

RESOLUTION R-2010-9

A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH SPRINT NEXTEL FOR THE PROVISION OF CELL PHONES FOR SOME VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY.

WHEREAS, of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Department of Administrative Services for the purchase of machinery, material, supplies, services or other articles.

WHEREAS, the Mayor and the Fiscal Officer hereby request authority in the name of the Village of Windham to participate in the Ohio Department of Administrative Service contracts for the purchase of Cell Phones for use of Village Employees.

NOW THEREFORE BE IT RESOLVED, by the Council of the Village of Windham, Portage County, Ohio, two thirds (2/3rds) or more of the members thereto concurring that:

SECTION 1: That the Mayor and the Fiscal Officer are hereby authorized to take such action as is necessary to obtain for use of designated Village of Windham employees cell phones in conformity with all terms and conditions as the Director of the Ohio Department of Administrative Services prescribes.

SECTION 2: That the Windham Village Fiscal Officer is hereby authorized to agree in the name of the Village of Windham to directly pay vendors, under each such contract of the Ohio Department of Administrative Services in which the Village of Windham participates, for items it receives pursuant to Ohio Department of Administrative Services contracts.

SECTION 3: That the Village of Windham agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program. The Village of Windham releases and forever discharges the Director of the Ohio Department of Administrative Services and the Ohio Department of Administrative Services from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the Village of Windham may have or claim to have against the Ohio Department of Administrative Services or its employees, unless such liability is the result of negligence on the part of the Ohio Department of Administrative Services or its employees.

SECTION 4: This Resolution is declared to be an emergency measure becoming immediately effective upon passage by Council and approval by the Mayor, the particular emergency being that time is of the essence to obtain cell phones that actually work for designated Village of Windham employees.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including §121.22 of the Revised Code of the State of Ohio.

Passed in council as an emergency on February 23, 2010

Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None.

ATTEST:

APPROVED:

Fiscal Officer, Lloyd Billman

Mayor Robert Donham, II

Approved as to form:

Solicitor, Thomas Reitz