

ORDINANCE NO. 09 - 44 AC CMS

**AN ORDINANCE AMENDING AN AUTOMATIC FIRE RESPONSE AGREEMENT
WITH THE WELLINGTON COMMUNITY FIRE DISTRICT
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 City Manager is hereby authorized and directed to enter into an agreement with the Wellington Community Fire District, Board of Trustees, Wellington, Ohio, for automatic fire response, a copy of said agreement being attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council such 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 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, and safety of the citizens of the City of Oberlin, Ohio, to wit:

*“to authorize automatic fire response at the earliest possible date
in order to ensure the best emergency service possible to residents,”*

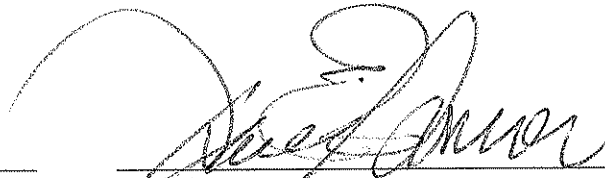
and shall take effect immediately upon passage.

PASSED: 1st Reading - June 1, 2009(E)
2nd Reading -
3rd Reading -

ATTEST:



Belinda B. Anderson
CLERK OF COUNCIL



David E. Sonner
PRESIDENT OF COUNCIL

POSTED: 6/02/2009

EFFECTIVE DATE: 6/01/2009

AUTOMATIC FIRE RESPONSE AGREEMENT

An Agreement made and entered into at Oberlin, Ohio, on this 3rd day of June, 2009, by and between the City of Oberlin, Ohio, a municipal corporation, hereinafter called "City", and the Wellington Community Fire District Board of Trustees, Wellington, Ohio, hereinafter called "Fire Board".

WITNESSETH:

WHEREAS, the City of Oberlin and the Wellington Community Fire District Board of Trustees have determined that additional aid is necessary to improve fire response and assure timely and adequate water supply delivery for fire suppression to designated properties in each community;

WHEREAS, it is the recommendation of the Fire Chiefs of both the City of Oberlin and the Wellington Community Fire District to enter into such Agreement to provide fire protection to said properties.

NOW, THEREFORE, it is agreed between City and the Fire Board as follows:

1. The City shall provide automatic response to structure fires and structure fire calls in the following areas of the Wellington Community Fire District:
 - a) Water tanker apparatus to Pittsfield and Wellington Township areas;
 - b) Fire engine and personnel to Wellington Village areas.
2. The Fire Board shall provide automatic response to structure fires and structure fire calls in the following areas of the Oberlin Fire Department:
 - a) Water tanker apparatus to the southern portions of the City of Oberlin and portions of New Russia Township south of State Route 511;
 - b) Fire engine and personnel to City of Oberlin.
3. The Fire Chiefs of the City of Oberlin and the Wellington Community Fire District, with the approval of the City and Fire Board, shall promulgate standard operating procedures for the implementation of the provisions of this Agreement.
4. Neither of the parties hereto shall be liable for any damage to the other party for failure to answer, or for neglect in answering any call hereunder, or for inadequacy, negligent operation of equipment or apparatus, or for any cause whatsoever arising out of such use of said equipment and apparatus, or for the lack of performance of duties by the fire department personnel. Neither of said parties shall be liable in any manner or event for damages for personal injuries suffered by any member of the fire department of the other contracting party hereto.
5. No charges shall be made to either party by the other party for services rendered pursuant to this Agreement.

6. It is mutually agreed that either party may cancel this Agreement with or without cause upon giving of ninety (90) days' prior written notice to the duly authorized representative of the other party, which in the case of the City shall be its City Manager and in the case of the Fire Board shall be its Clerk.

7. This Agreement was approved by the City on June 1, 2009, pursuant to Ordinance No. 09-44 AC CMS, and by the Fire Board on June 3, 2009, pursuant to its Resolution No. _____.

IN WITNESS WHEREOF, the parties have hereunto set their hands to duplicate copies hereof the day and year first above written.

WITNESSES:

Sharon Pearson
[Signature]

CITY OF OBERLIN, OHIO

by:

[Signature]
City Manager

WITNESSES:

Robert J. Wolke
[Signature]

WELLINGTON COMMUNITY FIRE DISTRICT BOARD OF TRUSTEES

by:

Mark Overbeck 6-3-09

APPROVED AS TO FORM:

[Signature]
Eric R. Severs, Oberlin Law Director

[Signature]
Kim Meyers, Legal Counsel
For Wellington Community Fire District