

CITY OF KIRTLAND

RESOLUTION NUMBER 20-R-39

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ADDENDUM TO THE AMENDED AGREEMENT TO PROVIDE FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES WITH THE VILLAGE OF KIRTLAND HILLS, AND DECLARING AN EMERGENCY.

WHEREAS, the administrations of the City of Kirtland and the Village of Kirtland Hills have negotiated an Addendum to the Amended Agreement whereby the City of Kirtland will continue to furnish fire protection and emergency medical services to the Village of Kirtland Hills; and

WHEREAS, it is the opinion of this Council that it is in the mutual best interests of the parties that the aforementioned Agreement be entered into; and

WHEREAS, due to the current state of emergency in Ohio and the governor's current stay at home order stemming from the COVID-19 pandemic, the Kirtland Community Center has been closed to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION 1: The Mayor is hereby authorized to enter into an agreement with the Village of Kirtland Hills for fire protection and emergency medical services, said Addendum to the Amended Agreement being attached hereto and specifically made a part hereof.

SECTION 2: The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and requires the following:

1. The Clerk of Council is hereby directed to post the enacted legislation in City Hall and the Kirtland Public Library for fifteen (15) consecutive days after the effective date of this legislation; and
2. Due to the closure of the Kirtland Community Center, the Clerk of Council is not required to post said enacted legislation in that location; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed 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 including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide for the needs of the municipality and continue ensuring the safety by providing fire protection services; wherefor, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
 Second Reading: _____
 Third Reading: _____

DATE PASSED: _____

 President of Council

Submitted to the Mayor for his
 Approval on this _____ day of
 _____, 2020.

ATTEST:

Approved by the Mayor on this _____
 day of _____, 2020.

 Clerk of Council
 Kirtland Hills Fire Department Agreement

 Mayor Kevin F. Potter

**ADDENDUM TO AMENDED AGREEMENT TO PROVIDE
FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES**

THIS AGREEMENT was made and entered into by and between the VILLAGE OF KIRTLAND HILLS, Lake County, Ohio and the CITY OF KIRTLAND, Lake County, Ohio this 18th day of December, 2000 and thereafter amended by addenda in 2008 and 2016 to extend until December 31, 2020.

W I T N E S S E T H :

WHEREAS, the Village of Kirtland Hills desires to continue to obtain fire protection and emergency medical services for said Village beyond December 31, 2020; and

WHEREAS, the City of Kirtland has been furnishing fire protection and emergency medical services to the Village of Kirtland Hills since 1994; and

WHEREAS, the City of Kirtland maintains and operates a fire department and has the necessary personnel, apparatus and facilities to furnish said fire protection and emergency medical services to said Village; and

WHEREAS, the Council of the Village of Kirtland Hills, on the 18th day of December, 2000, enacted Ordinance No. 12-00-19 authorizing the Mayor to execute this Agreement on behalf of said Village; and

WHEREAS, the Council for the City of Kirtland, on the 18th day of December, 2000, enacted Ordinance No. 00-O-98 authorizing the execution of this Agreement on behalf of said City; and

WHEREAS, in the year 2008, both of the Municipalities enacted legislation whereby the Agreement was amended to extend its term and payment from December 31, 2010 until December 31, 2015; and

WHEREAS, the Council of the Village of Kirtland Hills, on the 21st day of December, 2015, enacted Ordinance No. 12-15-10 authorizing the execution of an addendum and amendment to this Agreement extending its term and payment from January 1, 2016 until December 31, 2020; and

WHEREAS, the Council of the City of Kirtland, on the 4th day of January, 2016, enacted Resolution No. 16-R-1 authorizing the execution of an Amended Agreement on behalf of said City extending its term and payment from January 1, 2016 until December 31, 2020; and

WHEREAS, the Council of the Village of Kirtland Hills, on the _____ day of _____, 2020, enacted Ordinance No. _____ authorizing the execution of an addendum and amendment to this Agreement extending its term and payment from January 1, 2021 until December 31, 2030; and

WHEREAS, the Council of the City of Kirtland, on the _____ day of _____, 2020, enacted Ordinance No. _____ authorizing the execution of an addendum and amendment to this Agreement extending its term and payment from January 1, 2021 until December 31, 2030.

NOW THEREFORE, it is covenanted and agreed by and between the Village of Kirtland Hills and the City of Kirtland that the City of Kirtland shall continue to furnish fire protection and emergency medical services to the Village of Kirtland Hills pursuant to the terms and conditions of the original Agreement executed and amended as set forth above and as amended and extended as hereinafter set forth and subject to the following terms and conditions:

SECTION I. Annual payments made from the Village of Kirtland Hills to the City of Kirtland shall be allocated as follows:

1. **Base Payment:** The base payment shall be a cost delineated herein and shall be deposited in the General Fund of the City of Kirtland specifically allocated for the Kirtland Fire Department.
2. **Capital Contribution:** The capital contribution shall be deposited in the City of Kirtland's Capital Improvement Fund specifically allocated for the Kirtland Fire Department.

SECTION II. Payment Schedule

1. One-fourth (1/4) of the base payment for each annual period shall be paid by the Village of Kirtland Hills to the City of Kirtland by the end of each calendar quarter, starting March 31, 2021.
2. The annual sum of the capital contribution shall be paid by the Village of Kirtland Hills to the City of Kirtland by March 31st of each year of the agreement.

SECTION III. Term/Termination of Addendum: This Agreement shall expire on December 31, 2030. However, either party may opt out and terminate this Agreement on December 31, 2026 so long as the terminating party provides six (6) months written notice prior thereto.

SECTION IV. Annual Payment Amounts:

1. For the period of January 1, 2021 through December 31, 2021, the Village of Kirtland Hills shall pay to the City of Kirtland:
 - a) Base Payment:
 - i. The sum of Ninety-Nine Thousand Four Hundred Sixty Dollars and Thirty-Six Cents (\$99,460.36); and
 - ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items.
 - b) Capital Contribution:
 - i. The sum of Fifteen Thousand Dollars (\$15,000).

2. For the period of January 1, 2022 through December 31, 2022, the Village of Kirtland Hills shall pay to the City of Kirtland:
 - a) Base Payment:
 - i. The base payment from the previous year; and
 - ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items; and
 - iii. Five Thousand Dollars (\$5,000).
 - b) Capital Payment:
 - i. The sum of Fifteen Thousand Dollars (\$15,000).

3. For the period of January 1, 2023 through December 31, 2023, the Village of Kirtland Hills shall pay to the City of Kirtland:
 - a) Base Payment:
 - i. The base payment from the previous year; and
 - ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items.
 - b) Capital Payment:
 - i. The sum of Fifteen Thousand Dollars (\$15,000).

4. For the period of January 1, 2024 through December 31, 2024, the Village of Kirtland Hills shall pay to the City of Kirtland:
 - a) Base Payment:
 - i. The base payment from the previous year; and
 - ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by

the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items; and

iii. Five Thousand Dollars (\$5,000).

b) Capital Payment:

i. The sum of Fifteen Thousand Dollars (\$15,000).

5. For the period of January 1, 2025 through December 31, 2025, the Village of Kirtland Hills shall pay to the City of Kirtland:

a) Base Payment:

i. The base payment from the previous year; and

ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items.

b) Capital Payment:

i. The sum of Fifteen Thousand Dollars (\$15,000).

6. For the period of January 1, 2026 through December 31, 2026, the Village of Kirtland Hills shall pay to the City of Kirtland:

a) Base Payment:

i. The base payment from the previous year; and

ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items; and

iii. Five Thousand Dollars (\$5,000).

b) Capital Payment:

i. The sum of Fifteen Thousand Dollars (\$15,000).

7. For the period of January 1, 2027 through December 31, 2027, the Village of Kirtland Hills shall pay to the City of Kirtland:

a) Base Payment:

i. The base payment from the previous year; and

ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items; and

b) Capital Payment:

i. The sum of Fifteen Thousand Dollars (\$15,000).

8. For the period of January 1, 2028 through December 31, 2028, the Village of Kirtland Hills shall pay to the City of Kirtland:

- a) Base Payment:
 - i. The base payment from the previous year; and
 - ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items; and
 - b) Capital Payment:
 - i. The sum of Fifteen Thousand Dollars (\$15,000).
9. For the period of January 1, 2029 through December 31, 2029, the Village of Kirtland Hills shall pay to the City of Kirtland:
- a) Base Payment:
 - i. The base payment from the previous year; and
 - ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items; and
 - b) Capital Payment:
 - i. The sum of Fifteen Thousand Dollars (\$15,000).
10. For the period of January 1, 2030 through December 31, 2030, the Village of Kirtland Hills shall pay to the City of Kirtland:
- a) Base Payment:
 - i. The base payment from the previous year; and
 - ii. An amount equal to the increase, if any, in the Consumer Price Index for the previous calendar year as reported by the Bureau of Labor Statistics, U.S. Government of Labor, United States City Average All Urban Consumers, All Items; and
 - b) Capital Payment:
 - i. The sum of Fifteen Thousand Dollars (\$15,000).

SECTION V. Indemnity:

The Village of Kirtland Hills shall indemnify and hold harmless the City of Kirtland for any fees or charges required to be paid by the City of Kirtland to other municipal fire departments resulting from operations within the Village of Kirtland Hills.

The City of Kirtland shall have full responsibility for the operation of its fire and rescue equipment and its personnel and shall indemnify and save harmless the Village of Kirtland Hills from any liability, injury or damage caused by the City of Kirtland and/or its personnel in provided services under this Agreement.

SECTION VI. Agreement and Addenda:

The aforesaid Agreement for the provision of Fire Protection and Emergency Medical Services shall continue in full force and effect, amended only to the extent of this Addendum.

This Agreement, by addendum so amended, hereby supersedes, but only to the extent so amended, the prior Agreement entered into between the parties relating to Fire Protection and Emergency Medical Services.

IN WITNESS WHEREOF, the City of Kirtland by its Mayor and the Village of Kirtland Hills by its Mayor, have caused this Agreement to be executed on this ____ day of _____, 2020.

THE CITY OF KIRTLAND, OHIO

By: _____
Kevin F. Potter, Mayor

THE VILLAGE OF KIRTLAND HILLS, OHIO

By: _____
John F. Turben, Mayor