

RESOLUTION NO. 34-90

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Sally Beals ON  
THE 15th DAY OF October 1990.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF CENTERVILLE AND THE MIAMI VALLEY EMERGENCY MANAGEMENT AUTHORITY.

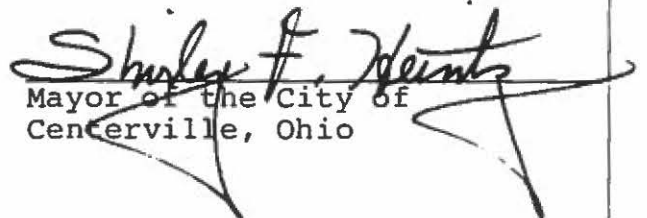
WHEREAS, an organization known as the Miami Valley Emergency Management Authority has been formed to perform the services of emergency management and civil defense activities of the Counties of Montgomery and Greene and the political subdivisions therein, and

WHEREAS, it is the opinion of City Council that the City of Centerville participate in this Regional Emergency Management Authority.


NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES THAT:

SECTION 1. The City Manager is hereby authorized and directed to execute an agreement with The Miami Valley Emergency Management Authority, a copy of which is attached, Marked Exhibit "A" and incorporated herein.

PASSED this 15th day of October, 1990.

  
Mayor of the City of  
Centerville, Ohio

ATTEST:

  
Clerk of Council of the  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 34-90, passed by the Council of the City of Centerville, Ohio, on the 15th day of October, 1990.

Maile J. McLaughlin  
Clerk of Council

Approved as to form, consistency with existing ordinances, the charter and constitutional provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney

REGIONAL EMERGENCY MANAGEMENT AUTHORITY

A RESOLUTION (or "Ordinance")  
AUTHORIZING THE FORMATION OF  
THE  
MIAMI VALLEY EMERGENCY MANAGEMENT AUTHORITY

WHEREAS, there is an existing possibility of the occurrence of destruction resulting from natural, technological disasters or enemy attack, it is necessary to insure that preparations of Montgomery and Greene counties will be adequate to deal with such disasters and emergency situations and generally to provide for the common defense, and to protect the public order, health, safety and general welfare, and to preserve the lives and property of the people of Montgomery and Greene counties; and

WHEREAS, Montgomery and Greene counties and each Local Subdivision may need to call on County government, other Local Subdivisions within one or both Counties, and/or Subdivisions, Local Government, State and Federal resources outside of the local community to mitigate, prepare for, respond to, or recover from said emergency, disaster, enemy attack or unusual occurrence; and

WHEREAS, the coordination of emergency management and civil defense activities within the area of Montgomery and Greene counties is of paramount importance to all of the subdivisions required by law (ORC 5915) to establish an Emergency Management Authority therein; and

WHEREAS, the counties of Montgomery and Greene desire to effect said coordination by entering into an agreement, in the manner provided by law, with the various municipal corporations and townships, hereinafter referred to as the Political Subdivisions; and

WHEREAS, Section 5915.07 of the Revised Code, as amended, is the legal basis for the establishment of a Regional Authority for Emergency Management with the power to coordinate and unify the emergency management and civil defense activities of the participants thereof; and

WHEREAS, it is further declared to be the purpose of this Resolution and the policy of the Counties of Montgomery and Greene that all emergency management and civil defense functions of the two counties be coordinated to the maximum extent with comparable functions of the State of Ohio and of the Federal Government, including their various departments and agencies, and other states and localities, and of private agencies of every type, to the end that the most effective preparation and use can be made of the two counties' manpower, resources and facilities for dealing with any disaster or emergency that may occur; and

WHEREAS, it is hereby found and declared to be necessary to create a Regional Authority for Emergency Management to be known as the Miami Valley Emergency Management Authority (MVEMA); to confer upon the Executive Board and the Executive Director of the "Authority" certain emergency powers provided herein; and to provide for the rendering of cooperation and mutual aid, if necessary, to surrounding and contiguous political subdivisions of the State and adjoining states;

NOW, THEREFORE BE IT RESOLVED,

1. That an organization to be known as the Miami Valley Emergency Management Authority hereinafter referred to as the "Authority" be formed to perform the services of emergency management and civil defense activities of the Counties of Montgomery and Greene and the political subdivisions therein, entering into an agreement, in accordance with the provisions hereinafter set forth and that the respective Boards of County Commissions enter into such an agreement.

2. The "Authority" is authorized to render the services of coordinating the emergency management and civil defense activities of each party hereto and to exercise for and on behalf of each party hereto such power and authority incident thereto as it may lawfully do, consistent with State statutes and such regulations as have been or shall be promulgated by the Governor of the State, the provisions of this Resolution (or Ordinance) as hereinafter set forth, and the power of the parties hereto authorized, in coordinating such emergency management and civil defense activities with and within Montgomery and Greene Counties.
3. There shall be established, pursuant to this agreement, a Regional Advisory Group for Emergency Management, composed of a representative from each political subdivision entering into the Resolution (or Ordinance). These representatives will be selected by the participating political subdivision's chief executive. This Advisory Group shall appoint the "Authority's" Executive Board and shall advise said Board on matters pertaining to regional emergency management.
4. The "Authority's" Executive Board shall be composed of at least nine (9) members as prescribed by 5915.07 O.R.C. To insure fair and systematic selections of the "Authority's" Executive Board members, the Advisory Group appointments shall be made as follows:
  - a. Two (2) County Commissioners representing the Boards of County Commissioners entering into this Agreement. (One (1) representative from each respective County Commission)
  - b. Six (6) chief executives representing the municipal corporations, townships and villages entering into the Agreement. (One (1) representative of the municipal corporations of Montgomery County, one (1) representative of the townships of Montgomery County and one (1) representative of the villages of Montgomery County AND one (1) representative of the municipal corporations of Greene County, one (1) representative of the townships of Greene County and one (1) representative of the villages of Greene County.)
  - c. Two (2) chief executives of the largest municipal corporation of each participating county. (One (1) representative of the largest municipal corporation of Montgomery County AND one (1) representative of the largest municipal corporation of Greene County.)
  - d. One (1) non-elected representative . (An "At-Large" position from either county).
  - e. Two (2) representatives of the Fire Chiefs Association of each participating county. (One (1) representative of the Montgomery County Fire Chiefs Association AND one (1) representative of the Greene County Fire Chiefs Association.)
  - f. Wright Patterson Air Force Base shall be entitled to appoint one (1) liaison member to the "Authority's" Executive Board in a non-voting capacity.

The "Authority's" Executive Board is authorized to add members to the Board, if it so desires, and may determine the manner of their appointment.

The Advisory Group may decide the term of the Executive Board appointments. Removal or replacement of a member of the Executive Board, requires action by a majority of the Advisory Group.

The "Authority's" Executive Board shall select its own Chairperson and other officers.

The attendance of any two (2) members from any of the jurisdictions of Montgomery County and any two (2) members from any of the jurisdictions of Greene County, plus any two (2) members from any of the

jurisdictions or fire chiefs associations of either participating county, shall constitute a quorum of said Board. Said Board shall convene at least four (4) times within a calendar year and on the call of the Chairperson or upon the request of the "Authority's" Executive Director.

5. The "Authority's" Executive Board shall appoint an Executive Director who shall serve at the pleasure of said Board and whose duties shall be such as are prescribed herein and shall not be inconsistent with 5915.07 ORC or Rules promulgated by the Governor.

The "Authority" shall have a budget supported financially by the Boards of County Commissioners of Montgomery and Greene and the Political Subdivisions of both counties entering into this Agreement (or "Ordinance"). The Executive Director, upon approval of the "Authority's" Executive Board, shall request each participating political subdivision to pay an annual per capita fee determined to be necessary for fiscal operations. The Montgomery and Greene County Boards of Commissioners shall be requested to pay an annual per capita fee, or a negotiated annual amount mutually acceptable to both the "Authority's" Executive Board and each County Commission.

The compensation of the Executive Director and staff, shall be paid from the Emergency Management "Authority's" Budget. The Executive Director shall have such additional authority, duties and responsibilities as are authorized by this agreement or as may from time to time be established by the Executive Board.

6. The Executive Director shall prepare and submit for review and approval, a budget annually to the Executive Board.
7. The Executive Director shall have general direction of the Emergency Management Authority, and shall be responsible for carrying out the provisions of this agreement. In performing duties pursuant to this agreement, the Executive Director is authorized to cooperate with other political subdivisions, with the State of Ohio, with other states and Federal Government through appropriate channels, and with private agencies in all matters pertaining to emergency preparedness/civil defense activities of the County, State and Nation.
8. The Executive Director shall have the authority, with consent of the Executive Board, during time of "disaster" or "emergency", to enter into contracts and incur obligations necessary to alleviate the effects of such disaster or emergency, protect the lives and safety of persons and property and to coordinate the emergency assistance to the victims of said disaster, and to carry out the provisions of Regional Emergency Management as defined in 5915 O.R.C. and 1964 OAG-1532.

In absence of the Executive Director, the above may be carried out by the Deputy Director upon consent of the Executive Board.

9. The "Authority's" Executive Director shall be responsible for an emergency management program that:
  - a. is in accordance with 5915 ORC, and all rules adopted under it.
  - b. includes, without limitations, development of the Emergency Operations Plan for Montgomery and Greene Counties and their respective subdivisions which includes the maintenance of the SARA, Title III, Montgomery/Greene County Local Emergency Response Plan.
  - c. is applicable to all political subdivisions entering into this Agreement (or "Ordinance").
  - d. is responsible for coordinating, organizing, administering, and operating emergency management before, during and after an unusual event, emergency or disaster.



10. The "Authority" will support the Regional Hazardous Materials Response Team by providing administration, office space and assuming the role of employer for the Team's Coordinator for as long as it is mutually agreeable between the "Authority's" Executive Board and the Regional Hazardous Materials Response Team Advisory Board.
11. The "Authority" may be enlarged by the addition of one or more Counties adjacent thereto, who meet the criteria established in Chapter 5915.07 of the Ohio Revised Code. Written applications must be processed through the "Authority's" Executive Board for consideration of membership.  
  
Upon the addition of any county and its political subdivisions to the "Authority", the Executive Board shall be enlarged by the appropriate representatives appointed in accordance with the provisions hereinabove set forth and for the terms as hereinbefore specified.
12. Each participating political subdivision hereto agrees to financially support the Emergency Management Authority Budget, for said services performed and to be performed as hereinbefore provided, and to do and perform all and singular, the obligations herein assumed. (Ref: 5915.07 and 5915.11 ORC).
13. Non-member political subdivisions within Montgomery or Greene Counties shall be subject to a fee for services rendered by the "Authority". Said fee will be itemized and based on actual personnel, travel and equipment usage expenses.
14. This agreement may be amended or altered at any time by a majority of the parties hereto.

This agreement shall be in force and effect when no less than a majority of the political subdivisions of Montgomery and Greene Counties and the County Commissioners of Montgomery and Greene Counties shall have subscribed to this agreement by adopting a like resolution or passing a like ordinance, and shall continue in full force and effect thereafter unless and until terminated by either County Commission. This agreement may be terminated singularly by a city, village or township at the end of any calendar year by action of its legislative authority and service of written notice thereof on the "Authority's" Executive Board not less than ninety (90) days prior to the end of said calendar year. However, any County or Political Subdivision that exercises a termination shall organize an emergency management program under the provisions set-forth in 5915.071 O.R.C., and shall be subject to paragraph 13 above.

For the reasons stated in the preamble hereto, this Resolution (or Ordinance) is declared to be an emergency measure and shall take effect and be in force from and after its passage by the Commissioners of Montgomery and Greene Counties, and its adoption by the respective legislative bodies of the majority of the other political subdivisions.

Political Subdivision \_\_\_\_\_  
(Name of city, village or township)

(Signature of Chief Executive required)

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_