

Village of Mantua, Ohio
ORDNANCE 2013-01

AN ORDINANCE AUTHORIZING AGREEMENTS FOR RECIPROCAL EMERGENCY MANAGEMENT ASSISTANCE OR AID BETWEEN THE VILLAGE OF MANTUA AND OTHER POLITICAL SUBDIVISIONS AND PUBLIC AND PRIVATE AGENCIES WITHIN THE STATE OF OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code Section 5502.29(B), political subdivisions, in collaboration with other public and private agencies within this state, may develop mutual assistance or aid agreements for reciprocal emergency management assistance or aid for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event or emergency, any of which requires additional resources; and

WHEREAS, Ohio Revised Code Section 5502.29(B) allows each political subdivision to render assistance in accordance with such mutual assistance or aid agreements to provide mutual aid in time of any incident, disaster, exercise, training activity, planned event or emergency, any of which requires additional resources; and

WHEREAS, any such agreement will describe the terms and conditions under which emergency assistance may be requested and provided by the Village of Mantua and other participating political subdivisions and/or public and private agencies within this state; and

WHEREAS, this Council wishes to direct and authorize the Mayor to enter into such an agreement or agreements on behalf of the Village of Mantua pursuant to ORC 5502.29.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mantua, Ohio, two-thirds or more of the members elected thereto concurring, that:

SECTION 1. The Mayor is hereby authorized and directed to execute an agreement or agreements on behalf of the Village of Mantua between the Village of Mantua and other political subdivisions and/or public and private agencies within this state in order to establish the terms and conditions in which the Village of Mantua will provide and receive mutual aid assistance in the event of any incident, disaster, exercise, training activity, planned event or emergency, any of which requires additional resources. Such agreement shall be in substantially the same form as, and shall incorporate the terms and conditions as set forth in "Exhibit A", attached hereto and incorporated herein by reference, and shall be approved as to legal form by the Solicitor.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason of insuring a more effective response in the event of potential emergencies, and shall take immediate effect upon its approval by two-thirds or more of the members elected to the Mantua Village Council, otherwise at the earliest period allowed by law.

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Passed by Council this 19th day of February , 2013.

Attest:

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

I, Jenny August, Clerk of the Village of Mantua, Ohio, hereby certify that this Ordinance was duly published by public posting at pre-designated posting places.

Jenny August, Mantua Village
Clerk-Treasurer

Approved as to form:

Michele Stuck
Solicitor, Village of Mantua

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“Exhibit A”

MUTUAL ASSISTANCE AND AID AGREEMENT

Whereas, pursuant to Ohio Revised Code Section 5502.29(B), the Village of Mantua and the City of _____ may develop mutual assistance or aid agreements for reciprocal emergency management assistance or aid for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, and

Whereas, Ohio Revised Code Section 5502.29(B) allows each political subdivision to render assistance in accordance with such mutual assistance or aid agreements to provide mutual aid in time of any incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, and

Whereas, the Village of Mantua and the City of _____ are desirous of providing mutual assistance or aid in time of any incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, and

Whereas, the Village of Mantua and the City of _____ agree that it is in the best interest of the health, safety, and welfare of their respective citizens to cooperative and render mutual aid to agree to cooperatively utilize their service equipment and/or personnel if an event arises that requires emergency management aid and/or assistance in case of any hazard that may be too great to be dealt with unassisted.

Therefore, be it hereby resolved that:

- 1) The Village of Mantua and the City of _____ agree to provide, if requested, to the ability of each respective entity at the time of the request, mutual assistance or aid in the way of personnel, equipment, or other resources in the event of any incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources.
- 2) Personnel of the responding political subdivision shall continue under their local command and control structure, but shall be under the operational control of the appropriate officials within the incident management system of the political subdivision receiving the assistance or aid.
- 3) Nothing in this agreement shall be construed to prohibit personnel of either respective political subdivision from responding to a request for mutual assistance or aid resulting from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, when the personnel are responding as part of a regional response team that is under the operational control of the incident command structure.
- 4) Personnel rendering assistance or aid pursuant to this agreement remain employees or agents of their respective political subdivisions, including for purposes of tort liability and immunity

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from tort liability, and nothing in this agreement creates an employment relationship between the political subdivision requesting aid and the employees or agents of the political subdivision rendering aid.

- 5) The responding political subdivision and the personnel of that political subdivision, while rendering assistance or aid under this section, or while in route to or from rendering assistance or aid under this agreement shall be deemed to be exercising governmental functions as defined in section 2744.01 of the Revised Code, shall have the defenses to and immunities from civil liability provided in sections 2744.02 and 2744.03 of the Revised Code, and shall be entitled to all applicable limitations on recoverable damages under section 2744.05 of the Revised Code.
- 6) All pension, disability, death benefits, workers' compensation, and other benefits enjoyed by personnel rendering mutual assistance or aid pursuant to this agreement shall extend to the services they perform outside their respective political subdivisions to the same extent as while acting within the boundaries of the political subdivisions, and personnel are entitled to the rights and benefits of Chapter 4123 to the same extent as while performing service within the boundaries of the political subdivisions.
- 7) This agreement does not in any manner relieve the chief elected official of any political subdivision of the responsibility for providing emergency management.
- 8) This agreement does not suspend the possession by the Village of Mantua or the City of _____ of any power or function that is exercised or performed on its behalf by the other under this agreement.
- 9) This agreement has been duly authorized by the legislative authority of the Village of Mantua pursuant to Ordinance 2013-01 and the legislative authority of the City of _____ pursuant to Ordinance _____.
- 10) This agreement shall remain in effect until terminated or amended by the parties.
- 11) This agreement may be terminated by either party by giving the other sixty (60) days written notice.

IN WITNESS WHEREOF, said parties hereby have, upon the dates hereinafter set forth, caused this Agreement to be executed.

Village of Mantua

City of _____

By: _____
Mayor Linda Clark

By: _____
Mayor

Date: _____

Date: _____

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Approved as to Legal form:

Approved as to Legal form:

Solicitor

Law Director