

ORDINANCE NO. 2010-__20__

AN ORDINANCE REPLACING ORDINANCE NO. 2004- 81, PASSED JUNE 9, 2004, ENTITLED" AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW FIRE PROTECTION AND EMERGENCY AMBULANCE SERVICE AGREEMENT WITH THE VILLAGE OF SUGAR BUSH KNOLLS, OHIO AND DECLARING AN EMERGENCY" FOR PURPOSES OF TEMPORARILY EXTENDING A CONTRACT FOR FIRE EMERGENCY MEDICAL AND RESCUE SERVICES BY THE CITY FOR THE VILLAGE FOR THE PERIOD OF JUNE 1, 2009 THROUGH DECEMBER 31, 2010, AND DECLARING AN EMERGENCY.

WHEREAS the City of Kent, Ohio, and the Village of Sugar Bush Knolls, Portage County Ohio, currently have a fire and emergency medical service agreement that was made effective from June 14, 2004, through December 31, 2009, and,

WHEREAS the City and the Township mutually agree that they wish to enter into a new agreement for the same type of services, and,

WHEREAS the terms and conditions of the intended agreement cannot yet be determined until the completion of the City's budget for the year 2010, and completion of fire service analysis and adoption of standards as currently under evaluation by the Portage Area Fire and EMS Study Committee.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths(7) of all members elected thereto concurring:

SECTION 1. That the Kent City Council hereby authorizes the City Manager to enter into a temporary fire protection and emergency ambulance service agreement in the form and upon the terms set forth in Exhibit "A" which is attached hereto, incorporated herein by reference and made a part hereof, with the Village of Sugar Bush Knolls, Ohio for the period beginning June 1, 2009 through December 31, 2010.

SECTION 2. That it is 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 all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of 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, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 2/17/10
Date

MAYOR & PRESIDENT OF COUNCIL

ATTEST:
CLERK OF COUNCIL

I hereby certify that Resolution No. 2010-__20__ was duly enacted this __17__ day of
February, 2010, by the Council of the City of Kent, Ohio.

CLERK OF COUNCIL

EXHIBIT "A"
AGREEMENT

THIS AGREEMENT is entered into this _____ day of February, 2010, by and between the CITY OF KENT, OHIO, hereinafter referred to as the "CITY" and The VILLAGE OF SUGARBUSH KNOLLS, PORTAGE COUNTY, OHIO, hereinafter referred to as the "VILLAGE," for purposes of extending the contract terms for the provision of fire, emergency medical and rescue services by the CITY for the TOWNSHIP, extending the terms and conditions for providing those services from July 1, 2009, through DECEMBER 31, 2010.

NOW, THEREFORE, in consideration of the promises of the parties herein, it is mutually agreed as follows:

1. All terms and conditions established under the current agreement dated June 14, 2004 shall continue in effect until a new agreement can be completed and duly enacted by both bodies.
2. The current process to establish the rate paid by the VILLAGE for the services provided shall temporarily remain in effect until the completion of the new agreement.
3. Upon completion of a new agreement, all terms and conditions in the new agreement shall, as much as possible, be made retroactive to July 1, 2009, except that any substantial changes in the process of providing services, or in calculation of the rates shall be the subject of negotiation of a new contract for services.
4. The CITY and the VILLAGE do hereby agree that this Agreement is made pursuant to duly enacted Ordinances of the VILLAGE and of the CITY.

IN WITNESS WHEREOF, the City of Kent, Portage County, Ohio, has caused to affix hereto its corporate name by the City Manager and said Village of Sugar Bush Knolls, Portage County, Ohio, has caused to be hereunto affixed its corporate name by the Mayor and Clerk Treasurer of said Village this day of February, 2010.

Signed in the Presence of:

For The VILLAGE OF SUGAR BUSH KNOLLS

By: Austin Melton, Mayor

By: Bill Elder, Village Clerk/Treasurer

Approved as to Form

For the CITY OF KENT

James R. Silver, Law Director

David Ruller, City Manager