

**CITY OF XENIA, OHIO  
ORDINANCE 2018 – 07**

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH  
WAIBEL ENERGY SYSTEMS, INC., FOR THE PURCHASE OF A CHILLER SYSTEM  
FOR THE XENIA JUSTICE CENTER, AND DECLARING AN EMERGENCY**

**WHEREAS**, City staff recently discovered that the chiller system for the Xenia Justice Center has failed to the point where it is beyond repair;

**WHEREAS**, Waibel Energy Systems has designed a chiller system for the Xenia Justice Center that can meet the building temperature needs for many years to come and funds are currently available through the General Capital Fund (361-1009-55599) for the purchase of a new chiller system;

**WHEREAS**, time is of the essence for the delivery and installation of a new chiller system in advance of the upcoming warmer months of spring 2018 to assure the safe and continued operations of those Departments and Divisions housed in the Xenia Justice Center, including the Xenia Municipal Court, the Law Department and the Division of Police;

**WHEREAS**, Ohio Revised Code Section 735.051 grants this Council the authority to authorize the City Manager to enter into a contract for work to be done without formal bidding and advertising in the case of a real and present emergency arising in connection with the operation and maintenance of any Department or Division of the City; and

**WHEREAS**, Section 9.16 of the City Charter further authorizes the expenditure of funds in excess of \$25,000, without bidding, in the case of an emergency for the immediate protection of public property or public safety.

**NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS**, at least five (5) members of the City Council concurring, that:

**Section 1.** This Ordinance is an emergency for the reason that the new chiller system must be immediately ordered, and quickly delivered and installed in advance of the upcoming warmer spring months to assure the safe and continued operations of those Departments and Divisions within the Xenia Justice Center.

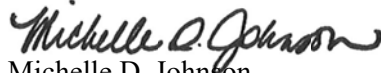
**Section 2.** This Council finds there is real and present emergency arising in connection with the operation and maintenance of the Xenia Justice Center, and in accordance with Ohio Revised Code Section 735.051 and Section 9.16 of the City of Xenia Charter, the City Manager is hereby authorized to enter into a contract, without formal bidding and advertising, with Waibel Energy Systems, Inc., for the purchase of a new chiller system for the Xenia Justice Center at a cost not-to-exceed Two Hundred Thirty-Two Thousand Four Hundred One Dollars and No Cents (\$232,401.00) upon such terms and conditions as are approved by the Law Director.


**Section 3.** It is found 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 that resulted in this 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 4.** In accordance with Section 5.04 of the City's Charter, this Ordinance shall become effective upon its adoption.

ADOPTED: February 22, 2018

Attest:

  
Michelle D. Johnson  
City Clerk

  
Michael D. Engle  
President, Xenia City Council