

**ORDINANCE NO. 96-23**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT TO ESTABLISH THE MEDINA COUNTY EMERGENCY MANAGEMENT AGENCY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

- SEC. 1:** That the Mayor is hereby authorized and directed to enter into an Amended Agreement to Establish the Medina County Emergency Management Agency.
- SEC. 2:** That a copy of the Agreement is marked Exhibit A, attached hereto and incorporated Herein.
- SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 4:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

**PASSED:** May 22, 2023

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** May 23, 2023

**SIGNED:** Dennis Hanwell  
Mayor

ORD 96-23  
Rkh.A

AMENDED AGREEMENT TO ESTABLISH  
THE MEDINA COUNTY EMERGENCY MANAGEMENT AGENCY

WHEREAS, the Medina County Emergency Management Agency was first established through action taken by the Board of Commissioners of Medina County on January 6, 1990, through Resolution No. 90-39, and subsequently approved by a majority of the other political subdivisions in the County by either explicit approval of this Agreement, by resolution or ordinance, or by implicit approval through participation in the countywide emergency planning process and/or by choosing not to establish a separate program for emergency management; and

WHEREAS the Medina County Emergency Management Agency was originally organized under Ohio Revised Code 5915; and

WHEREAS, effective October 29, 1995, Ohio Revised Code Chapter 5915 was amended and re-codified by SB162 placing Emergency Management Agencies under Title 55 "Roads, Highways and Bridges"; and

WHEREAS all political subdivisions in Medina County have participated in the establishment of a countywide all-hazards emergency operations plan, cooperated in the preparation, and conduct of the annual exercise applicable to all political subdivisions in the County and no individual subdivision has submitted an independent all-hazards emergency management plan; and

WHEREAS the coordination of emergency management services for the benefit of Medina County and its residents continues to be of paramount importance to all of the local political subdivisions in the County; and

WHEREAS the undersigned political subdivisions desire to continue the coordination of emergency services through a countywide emergency management agency, in the manner provided by law, and particularly as provided in Ohio Revised Code Chapter 5502, and to exercise any and all powers set forth therein to coordinate and unify the emergency management activities of the participating subdivisions that do not opt to develop a separate and independent emergency operations plan; and

WHEREAS, it is further declared to be the purpose of this agreement and the policy of the participants hereto, that all emergency management functions of the participants 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 participants' manpower, resources and facilities for dealing with any disaster or emergency situation that may occur; and

WHEREAS it is hereby found and declared to be necessary to create a countywide emergency management agency to be known as the "Medina County Office of Emergency Management and Homeland Security" hereinafter referred to as MCEMA; to confer upon the executive committee and the director of emergency management, 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 AGREED:

1. That an organization to be known as the MCEMA be formed to perform the services of coordinating the emergency management activities within the County of Medina, by and between the political subdivisions herein, in accordance with the provisions hereinafter set forth.
2. That the MCEMA, hereby authorized, is to render the service of coordinating the emergency management activities of the parties 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/ordinance/agreement as hereinafter set forth, and the power of the parties hereto authorized, in coordinating such emergency management activities with and within Medina County.
3. That a representative from each political subdivision entering into the agreement, selected by the political subdivision's chief executive, shall constitute a countywide advisory group for the purpose of appointing an executive committee under ORC Section 5502.26 through which the countywide agency shall implement emergency management in the county. The group shall meet at a time and place determined by the Board of County Commissioners in January of each year or at the call of the executive committee when a majority of the executive committee members deems it necessary.
4. That the executive committee shall consist of at least the following seven members: one Medina County Commissioner representing the board of county commissioners entering into the agreement; five chief executives representing the municipal corporations and townships entering into the agreement (which shall consist of one chief executive from each of the three largest cities in Medina County representing each of those cities and two township trustees representing the townships in Medina County); and one nonelected representative selected by the countywide advisory group at the annual meeting. Up to six additional members may be appointed to the executive committee, chosen as follows: 1) the Board of Commissioners of Medina County may at its own option appoint an additional person to the executive committee, who may be either a second Medina County Commissioner or a nonelected representative, 2) the chief executives of the villages in Medina County may at their own option, by majority vote, appoint an individual to the executive committee, who may be either an elected or unelected person, to represent the villages in Medina County, 3) the Medina County Sheriff may at the Sheriff's option appoint a law enforcement officer (who may be the Sheriff him/herself or another officer from a law enforcement agency in Medina County) to the executive committee; and 4) the executive committee may at its option appoint up to three additional individuals to the executive committee, who may be either elected or non-elected individuals. The terms of office of all members appointed to the executive committee, whether the statutory appointees or the additional members, shall be one year, unless otherwise stipulated at the time of the appointment. Members shall continue to

serve until a successor is appointed and takes office. The executive committee shall at least annually, and upon any change in the membership of the executive committee, prepare an official roster of all then current members of the executive committee with their terms listed, and communicate a copy of said roster to each political subdivision entering into the agreement.

5. That the executive committee shall appoint a director/coordinator of emergency management whose duties are prescribed herein by Chapter 5502 of the Ohio Revised Code.
6. That the director will have all such powers as is granted under this agreement and under statute.
7. That the director of emergency management shall be responsible for coordinating, organizing, administering, and operating emergency management in accordance with the agency's program established under this Chapter 5502 of the Revised Code, subject to the direction and control of the executive committee. All agencies, boards, and divisions having emergency management functions within each political subdivision within the county shall cooperate in the development of the all-hazards emergency operations plan, shall cooperate in the preparation and conduct of the annual exercise. The director may appoint, from time to time, a deputy director and/or such other assistants as the director deems advisable, who shall hold office during their pleasure. The director and the assistants to the director shall not be compensated for services rendered unless approved by action of the executive committee. The director may, with the prior consent of the executive committee, employ such technical, clerical, stenographic and other personnel as deemed necessary and fix their compensation when they are to be compensated. The salary of the director and the salaries of other paid personnel shall be paid from the MCEMA fund.
8. That the executive committee shall have general direction of the MCEMA, shall be responsible for the carrying out of the provisions of this agreement through the director of emergency management, may adopt such rules and regulations as it deems necessary for its operations, and may delegate authority to the director for expenditures within the budget and monetary limits as the executive committee sees fit. In performing duties pursuant to this agreement, the executive committee is authorized to cooperate with participating subdivisions, non-participating political subdivisions, the State of Ohio, other states, the Federal government through appropriate channels, and with private agencies in all matters pertaining to emergency management activities of Medina County, the State of Ohio and the United States as provided and encouraged under Revised Code Section 5502.35.
9. That the MCEMA, under Revised Code Section 5502.30, while performing emergency management services in this state pursuant to an arrangement, agreement, or compact for mutual aid and assistance, or any agency, member, agent, or representative of any of them, or any individual, partnership, corporation, association, trustee, or receiver, or any of the agents thereof, in good faith carrying out, complying with, or attempting to comply

with any state or federal law or any arrangement, agreement, or compact for mutual aid and assistance, or any order issued by federal or state military authorities relating to emergency management, is not liable for any injury to or death of persons or damage to property as the result thereof during training periods, test periods, practice periods, or other emergency management operations, or false alerts, as well as during any hazard, actual or imminent, and subsequent to the same except in cases of willful misconduct.

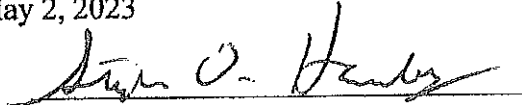
10. That the executive committee shall prepare a budget and annual report of activities for each year, under such rules and regulations as it may prescribe. Said budget and report of activities of the agency shall be presented to the participating political subdivisions at the required annual meeting of the countywide advisory group, as well as made available through electronic media. The funds provided for in said budget and all other funds received from whatever source, or by whatever means, for emergency management by the MCEMA shall be paid to the treasurer of Medina County into a special fund known as the MCEMA Fund.
11. That each participating political subdivision hereto agrees to pay into the MCEMA fund, promptly upon demand and invoice therefore, the amount assessed against it, based upon the annual itemized report on distribution of estimated undivided local government funds required by O.R.C. §5747.51(J) for the undivided local government fund, the County's proportionate share being increased to include the percentage established for the park districts, and to do and perform all and singular, the obligations herein assumed. The participating subdivisions also acknowledge that Medina County bears additional administrative costs that are not reimbursed because Section 5502.26(C) designates a countywide emergency management agency to be considered a county board, statutorily entitled to receive the services of the county auditor, treasurer, and prosecuting attorney in the same manner as other county agencies, boards, or divisions. Medina County also bears additional unreimbursed costs for property insurance, building maintenance, and administrative functions as shown in the regularly adopted Central Services Cost Allocation Plan prepared for Medina County, Ohio.
12. That this agreement may be amended or altered at any time by a majority of the parties hereto.
13. That this agreement shall be in full force and effect when no less than a majority of the political subdivisions within Medina County, including the Board of County Commissioners of Medina County, have subscribed to this agreement and/or submitted their annual cost allocation.
14. That this agreement may be terminated as to the Board of County Commissioners by a majority of its members, as to any township by a majority of the board of trustees, and as to any municipal corporation by a majority of its council, and service of written notice thereof on the director of emergency management within thirty (30) days after the adoption of the budget for the ensuing fiscal year by the agency.
15. A reference to any portion of a statute herein applies to all reenactments or amendments thereof. If statutes are enacted to replace current statutes, the statute latest in date of

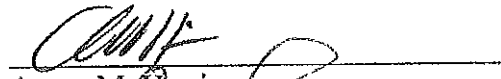
enactment prevails.


- 16. This Amended Agreement shall take effect and be in force from and after the date approved by the Board of Commissioners of Medina County by resolution, when approved by a majority of the subdivisions in Medina County that currently participate in Medina County's Countywide Emergency Management Agency, which includes all municipalities and townships within Medina County.

Board of Commissioners of Medina County

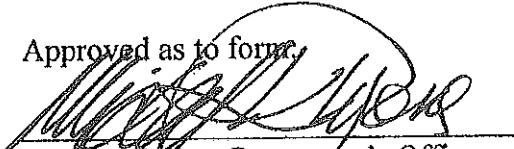
Approved by Resolution No. 23-0354,  
on May 2, 2023

  
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 Stephen D. Hambley

  
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 Aaron M. Harrison

  
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 Colleen M. Swedyk

Approved as to form:

  
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 Medina County Prosecutor's Office

5/3/2023  
Date

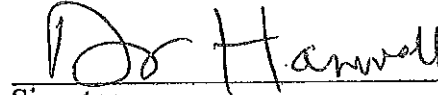
Other Subdivision Approvals:

City of Medina  
Political Subdivision Name

Ord. 96-23  
Resolution/Ordinance #

May 22, 2023  
Date of approval

Dennis Hanwell, Mayor  
Chief Executive Officer Printed Name

  
Signature

\_\_\_\_\_  
Chief Executive Officer Printed Name

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Signature

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Chief Executive Officer Printed Name

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Signature

Approved as to Form:

\_\_\_\_\_  
Entity Legal Counsel

\_\_\_\_\_  
Date

*Please attach a certified copy of the adopted legislation to this signed agreement and return both documents to:*

*Medina County Board of Commissioners  
144 N. Broadway Street, Room 201  
Medina, OH 44256*