

ORDINANCE NO. 269 (22-23)

An Ordinance to declare the existence of a real and present emergency arising in connection with the operation and maintenance of the Department of Public Service of the City of Marietta, Ohio, and its municipal utility, the Water Department, as a result of needed inventory of materials, and perhaps replacement of some of Marietta's water lines, to ensure that any lead piping that may be located within said water mains can be replaced, so as to prevent an unhealthy condition that could detrimentally affect the citizens of the City of Marietta, Ohio, and therefore, to authorize and direct the Director of Public Safety and Service to enter into a contract or contracts without formal bidding, advertising, and quality based selection, pursuant to Ohio Revised Code Sections 735.051 and 153.71(B), for the Marietta Lead Service Lines Investigations, Design and Construction Project at a price not to exceed \$400,000.00 and declaring an EMERGENCY.

WHEREAS, the City of Marietta, Ohio, which was founded in 1788, has identified, based on system records and staff knowledge, that up to ten (10) miles, out of its one hundred (100) miles of water mains, may contain lead jointed cast iron piping and possible lead service line components; and

WHEREAS, in light of the great cost of replacing all suspected water lines, this project, which is referred to as the Marietta Lead Service Lines Investigations, Design and Construction Project, would allow investigations to be performed, such as service line surveying of customers; a County Records search for construction and remodel dates; and excavation "potholing" of a representative number of water mains, corporation stops, and service laterals, by hydro excavating. These investigations will allow for revision of records and maps, as well as provide locations for future replacement; and

WHEREAS, the City desires to develop a plan for replacement of the effected lines, based on the investigations. The developed plan is anticipated to include: replacement locations; budgetary costs; replacement schedule linked to available funding; development of policies and procedures for notification and activities on private property; and

WHEREAS, the services needed may include, but not be limited to: record reviews; investigation plan development, implementation, and management; policy development; design; funding application preparation; bidding; and construction services; and

WHEREAS, on December 28, 2022, the City of Marietta, Ohio was awarded Four Hundred Thousand Dollars of principal forgiveness funding for Lead Service Line Investigations through the Ohio EPA Drinking Water Assistance Fund (DWAF), with a deadline of May 19, 2023 in which to submit documentation so the project can be considered for the June 2023 list of projects to be funded; and

WHEREAS, the United States Environmental Protection Agency (EPA) has ordered the inventorying of all lead service lines throughout municipalities to be completed by October 16, 2024; and

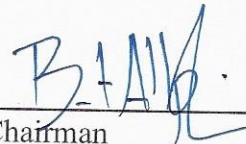
WHEREAS, due to delays in filling the Assistant City Engineer position and the Assistant Water Treatment Superintendent position, the consultant selection, bidding, and loan application that was required to be completed prior to May 1, 2023 was not completed; and

WHEREAS, the funding application, along with the Engineer's proposal for planning, and an opinion of costs for potholing, must now be submitted by May 19, 2023 for the project to be considered for the June 2023 list of projects to be funded, or the principal forgiveness and the zero percent interest credit may be lost; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

- Section 1 : That the Council for the City of Marietta, Ohio hereby declares that a real and present emergency exists in connection with the operation of the Department of Public Service of the City of Marietta, Ohio, and its municipal utility the Water Department, and the facts giving rise to the emergency constitute a public exigency under 2 CRFR §200.320(c)(3).
- Section 2: That an immediate inventory of Marietta's water service lines, needs to be completed as quickly as possible, to ensure that any lead pipe that may be located, and that is attached to said water mains, can be removed and replaced so as to prevent an unhealthy condition that detrimentally could affect the citizens of the City of Marietta, Ohio.
- Section 3: That the Director of Public Safety and Service is hereby authorized and directed to enter into a contract or contracts without formal bidding, advertising, and quality based selection, which requirements are hereby specifically waived, pursuant to Ohio Revised Code Sections 735.051 and 153.71(B), for the Marietta Lead Service Lines Investigations, Design and Construction Project at a cost not to exceed \$400,000.00, according to the attached Exhibit "A", the terms of conditions of which are hereby adopted and approved.
- Section 4: That on December 28, 2022, the City of Marietta, Ohio was awarded \$400,000.00 of principal forgiveness funding for Lead Service Line Investigations through the Ohio EPA Drinking Water Assistance Fund (DWAF).
- Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
- Section 6: That this Ordinance is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and safety of the City of Marietta, Ohio and for the further reason, that an immediate investigation needs to be conducted to ensure safe drinking water for the City.

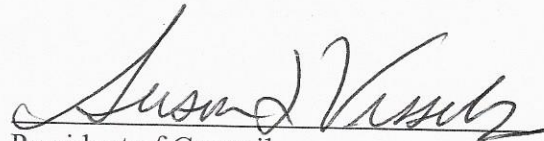
Introduced by the Water, Sewer and Sanitation Committee, Bret Allphin, Chairman.




Chairman

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Passed this 18th day of May, 2023.


President of Council

ATTEST:


Clerk of Council

Approved this 18th day of May, 2023.


Mayor

First Reading May 18, 2023

Second Reading Suspended

Third Reading Suspended