

VILLAGE OF NEW LEBANON
MONTGOMERY COUNTY, OHIO

ORDINANCE NO: 2025-07
BY
MAYOR DAVID NICKERSON

NEW LEBANON, OHIO
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AN ORDINANCE: TO AMEND AND CREATE ADDITIONAL SECTIONS OF CHAPTER 36.01 OF THE VILLAGE OF NEW LEBANON CODIFIED ORDINANCES.

WHEREAS, Section 6.10 of the New Lebanon charter states, "Purchase of supplies, materials and equipment and the construction of public improvements for the Municipality shall be made pursuant to specifications and through open competitive bidding under such procedures, consistent with this Charter, as the Council shall determine by Ordinance. The acquisition of professional services and the purchase of used equipment may be, but are not required to be, obtained by competitive bidding."; and

WHEREAS, Staff is recommending approval of the purchasing ordinance below.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW LEBANON, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I That the following sections of the Village of New Lebanon Codified Ordinances are hereby amended as follows:

§ 36.01 ~~SALE OF SURPLUS MUNICIPAL PROPERTY~~ *Village of New Lebanon Purchasing Requirements and Policy.*

- (A) The Village Manager or his designated representative shall administer and approve all purchases and contracts for the Village.*
- (B) Purchases of less than one thousand dollars (\$1,000) are paid upon submission of an approved invoice to the Finance Department. Informal quotations or bids are encouraged, but not required, for these purchases.*
- (C) Purchases or contracts involving an expenditure at or exceeding one thousand dollars (\$1,000) to less than five thousand dollars (\$5,000) shall only be made after obtaining informal quotations, and the purchase shall be made from the vendor submitting the lowest and best quotation from at least two qualified vendors.*
- (D) Purchases or contracts involving an expenditure at or exceeding five thousand dollars (\$5,000) but less than the competitive bidding threshold established by Ohio Revised Code Section 9.17 shall be made only after obtaining formal written quotations from three or more qualified vendors. Such purchase shall be made from the vendor submitting the lowest and best quotation.*
- (E) Purchases or contracts involving an expenditure at or exceeding the competitive bidding threshold established by Ohio Revised Code Section 9.17 shall be made only after advertisement and the receipt of sealed bids.*

The purchase shall be made only from the vendor submitting the lowest and best bid.

- (F) For the purposes of this chapter, "lowest and best" shall be deemed to be that quotation or bid which gives the best combination of quality, service and price that assures the greatest economy to the Village.*
- (G) For the purposes of this chapter, "qualified vendor" means a person who has met the Village's appropriately specified criteria required pursuant to the needs of a purchase or contract.*
- (H) The Village Manager or designee shall prepare, adopt and maintain a purchasing manual or manual of purchasing guidelines setting forth the administrative procedures for the handling of purchases, which procedures shall not be in conflict with this chapter. Such manual shall have the same effect as ordinances of the Village.*
- (I) If the contracted amount on any project exceeds the engineering estimate by ten percent or more, approval of the Village Manager is required.*
- (J) In any case where competitive bidding is not practical, or it is clearly to the Village's advantage to contract without competitive bidding, Council, upon the recommendation of the Village Manager, may authorize the execution of a purchase order without competitive bidding, by a majority vote.*

Instances where competitive bidding is not practical include, but are not limited to, the following examples:

- (1) Contracts for professional services (except where Sections 153.65 through 153.71 of the Ohio Revised Code are applicable).*
 - (2) Unforeseen emergencies in which delay would result in the interruption of or detriment to the delivery of public services, as determined by the Village Manager. If the amount of the emergency purchase or contracted service is at or exceeds ten thousand dollars (\$10,000), the Village Manager shall report the facts pertaining to that purchase to Council.*
 - (3) When a monthly or yearly contract is up for renewal and it has been determined by informal solicitation that an extension or renewal under option provisions would be in the public interest.*
 - (4) When only one source of supply is available, the Village Manager shall so certify. The certification shall be accompanied by a statement of the facts from which it has been concluded that the vendor is the only source of supply.*
 - (5) Purchases from joint purchasing programs where the equipment, material, supply or service being purchased was obtained through a competitive sealed bidding process or a competitive sealed proposal process.*
 - (6) Contracts for materials in unstable markets.*
- (K) The Village Law Director shall approve the contract as to form and content before it is submitted for the Village Manager's approval with Council authorization.*
 - (L) All Village officials, employees, and agents involved in purchasing or contracting shall uphold the highest standards of ethical conduct and integrity. The following principles apply:*

(1) **General Standards**

- (a) All procurement decisions shall be made in the best interest of the Village, free from personal bias or undue influence.*
- (b) Individuals shall act impartially and avoid any conduct that could create the appearance of impropriety or favoritism.*

(2) **Prohibited Conduct of Village Personnel**

- (a) Accepting or soliciting gifts, favors, entertainment, or anything of value from current or prospective vendors.*
- (b) Using their official position to secure unwarranted privileges or advantages for themselves, family members, or associates.*
- (c) Participating in any procurement decision where they, a family member, or a business associate has a financial interest.*
- (d) Disclose confidential or proprietary information obtained through the procurement process to unauthorized parties.*

(3) **Disclosure Requirements**

- (a) Any actual or potential conflict of interest must be disclosed in writing to the Village Administrator or Fiscal Officer prior to participating in any procurement activity.*
- (b) If a conflict is identified, the individual shall recuse themselves from the decision-making process.*

(M) (A) Personal property not needed for municipal purposes shall be disposed of in the following manner:

- (1) Personal property, the estimated value of which is less than \$1,000, may be sold by the Municipal Manager. If the estimated value of the property exceeds \$1,000, it shall be sold to the highest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipality.
- (2) ~~(B)~~ When the Municipal Manager advertises for bids for the purchase of new vehicles, equipment, or machinery for the municipality, he or she may include in the specifications a notice of willingness to accept bids for the trade-in of municipally-owned vehicles, equipment, or machinery which are obsolete, unfit, or not needed for public use, and to have the amount of the bids subtracted from the selling price as a means of determining the lowest and best bid.
- (3) ~~(C)~~ When the Municipal Manager purchases replacement equipment or machinery not subject to the competitive bidding provisions of the Charter, he or she may offer to sell to the vendor the equipment or machinery to be replaced and to have the amount of the sale subtracted from the selling price as a means of determining the best value to the municipality, without regard to the value limitations imposed by division ~~(AM(1))~~ above.
- (4) ~~(D)~~ *Real property.*
 - (a) The Municipal Manager is authorized to take any necessary steps appropriate for the sale of real estate owned by the municipality, said sales to be ratified and approved by resolution of the Municipal Council.*

- (b) The sale of real estate owned by the municipality shall not require any public advertisement unless specifically required by the Municipal Council.
- (c) This division (~~DM~~(4)) of this section shall, when a parcel is sold and Council approves the sale of the parcel, authorize the Municipal Manager to execute and sign any deed or instrument of conveyance necessary to the purchaser of the subject real estate subject to any terms or conditions as may be approved or required by the Municipal Council.
- (d) This division (~~DM~~(4)) is adopted pursuant to § 1.05 of the Municipal Charter to set forth the power of sale to the municipality under the terms and conditions provided for in this section.

SECTION II

It is hereby 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 any and all deliberations of this 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, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION III

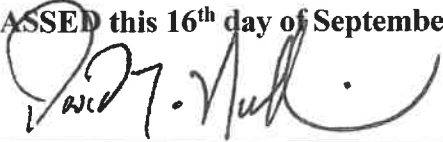
This Ordinance shall take effect and be in full force from and after its passage.

Reading 1: 8/19/25

Reading 2: 9/2/25

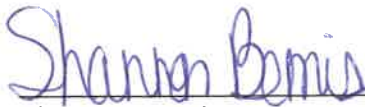
Reading 3: 9/16/25

PASSED this 16th day of September 2025.



David Nickerson, Mayor

Attest:

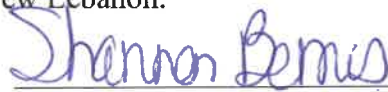
 9/16/25

Shannon Bemis
Clerk of Council

Date:

CERTIFICATION

I, Shannon Bemis, Clerk of Council for the Municipality of New Lebanon, Ohio do hereby certify that the foregoing is a true and correct copy of the Ordinance 2025-07 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon.


Shannon Bemis
Clerk of Council 9/16/25