



ROSS TOWNSHIP RESOLUTION

RESOLUTION NUMBER 2014-035

RESOLUTION ENTERING INTO A HAZARDOUS MATERIAL RESPONSE MUTUAL AID AGREEMENT WITH THE BUTLER COUNTY HAZARDOUS MATERIALS COOPERATIVE PURSUANT TO RC 5502.41

WHEREAS, the Butler County Hazardous Materials Cooperative has a desire to provide a Hazardous Material Response Mutual Aid Agreement to allow for cooperative response to a hazardous material release incident within Ross Township; and

WHEREAS, Ross Township desires to reaffirm its commitment to the Butler County Hazardous Materials Cooperative through the Hazardous Material Response Mutual Aid Agreement pursuant to Ohio Revised Code Section 5502.41.

BE IT RESOLVED, by the Trustees of Ross Township, Butler County, Ohio, as follows:

SECTION 1-A:

That the Board hereby enters into a Hazardous Material Response Mutual Aid Agreement with the Butler County Hazardous Materials Cooperative to allow for cooperative response to a hazardous material release incident within Ross Township, pursuant to Ohio Revised Code Section 5502.41, substantially in the form of the agreement attached hereto as Exhibit "A", subject to modifications approved by the Township Legal Council on terms not adverse to the Township.

SECTION 1-B:

That the Board of Township Trustees shall execute the agreement as authorized herein.

SECTION 2:

This resolution shall take effect on June 5, 2014 following the filing of this resolution with the Ross Township Fiscal Officer.

SECTION 3:


It is hereby determined that all formal actions of the Board of Trustees relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCTION AND VOTE RECORD:

Trustee Yordy introduced the foregoing Resolution and moved its adoption, Trustee Wurzelbacher seconded the Motion. The roll being called upon the question of adoption of the Resolution by the Township Fiscal Officer, the vote resulted as follows:

Trustees: Willsey AYE Wurzelbacher AYE Yordy AYE


Adopted at the meeting of the Ross Township Board of Trustees this 5th day of June, 2014.



Ellen Yordy, President



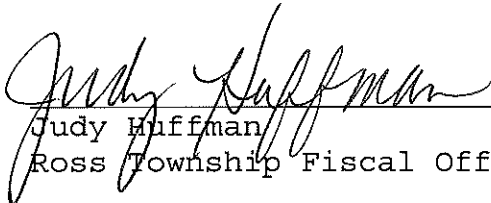
Thomas Willsey, Vice President



Raymond Wurzelbacher, Trustee

AUTHENTICATION

This is to certify that this resolution was duly adopted by the Board of Trustees, and filed with the Ross Township Fiscal Officer, this 5th day of June, 2014.



Judy Huffman
Ross Township Fiscal Officer

THE REMAINDER OF THIS PAGE INTENTIONALLY

MUTUAL AID AGREEMENT

WHEREAS, the political subdivisions in Butler County, to wit College Corner, City of Fairfield, Fairfield Township, City of Hamilton, Village of Jacksonburg, Liberty Township, Madison Township, City of Middletown, Milford Township, Village of Millville, City of Monroe, Morgan Township, Village of New Miami, Oxford Township, City of Oxford, Reily Township, St. Clair Township, Village of Seven Mile, Village of Somerville, City of Trenton, West Chester Township, Wayne Township, Lemon Township, Ross Township, and Hanover Township, which are parties to this Agreement, are desirous of obtaining additional Hazardous Material Response protection, through mutual aid, for the citizens of the various political subdivisions in time of emergency, pursuant to Section 5502.41 of the Ohio Revised Code It is hereby mutually agreed by the parties hereto as follows:

(1) Definitions:

- a. Fire service agencies shall include, in addition to general fire departments, emergency operations, hazardous materials units, environmental protection units and other related organizations dedicated to protecting life, property and the environment.
- b. The term "fire protection" includes personal services and equipment required for the protection of life and property from fire, fire fighting and/or emergency medical services, as well as hazardous material incidents.
- c. The term "emergency response" includes necessary services to respond to fire, health, safety or environmental incident that threatens life, property and environment.
- d. The term "hazardous material unit" includes the Hamilton, Middletown, Oxford and West Chester Township Fire Department response units in addition to the trained Hazardous Materials Technicians from Fairfield Township Fire Department, Liberty Township Fire Department and Monroe Fire Department.

(2) Mutual Aid Agreements previously entered into for the purpose of obtaining additional Hazardous Material Response will not be affected by this agreement.

(3) In the event of an emergency, and upon request of another fire department by the highest ranking officer of that department on duty at the time of the emergency, each party which is a signatory to this Agreement will furnish fire department personnel and equipment, if the highest ranking officer on duty of the requested fire service agency is of the opinion that such personnel and equipment is available. An effort shall be made on the part of the responding department/agency to make available trained personnel with equipment. Such personnel and equipment may be recalled at the sole discretion of the highest ranking officer on duty of the fire service agency furnishing such personnel and equipment.

(4) The execution of the Agreement shall not give rise to any liability or responsibility, including but not limited: to failure to respond to any request for assistance, lack of speed in answering such a request, inadequacy of equipment, negligent operations of equipment, failure to extinguish any fire, failure to mitigate any Hazardous Material Incident, or any cause whatsoever growing out of such use of fire and other equipment and personnel. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

- (5) No charge shall be made to any party (parties) to the Agreement for services rendered by any other contracting party (parties) under the provisions of this Agreement, as defined in ORC 3745.13.
- (6) There shall be reimbursement for loss or damage to equipment as well as reimbursement to responding hazmat unit to cover salaries of those members responding with the unit while engaged in an activity in accordance with this agreement under ORC 3745.13. There shall be no reimbursement for indemnity award or premium contribution assessed against the employing party for workmen's compensation benefits arising by reason of injury or death to a member of the defined agency of said party while engaged in rendering services under this Agreement.
- (7) This Agreement shall become effective on the date of its execution and shall continue as a non-expiring Agreement; however, any party to this Agreement may withdraw at any time upon thirty (30) days written notice, addressed to the Chief of the defined agency or other officer in charge of each of the other parties to this Agreement, and thereafter such withdrawing party shall no longer be a party to this Agreement, but this Agreement shall continue to exist among and between the remaining parties.
- (8) The Agreement may be executed in any number of counterparts, all of which together shall be a single instrument. It shall not be necessary for any counterparts to be signed by more than one party. The County Emergency Management Agency of Butler County, Ohio, shall send to each part to the Agreement a certificate showing the names of the signatories which have executed this Agreement, and any additions or deletions of participating parties as they occur.
- (9) This is a non-expiring Agreement.
- (10) This Agreement will require the departments with hazardous materials response units to have combined training as well as each department on this Agreement must provide every department member a Basic Hazardous Materials Awareness course. Any member that is on the Butler County Regional Hazardous Materials Team must be certified at a Hazardous Materials Technician Level. The Hazardous Materials Coop Manual details the requirements of training for each Hazardous Materials Technician. Accordingly, the Hazardous Materials Coop Board will annually evaluate the Coop Manual and training requirements for members of the Regional Hazardous Materials Team.
- (11) This Agreement is meant to contain spills and leaks of hazardous materials. It in no way requires the responding mutual aid units to cleanup or remove any substance. When emergency action is required to protect the public or environment, it will be the responsibility of the responsible party or parties to see that licensed companies are obtained for cleanup and removal, as outlined in ORC 3745.13.
- (12) This Agreement will require the setting up of a Hazardous Materials Coop Board with a representative from each department with a hazardous materials response unit, a representative of the County Trustees and Clerks Association, a representative of the County Commissioners, a representative of the Butler County Fire Chiefs Association, a representative from the Butler County Sheriff's Office Bomb Unit, a member representing the remainder of the County's cities and villages and a representative from the office of the Butler County Emergency Management Agency. If for some reason the appointed member cannot be present for a meeting that member may appoint an appropriate designee.

IN WITNESS WHEREOF, THE _____

Located in Butler County, Ohio, has accepted this Agreement and authorized its execution by its Ordinance number _____ and passed on the _____ DAY of _____, in the YEAR _____, in accordance with Section 5502.41 of the Ohio Revised Code.

Township Trustees:

Attest:

Township Administrator

Date