

VILLAGE OF WINDHAM
OHIO
RESOLUTION NO. R-2010-14

A RESOLUTION AUTHORIZING A FIRE AND EMERGENCY SERVICES PROTECTION
AGREEMENT BETWEEN THE VILLAGE OF WINDHAM AND WVFD JOINT FIRE
DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, the Village of Windham is a member of the WVFD Joint Fire District, (hereinafter the "WVFDJFD"); and

WHEREAS, the Village has an expectation that the WVFDJFD will request that a special fire and emergency medical service levy will be placed before the Windham Township and Windham Village electorate for the purpose of obtaining tax revenues to operate and make capital improvements by the WVFDJFD for fire and emergency medical protection services; and

WHEREAS, the Village has an expectation that there will be a period of time in which the WVFDJFD will lack sufficient funds to provide fire and emergency medical protection to the areas of the Village of Windham served by the WVFDJFD, all prior to the vote on the proposed levy and in advance of receipt by the WVFDJFD of funds from a successful levy; and

WHEREAS, the Council of the Village of Windham has the authority pursuant to Ohio Revised Code 9.60 to enter into a contract with the WVFDJFD to provide for fire and emergency medical service protection within the Village until such time as the WVFDJFD obtains revenue from the passage of the anticipated levy; and

WHEREAS, a proposed contract between the Village of Windham and the WVFDJFD was received by the Village shortly before the January 26, 2010 Council meeting, there was insufficient time to place a resolution on the Council Agenda to approve the proposed contract; and

WHEREAS, at its regular meeting held on January 26, 2010 the Council of the Village of Windham passed a motion authorizing the Mayor and the Fiscal Officer to enter into a contract with the WVFDJFD to pay for the provision of fire and emergency medical protection throughout the whole of the Village for a one year period terminating on December 31, 2010; and

WHEREAS, the Council of the Village of Windham now wishes to ratify the action to approve the fire and emergency medical protection contract taken by motion at the January 26, 2010 Council meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Windham, Portage County, Ohio, two thirds or more of the members thereto concurring that:

Section 1: The actions taken by the Mayor, Fiscal Officer and other members of the administration and staff of the Village of Windham pursuant to the motion to approve the Fire and Emergency Services Protection Agreement between the Village of Windham and the WVFDJFD are hereby approved and ratified.

Section 2: That the contract setting forth a Fire and Emergency Services Protection Agreement between the Village of Windham and the WVFDJFD, in substantial conformity with the Exhibit attached hereto and marked for identification as Exhibit "A", is hereby approved.

Section 3: This Ordinance is declared to be an emergency measure effective immediately upon its passage by Council and approval by the Mayor, to preserve the health, safety and general welfare of the citizens of the Village of Windham, and for the reason that Village of Windham needs to have the contract in place at the earliest time provided by law, and to cover events which have already taken place.

Section 4: It is hereby found and determined that all 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.

Passed in Council as an emergency this the 23rd day of March, 2010.

Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mrs. Miranda, Mr. Snyder.

Nays: None. Abstain: Mrs. Rininger.

Adopted: _____

Approved: _____

Effective: _____

By: _____

Robert W. Donham, II, Mayor

Attest:

Fiscal Officer - Lloyd Billman

Approved as to form:

Village Solicitor – Thomas Reitz

FIRE AND EMERGENCY SERVICES PROTECTION AGREEMENT

The Village of Windham ("Village") hereby enters into this agreement with the WVFD Joint Fire District ("WVFDJFD").

WHEREAS, The Village is a member of the WVFDJFD.

WHEREAS, the Village has a reasonable belief that the WVFDJFD intends to request in the future that special fire and emergency levy(s) be placed before the Windham Township and Windham Village electorate for a vote of approval by such electorate for the purposes of providing tax revenues to operate and make capital expenditures by the WVFDJFD for fire and emergency protection services.

WHEREAS, the Village has a reasonable belief that there will be a period of time in which the WVFDJFD may lack sufficient funds to provide fire and emergency protection to the members and areas to be served by the WVFDJFD, prior to future special fire/emergency levies being voted upon, and if approved by voters, until such special tax levy revenues may be collected and available for use by the WVFDJFD for fire and emergency medical protection services.

WHEREAS, the Village and WVFDJFD execute this agreement pursuant to O.R.C. 9.60, which allows a governmental entity to contract with a firefighting agency like a joint fire district for fire protection, which includes the provision of ambulance, emergency medical and rescue services by the firefighting agency.

NOW, THEREFORE, the WVFDJFD and the Village agree as follows:

- I. Consideration for 2010 services. In consideration of the WVFDJFD providing fire and emergency medical protection to the Village, the Village agrees to pay to the WVFDJFD the amount of One hundred seventy-nine thousand five hundred thirty-eight and 52/100 dollars (\$179,538.52) for the calendar year 2010. This amount will be paid by the 31st day of January, 2010.
- II. Term. This agreement shall be for a term of one (1) year and will terminate on December 31, 2010.
- III. Termination. The parties agree that the Village may terminate this agreement at any time by giving twenty-four hour notice.

Witness the signatures of the below board members:

For the Village:

For the WVFDJFD:
