obtained, and (c) basis for award cost or price.

**7. Contract administration.** A system for contract administration shall be maintained to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of all purchases. The Village of Lakemore shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions and specifications of the contract.

**8. Contract provisions.** The Village of Lakemore shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. The following provisions shall also be applied to subcontracts.

(a) Contracts in excess of the Simplified Acquisition Threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.

(b) All contracts in excess of the Simplified Acquisition Threshold shall contain suitable provisions for termination by the Village of Lakemore, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) For contracts dealing with construction or facility improvements the Village of Lakemore shall comply with all requirements imposed by its funding sources (and the government regulations applicable to those funding sources) with regard to construction bid guarantees, performance bonds, and payment bonds.

(d) All negotiated contracts (except those for less than the Simplified Acquisition

Threshold) awarded by the Village of Lakemore shall include a provision to the effect that the Village of Lakemore shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

(e) All contracts, including small purchases, awarded by the Village of Lakemore and their contractors where the source of the funds, directly or indirectly, is the federal government, shall contain the following procurement provisions as applicable.

(i). Equal Employment Opportunity - All contracts, when funded in whole or part by monies derived from the Federal government (either directly or indirectly), shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(ii). Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c) - All contracts in excess of \$2000 for construction or repair, when funded in whole or part by monies derived from the Federal government (either directly or indirectly) shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or sub-recipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.

(iii). Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7) - **When required by Federal program legislation**, all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.

(iv). Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) - All

contracts in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers, when funded in whole or part by monies derived from the Federal government (either directly or indirectly), shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5).

(v). Rights to Inventions Made Under a Contract or Agreement - Contracts or agreements for the performance of experimental, developmental, or research work, when funded in whole or part by monies derived from the Federal government (either directly or indirectly), shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(vi). Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended - Contracts and subgrants of amounts in excess of \$100,000, **when funded in whole or part by monies derived from the Federal government** (either directly or indirectly), shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(vii). Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contracts for an amount above \$100,000, **when funded in whole or part by monies derived from the Federal government** (either directly or indirectly), shall include a certification by the contracting parties that they have not and will not use Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. and to further require disclosure of any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.

(f) Purchase orders and purchase contracts will be issued by the Fiscal Officer after approval and when necessary. No individual will authorize work or accept delivery of items without a duly issued purchase order or purchase contract.

(g) The contractor will file any required forms to Ohio Public Employees Retirement System for non-contributing individuals / entities and Regional Income Tax Agency prior to beginning work. Required W-9 will be submitted to the Fiscal Officer for all contractors and vendors.

9. **Purchase Contracts and Leases.** Any purchase for supplies, commodities, materials, equipment, furnishings or general services required by any department, division or office that exceeds the amount of \$50,000.00 shall be expended only upon approval by the Village Council and a written contract entered into in accordance with the procedures established in Section 177.05.

Any purchase for supplies, commodities, materials, equipment, furnishings or general services required by any department, division or office that exceeds the amount of \$25,000.00 shall be expended upon approval by the Village Council.

ORDINANCE NO 1568-2016

*Introduced by: Mr. Lance*  
Dispensed of three readings

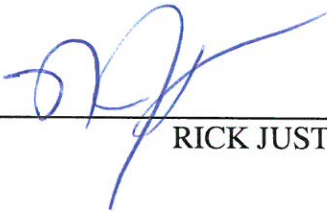
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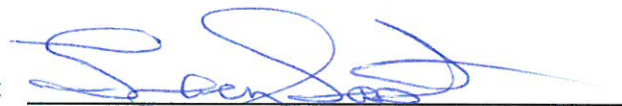
AN ORDINANCE TO AMEND ORDINANCES NO 1549-2015 "MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF LAKEMORE, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016"

Be it Ordained by the Council of the Village of Lakemore, Ohio:

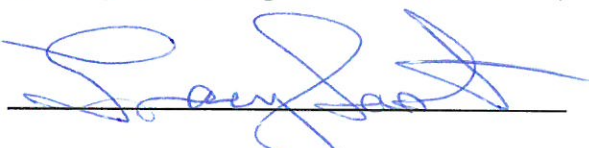
- Section 1: Council approves to advance funds in the amount of \$20,000.00 from the General Fund to the CDBG fund to afford the initial payments for the Sanitarium Road Waterline project. All expenses from this project will be reimbursed by Summit County.
- Section 2: Council approves the increase in appropriations and revenues in the General Fund for the unauthorized charge and bank re-payment of \$1995.00. The bank is researching the charge, but has already credited the bank account the full amount. Council approves increasing appropriations in Street Maintenance \$20,000.00 and in Permissive Motor Vehicle Licensing \$3,250.00 to afford road paving work on Oneida and Mohican Blvd.
- Section 3: Council approves re-appropriating to afford the remaining payroll  
\$5,700.00 within EMS fund  
\$12,000.00 within Fire/EMS Levy fund  
\$9,000.00 within the Water fund  
\$6,000.00 within the Sewer fund
- Section 4: And the Village Fiscal Officer is hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditure; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. It shall be provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the Village and for purposes other than those covered by other specific appropriations herein made.
- Section 5: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the citizens of the Village of Lakemore, Ohio, for the reason that the appropriation is necessary for the continued operation of the Village of Lakemore. Therefore, this Ordinance shall go into effect immediately.

Passed: November 7, 2016

  
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RICK JUSTICE, Mayor

ATTEST:   
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TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1568-2016 was duly adopted by Council at a regular meeting held on November 7, 2016.

  
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TRACY FAST, Fiscal Officer

**RESOLUTION NO 6675-2016**

*Introduced by: Mrs. Cochran  
Dispense with Three Readings*

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**A RESOLUTION AUTHORIZING THE FIRE CHIEF AND MAYOR TO HIRE WILLIAM APITZ, JOHN BARRICKMAN, EVAN GIFFELS, DANIEL HYMES, MICHAEL MORRISON, AND DANIEL SNYDER AS PROBATIONARY, VOLUNTEER FIREFIGHTER/EMTS FOR THE LAKEMORE FIRE DEPARTMENT AND THE RE-INSTATEMENT OF NICHOLAS ALHASSANI**


Now, Therefore, Be it Resolved by the Council of the Village of Lakemore, Ohio:

- Section 1: The Fire Chief and Mayor are authorized to hire William Apitz, John Barrickman, Evan Giffels, Daniel Hymes, Michael Morrison, and Daniel Snyder as probationary, volunteer Firefighter/EMTs for the Lakemore Fire Department and the re-instatement of Nicholas Alhassani is hereby confirmed.
- Section 2: These new employees shall serve as Probationary Members of the Lakemore Fire Department for a one-year probationary period as provided in Section V Subparagraph E of the Fire Department Manual pending physical examination and background check. Mr. Alhassani will serve a 90-day probationary period.
- Section 3: No funds will be spent for the initial training of these employees, as they possess the necessary training already.
- Section 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 7, 2016

  
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RICK JUSTICE, Mayor

ATTEST:

  
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TRACY FAST, Fiscal Officer

I, Tracy Fast, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Resolution No. 6675-2016 was duly adopted by Council at its regular meeting held on November 7, 2016.

  
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TRACY FAST, Fiscal Officer

