

**ORDINANCE NO. 07-38 AC CMS**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH  
NEW RUSSIA TOWNSHIP FOR SUPPLEMENTAL FIRE SERVICES AND DECLARING  
AN EMERGENCY**

**BE IT ORDAINED** by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

**SECTION 1.** That the attached First Amendment to Agreement for Supplemental Fire Services with the New Russia Township Board of Trustees is hereby approved, and the City Manager is hereby authorized and directed to execute same on behalf of the City of Oberlin.

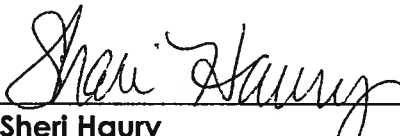
**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** 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 citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"to authorize an amendment to an existing Agreement with New Russia Township for Supplemental Fire Services as soon as possible in order to ensure fire protection services for portions of New Russia Township served by the Oberlin Fire Department", and shall take effect immediately upon passage.

**PASSED:** 1<sup>st</sup> Reading - April 2, 2007 (E)  
2<sup>nd</sup> Reading -  
3<sup>rd</sup> Reading -

**ATTEST:**

  
\_\_\_\_\_  
Sheri Haury  
INTERIM CLERK OF COUNCIL

  
\_\_\_\_\_  
Daniel Gardner  
PRESIDENT OF COUNCIL

**POSTED:** April 3, 2007

**EFFECTIVE DATE:** April 3, 2007

FIRST AMENDMENT  
TO  
AGREEMENT  
FOR  
SUPPLEMENTAL FIRE SERVICES

06-08-07P04:53 RCVD

This First Amendment to Agreement for Supplemental Fire Services is made and entered into at Oberlin, Ohio, on this 30<sup>th</sup> day of April, 2007, by and between THE CITY OF OBERLIN, OHIO, a municipal corporation, hereinafter called "City", and THE NEW RUSSIA TOWNSHIP BOARD OF TRUSTEES, New Russia Township, Ohio, hereinafter called "Trustees".

WITNESSETH:

WHEREAS, On February 21, 2006, the City and the Trustees entered into a Supplemental Fire Services Agreement for certain portions of New Russia Township, Lorain County, Ohio; and

WHEREAS, the Township desires to amend that Agreement to delete certain provisions relating to insurance coverage applicable to the activities set forth in the Agreement; and

WHEREAS, The City is agreeable to said amendment deleting those certain provisions.

NOW THEREFORE, IT IS AGREED between the City and the Trustees as follows:

1. Paragraph 5 of the Agreement between the City and Trustees dated February 21, 2006, is hereby amended to read as follows:

5. "The Trustees agree to hold harmless and indemnify City for any claims or liability that may be asserted against the City by any person, property owner or entity, including the Trustees, and arising out of the failure of the City to timely answer said First Responder EMS calls: The Trustees agree that they will support and not challenge any aspect of the EMS per call fee arrangement or the necessity for any provision of EMS services during the term of this contract".

2. Said Agreement of February 21, 2006, is hereby ratified and confirmed in all other respects.

3. This First Amendment to Agreement was approved by the City on April 2, 2007, pursuant to Ordinance No. 07-38 AC CMS, and by the Trustees on May 15, 2007, pursuant Resolution No. 2007-05-28.

IN WITNESS WHEREOF, the parties have hereunto set their hands, the City by its Interim City Manager, and the Trustees by their Chairman and Fiscal Officer, on the date and year first above written.

WITNESSES:

CITY OF OBERLIN, OHIO

Sandra Phillips

by: Gary Boyle  
Gary Boyle, Interim City Manager

Shari Hamer

WITNESSES:

TRUSTEES OF NEW RUSSIA TOWNSHIP

Matthew C. Foyt

by: Frank J. Pakish  
Frank J. Pakish  
Chairman

Edith M. Taylor

WITNESSES:

Matthew C. Foyt

and  
by: Elaine King  
Elaine King, Fiscal Officer

Edith M. Taylor

Approved as to form:

Eric R. Severs  
Eric R. Severs, Oberlin Law Director

Gerald A. Innes  
Gerald A. Innes, Assistant Prosecuting  
Attorney

INTER-OFFICE

*Oberlin Planning & Development Department*

***Memorandum***

---

06-08-07P04:53 RCV D

To: Chief Dennis Kirin, Oberlin Fire Department

From: Gary Boyle, Director



Subject: Supplemental Fire Services Agreement  
New Russia Township

Date: 6 June 2007

Please find attached a copy of the above-noted fully executed agreement with New Russia Township for your records. This amendment to our agreement with the township was authorized by Ordinance No. 07-38 AC CMS.

Cc: B. Anderson, Clerk of Council