

KEVIN D. MALECEK
President of Council

DAVID A. REICHEL
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
NANCY E. FELLOWS
DAVID M. FIEBIG
FRANK A. GERMANO
RAYMOND C. SOMICH

ORDINANCE NO. 2011-43

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF LAKE COUNTY COMMISSIONERS FOR USE OF AN 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 “**USER**”; 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 and agreement in the same forms this agreement, all of which agreements taken together shall be the original agreement, (“**AGREEMENT**”) and all of which parties taken together shall be “**USER**” or “**USERS**”; and

WHEREAS, the parties hereto are parties to an agreement (Ordinance No. 2000-73, adopted November 16, 2000) that expired on December 31, 2010 for the operation of an 800 MHz Radio System; and

WHEREAS, the parties hereto desire to enter into a new agreement for the establishment and operation of an 800/700 MHz Radio System, hereinafter referred to as “**SYSTEM**”; and

WHEREAS, the County has previously entered into a Memorandum of Understanding (MOU) with the State of Ohio for interoperable communications using said **SYSTEM** is attached hereto as **Exhibit “B”**; and

WHEREAS, the **USER** agrees that, as a condition of continued participation in this **AGREEMENT** and use of the **SYSTEM**, **USER** will not in any manner hinder or interfere with the **COUNTY**’s efforts to establish, expand and maintain 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 annual maintenance cost set forth in **Exhibit “C”** will be used only to maintain the **BACKBONE EQUIPMENT** and will not be used to maintain equipment or other devices in the custody of the **USER**; and

WHEREAS, each **USER** that is a party to this Agreement acknowledges that it shall contribute funds to maintain the **SYSTEM** as set forth in 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 an Agreement with the Lake County Board of Commissioners for the use of an 800/700 MHz Radio System substantially pursuant to the terms and conditions identified in said **AGREEMENT**, attached hereto as **Exhibit “D”**, consisting of sixteen (16) 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 ***Agreement of Use of an 800/700 MHz Radio System*** for said Agreement is required for the establishment and operation of a 800/700 MHz Radio System and must be submitted to the County together with the ***Backbone Equipment Purchase Agreement*** as soon as possible; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: June 24, 2011

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

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Kevin D. Malecek
Kevin D. Malecek
President of Council

Approved by the Mayor

June 27, 2011

Robert M. Weger
Robert M. Weger
Mayor