

ORDINANCE NO. 2010-1

AUTHORIZING PAYMENT FOR EXPENSES ASSOCIATED
WITH VARIOUS PUBLIC UTILITY SERVICES DURING 2010;
AND DECLARING AN EMERGENCY

WHEREAS, Section 9.12 of Article IX of the Charter of the City of Blue Ash, Ohio, provides the method under which the City Manager shall make certain purchases and enter into contracts on behalf of the City, including those associated with public utility services and contracts with other governmental units; and

WHEREAS, the City of Blue Ash regularly provides funding within annual budgets for expenses associated with various categories of public utility services required for normal operations of City owned facilities, properties, and operations for the provision of municipal service; and

WHEREAS, such utility needs include the requirement for purchases and delivery of electricity, natural gas, external phone services, internal phone services and products, domestic water, and public sewer; and

WHEREAS, prior to 2008 (via passage of Ordinance No. 2008-24 in April 2008), no past ordinances authorizing payment for such services were recommended by the Administration, or presented to City Council due to the monopolistic nature of such markets; and

WHEREAS, because of the changing marketplace and expanded options available to utility consumers, and since such expenditures typically exceed the ordinance threshold of \$25,000, the Administration, beginning in 2008, has sought formal Council approval of these routine budgeted utility expenses to comply with potential future State of Ohio Audit guidelines.

Be it ordained by the Council of the City of Blue Ash, Ohio, not less than five (5) members thereof concurring,

SECTION I.

The City Manager is hereby authorized to make payment to Duke Energy, or to an alternate provider if authorized by Duke Energy and accepted by the City, for the provision of electricity and/or natural gas for City owned facilities and property and otherwise required for municipal purposes for an amount not to exceed \$833,000 in 2010. Such payment would cover those services and product received in 2010, and would allow payment from the City to extend into 2011 to accommodate the utility's billing cycle. Any requirement to follow formal bidding procedures for such services is hereby waived.

SECTION II.

The City Manager is hereby authorized to make payment to Greater Cincinnati Water Works for the provision of water and sanitary sewer services for City owned facilities and property and otherwise required for municipal purposes for an amount not to exceed \$202,500 in 2010. Such payment would cover those services and product received in 2010, and would allow payment from the City to extend into 2011 to accommodate the utility's billing cycle. Any requirement to follow formal bidding procedures for such services is hereby waived.

SECTION III.

The City Manager is hereby authorized to make payment to Cincinnati Bell Telephone or its affiliates and related entities for the provision of external telephone, network connectivity lines and fiber optic cable, and data connection services for City owned facilities and property and otherwise required for municipal purposes for an amount not to exceed \$87,000. Such payment would cover those services and product received in 2010, and would allow payment from the City to extend into 2011 to accommodate the utility's billing cycle. Any requirement to follow formal bidding procedures for such services is hereby waived.

SECTION IV.

The Treasurer and Deputy Treasurer are hereby authorized to expend the necessary funds therefor, which funds are hereby appropriated.

SECTION V.

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Blue Ash, Ohio; the reason for the emergency being the need to comply with general audit guidelines and make appropriate and timely payment for services and product from these utility companies. Therefore, this ordinance shall take effect and be in force from and after its passage.

PASSED this 14th day of January, 2010.

Mark F. Weber, Mayor

Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

Bryan Pacheco, Deputy Solicitor