



# LEGISLATIVE COVER MEMO

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**Introduction:** December 5, 2022

**Agenda Item:** **Resolution 2022-78**

DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY SITUATED WITHIN THE CITY OF FRANKLIN WITHIN THE SPENDING LIMIT AS ESTABLISHED IN CHARTER SECTION 5.05 EFFECTIVE FISCAL YEAR 2023

**Submitted by:** Jonthan Westendorf

**Scope/Description:** This Resolution is a renewal of Resolution 2021-73, passed December 6, 2021 to empower the City Manager to purchase properties within the City of Franklin, such as foreclosure properties, in amounts allowed under the City Manager's contracting authority as Contracting Official for the City, to carry out the City's objectives.

This Resolution will be effective immediately upon passage until December 31, 2023. This Resolution, absent other direction from Council, will be updated and placed on the agenda for action in December 2023 for fiscal year 2024.

As this Resolution does not involve bidding, a majority of members present concurring is required for its passage

**Budget Impact:** Amounts will vary but will be nominal.

**Exhibits:** None.

**Recommendation:** Approval.

CITY OF FRANKLIN, OHIO  
RESOLUTION 2022-78

**DECLARING CITY MANAGER, THE CITY'S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY SITUATED WITHIN THE CITY OF FRANKLIN WITHIN THE SPENDING LIMIT AS ESTABLISHED IN CHARTER SECTION 5.05 EFFECTIVE FISCAL YEAR 2023**

WHEREAS, Charter of the City of Franklin, Ohio, Effective January 1, 1984, and last amended on June 1, 2022, Section 3.03 POWERS OF COUNCIL, provides:

- (i) The power to acquire title to or interests in real property shall be vested in the Council, whether such property is acquired by: the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease, or grant interests in real property shall be vested in the Council.  
(Ord. 22-03, 2-7-22. passed by the electorate 5-2-2022, effective 6-1-2022)

WHEREAS, Charter of the City of Franklin, Ohio, Effective January 1, 1984, and last amended on June 1, 2022, Section 5.05 CONTRACTING POWERS, provides:

The City Manager shall be the contracting officer of the City and shall award and execute contracts and agreements on behalf of the City in the manner and under the procedures required by this Charter, provided that: (Ord. 2007-25, 8-6-07 & Ord. 2007-32, 8-20-07, passed by electorate 11-6-07, effective 1-1-08.) (Ord. 22-03, 2-7-22. passed by the electorate 5-2-2022, effective 6-1-2022)

- (a) Competitive Bidding. When the expenditure of funds for the purchase of equipment, supplies or materials, or to provide labor for any work to be performed under a contract exceeds the amount fixed by State law, such expenditure shall first be authorized and directed by an ordinance or resolution passed by the Council. In such event, the City Council shall award a written contract to the lowest and best bidder, unless competitive bidding is not required pursuant to State Law. Council may, in its discretion, reject all bids.  
(Resolution 2002-54, 8-19-02; passed by electorate 11-5-02, effective 1-1-03) (Ord.2017-15, 717-17; passed by electorate 11-7-17, eff. 1-1-18)
- (b) Modifications and changes to contracts awarded under competitive bidding, where such modification and change are in excess of fifty percent (50%) of the amount specified in section 5.05(a), shall first be authorized by ordinance or resolution.
- (c) The City Manager may designate an administrative officer or employee of the City to act as purchasing agent to award and execute contracts, orders of agreements on behalf of the City when such contracts, orders or agreements do not authorize an expenditure of money in excess of the amount specified by the laws of the State of Ohio.
- (d) The City Manager or any other person designated by him or her as purchasing agent, shall not willfully cause or allow any contract or order to be split or divided into separate orders or contracts in order to avoid the requirements of subsection (c) above, or the requirements of competitive bidding as provided by this Charter.

WHEREAS, from time to time, the City has opportunity, just like any other interested person, to bid on property being offered at auction at Warren County Sheriff's Sales. Notice is limited for these Sheriff's Sales and the amount needed for a winning bid will be unknown until the close of each sale.

WHEREAS, from time to time, the City has opportunity, just like any other interested person, to purchase foreclosure or other property from, for example, lending institutions or other property holders. Time is of the essence to strike these deals, which are for discounted purchase prices.

WHEREAS, the City benefits, as do its citizens, when the City purchases certain property situated in city limits that it deems desirable to accomplish the objectives established by Council and carried out by Staff.

WHEREAS, Council desires to re-visit this matter yearly, therefore, this Resolution will be effective immediately upon passage until December 31, 2023, and the Clerk of Council is directed to place this matter on the agenda for Council action in late 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to reduce blight, nuisance, and like conditions within the City;

Section 2. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City of Franklin, Ohio, to acquire certain property, regardless of whether such property in blighted or nuisance like condition, to accomplish the objectives established by Council and carried out by Staff to best serve its citizenry.

Section 3. The City Manager is hereby empowered and directed, by Council under Charter Section 3.03(i), to carry out the City's objectives by acquiring title to or interests in real property in transaction amounts consistent with Charter Section 5.05.

Section 4. This Resolution shall become effective immediately upon its passage and expires December 31, 2023.

ADOPTED: December 5, 2022

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on December 5, 2022.

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Khristi Dunn, Clerk of Council