

Sponsor: J Peters/Colby

ORDINANCE NO. 03-21
(AMENDED AS AN EMERGENCY)

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON TO ENTER INTO AN AGREEMENT WITH THE BOARD OF TRUSTEES OF FRANKLIN TOWNSHIP, JACKSON COUNTY, OHIO, FOR FIRE PROTECTION AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, Ohio operates and maintains a fire department to provide fire protection for the City; and

WHEREAS, Franklin Township in Jackson County, Ohio does not have a township fire department; and

WHEREAS, the City of Jackson, Ohio and Franklin Township have previously entered into an agreement which is now expiring and the City desires, for mutual benefit, and the Director of Public Service and Safety is now authorized to negotiate and enter an agreement whereby the City will provide fire protection services to Franklin Township according to terms substantially the same those set forth in the agreement attached hereto; and

WHEREAS, this action is necessary to protect the public health, safety and welfare of the City and its citizens and this matter constitutes an emergency as the current Agreement expires on February 28, 2021 and there is a deadline of March 1, 2021 as the effective date of the new Agreement.

NOW, THEREFORE, BE IT ORDAINED THAT THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON THAT THE DIRECTOR OF PUBLIC SAFETY AND SERVICE IS HEREBY AUTHORIZED TO NEGOTIATE AND ENTER INTO AN AGREEMENT SUBSTANTIALLY THE SAME AS ATTACHED HERETO AND DECLARING AN EMERGENCY FOR THE REASONS SET FORTH HEREIN.

In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

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

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 8th day of February, 2021.



President of Council

ATTEST:

Cindi R. Kuhn
Clerk of the Legislative Authority

Approved this 8th day of February, 2021.

RANDY WARD
Mayor

AGREEMENT

This AGREEMENT is made and entered into this 8th day of February 2021, by and between the City of Jackson, Ohio an Ohio municipal corporation, and the Board of Trustees of Franklin Township, Jackson County, Ohio, WITNESSETH:

WHEREAS, the Council of the City of Jackson, Ohio, has authorized the City to enter into a contract with the Board of Trustees of Franklin Township, Jackson County, Ohio, in accordance with Ordinance No. 02-21, on the adoption of a Resolution by the Board of Trustees of Franklin Township providing therefore, for furnishing Fire Protection to the Franklin Township Fire District and the inhabitants of Franklin Township for a period of five (5) years, commencing on March 1, 2016, on the terms and conditions in said Ordinance set forth; and

WHEREAS, by Resolution duly adopted by the Board of Trustees of Franklin Township, Jackson County, Ohio, on _____, 2021, said Trustees were authorized to enter into an Agreement with the City of Jackson, Ohio, for such services.

NOW, THEREFORE, the City of Jackson, Ohio, and the Board of Trustees of Franklin Township, Jackson County, Ohio, hereby agree as follows:

The City of Jackson, Ohio, through its Division of Fire, will answer all fire calls from Franklin Township Fire District and its inhabitants and send fire apparatus and firemen thereto for the purpose of extinguishing fires in the Franklin Township Fire District in like manner as fire calls are answered and fires extinguished in the City of Jackson, Ohio except grass, brush and forest fires that do not immediately endanger improved property. In the event of a reported structure fire or alarm activation automatic aid will be sent pursuant to protocol. Other mutual aid may be requested separately by the Jackson Fire Department.

This Agreement shall be for a period of five (5) years, beginning March 1, 2021 and ending February 28, 2026.

In consideration for which, the Board of Trustees of Franklin Township, Jackson County, Ohio, agrees to pay the City of Jackson, Ohio, for said services, in accordance with the following schedule:

\$48,000.00, due and payable March 1, 2021
\$49,440.00, due and payable March 1, 2022
\$50,923.20, due and payable March 1, 2023
\$52,450.89, due and payable March 1, 2024
\$54,024.42, due and payable March 1, 2025

The Board of Trustees of Franklin Township, Jackson County, Ohio, hereby further agrees that it shall and will comply with all of the terms of Chapter 733 of the Codified Ordinances of the City of Jackson, Ohio. It is further agreed that Chapter 733 of the Codified Ordinances of the City of Jackson, Ohio, shall be attached hereto and made a part of this Agreement. The Board of

Trustees of Franklin Township, Jackson County, Ohio, specifically agrees, among other provisions of Chapter 733 of Codified Ordinances of the City of Jackson, Ohio, that should the City receive three (3) officially chargeable false alarms in any one (1) year period to a single residence or business, then the Board of Trustees of Franklin Township, Jackson County, Ohio, shall and will pay to the City of Jackson, Ohio, the sum of One Hundred Dollars (\$100.00) for each additional officially chargeable false alarms in any one (1) year period. The Board of Trustees of Franklin Township, Jackson County, Ohio, further agrees to be bound by and comply with all other provisions as set forth in Chapter 733 of the Codified Ordinances of the City of Jackson, Ohio.

It is mutually understood and agreed that, in no case, shall the City of Jackson, Ohio, be liable in damages to the Board of Trustees of Franklin Township, Jackson County, Ohio, or any of the inhabitants of Franklin Township, for Failure to answer any fire calls, for lack of speed in answering any such call, or for any inadequacy of equipment, negligent operation of apparatus, failure to extinguish any fire, or any cause whatsoever growing out of this Agreement of use of fire equipment and personnel of the City of Jackson, Ohio.

It is mutually understood and agreed that either party hereto may cancel and terminate this Agreement before the expiration date thereof by giving a ninety (90) day written notice to the opposite party of its' intentions.

IN WITNESS WHEREOF, the said parties have caused their names to be subscribed hereto by their proper officers duly authorized in the premises as hereinafter set forth, on the day and year first written.

BOARD OF TRUSTEES OF
FRANKLIN TOWNSHIP,
JACKSON COUNTY, OHIO

CITY OF JACKSON, OHIO

BY: _____
TRUSTEE

BY: _____
DIRECTOR OF PUBLIC SERVICE
AND SAFETY

BY: _____
TRUSTEE

BY: _____
TRUSTEE