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Vice President of Council

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Clerk of Council

City of Willoughby Hills

Council
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ORDINANCE NO. 2011-42

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A BACKBONE EQUIPMENT PURCHASE AGREEMENT FOR USE IN THE LAKE COUNTY 800/700 MHz RADIO SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, this Agreement is made and entered into by and between the Board of Lake County Commissioners, hereinafter referred to as “**COUNTY**” and the City of Willoughby Hills, hereinafter referred to as “**PURCHASER**” ; and

WHEREAS, Additional parties to this Agreement shall include those participating political subdivisions and public entities listed on **Exhibit “A”**, attached hereto and incorporated herein, provided they have executed an agreement in the same form as this agreement, all of which agreements taken together shall be the original agreement, (“**EQUIPMENT AGREEMENT**”) and all of which parties taken together shall be “**PURCHASER**” or “**PURCHASERS**”; and

WHEREAS, the parties hereto are parties to an agreement of even date (“**USER AGREEMENT**”) for participation by **PURCHASER** in the use and operation of an 800/700 MHz Radio System (“**SYSTEM**”) and;

WHEREAS, the parties hereto desire to enter into an agreement for the purchase of 800/700 MHz Radio Backbone Communications Equipment (“**BACKBONE EQUIPMENT**”) required in order for **PURCHASER** to participate in and use the System; and

WHEREAS, the parties hereto agree to participate in the **SYSTEM** to be used by those entities listed on **Exhibit “A”** and to contract for the use of the **SYSTEM** and to refrain from degrading the **SYSTEM** by the introduction of incompatible equipment; and

WHEREAS, the **PURCHASER** agrees that, as a condition of participation and use of the **SYSTEM**, **PURCHASER** will purchase a pro rata share of the **BACKBONE EQUIPMENT** in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor is hereby authorized and directed to enter into a **BACKBONE EQUIPMENT PURCHASE AGREEMENT** with the Lake County Board of Commissioners for the establishment and operation of an 800/700 MHz Radio System substantially pursuant to the terms and conditions identified in said **AGREEMENT**, attached hereto as **Exhibit “B”**, consisting of six (6) pages and incorporated herein by reference.

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

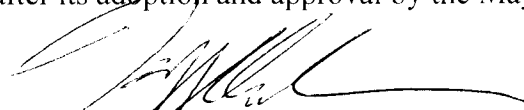
SECTION 3. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual operation of the Police and Fire Departments; to wit: to immediately expedite the ***Backbone Equipment Agreement*** for said contract must be submitted to the County with the appropriate signatures as soon as possible as the pricing is time sensitive and delays will cause a price increase; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: June 27, 2011

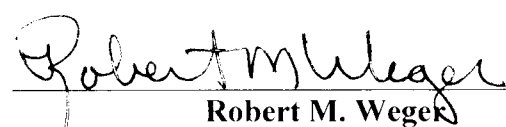
Submitted to the Mayor for his approval
on this 7 day of June, 2011

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor

June 27, 2011

Robert M. Wegek
Mayor