

A RESOLUTION AUTHORIZING THE CITY TO PROVIDE EMERGENCY
MUTUAL AID TO OTHER PARTICIPATING COMMUNITIES IN PORTAGE
COUNTY AND SUMMIT COUNTY; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code Section 5502.29(B), political subdivisions “may develop mutual assistance or aid agreements for reciprocal emergency management assistance or aid for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources”; and

WHEREAS, several communities located in Portage County and Summit County have adopted legislation authorizing them to provide and receive mutual aid in the case of an emergency and only if the community providing aid is able to do so at the time of the emergency; and

WHEREAS, it is anticipated that in the future a formal mutual aid agreement will be adopted by these participating communities; and

WHEREAS, in the interim, the Director of Public Works has recommended that the City of Hudson adopt legislation authorizing it to participate in this effort to provide emergency mutual aid to other communities in Portage County and Summit County; and

WHEREAS, this Council desires to authorize the City to participate in this effort to provide emergency mutual aid to other communities subject to the terms set forth herein;

NOW, THEREFORE, Be It Resolved by the Council of the City of Hudson, State of Ohio, that:

Section 1: The City of Hudson may provide and receive mutual aid to and from other participating communities in Portage County and Summit County in the case of an emergency pursuant to the following terms and conditions:

- 1) The political subdivisions agree to provide, if requested, to the ability of each respective entity at the time of the request, mutual assistance or aid in the way of personnel, equipment, or other resources in the event of any incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources.

- 2) Personnel of the responding political subdivision shall continue under their local command and control structure, but shall be under the operational control of the appropriate officials within the incident management system of the political subdivision receiving the assistance or aid.
- 3) Nothing in Section 5502.29 of the Ohio Revised Code shall be construed to prohibit personnel of either respective political subdivision from responding to a request for mutual assistance or aid resulting from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, when the personnel are responding as part of a regional response team that is under the operational control of the incident command structure.
- 4) Personnel rendering assistance or aid pursuant to Section 5502.29(B) of the Ohio Revised Code remain employees or agents of their respective political subdivisions, including for purpose of tort liability and immunity from tort liability, and nothing herein creates an employment relationship between the political subdivision requesting aid and the employees of the political subdivision rendering aid.
- 5) Responding political subdivisions and the personnel of that political subdivision, while rendering assistance or aid pursuant to Section 5502.29 of the Ohio Revised Code, or while in route to or from rendering assistance or aid pursuant to Section 5502.29 of the Ohio Revised Code, shall be deemed to be exercising governmental functions as defined in Section 2744.01 of the Revised Code, shall have the defenses to and immunities from civil liability provided in Sections 2744.02 and 2744.03 of the Ohio Revised Code, and shall be entitled to all applicable limitations on recoverable damages under Section 2744.05 of the Ohio Revised Code.
- 6) All pension, disability, death benefits, workers' compensation, and other benefits enjoyed by personnel rendering mutual assistance or aid shall extend to the services they perform outside their respective political subdivisions to the same extent as while acting within the boundaries of the political subdivisions, and personnel are entitled to the rights and benefits of Chapter 4123 of the Ohio Revised Code to the same extent as while performing services within the boundaries of the political subdivisions.

Section 2: This Resolution is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and general welfare and for the further reason that the City needs to be able to provide emergency mutual aid and receive such mutual aid at the earliest opportunity; wherefore, this Resolution shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five (5) members of Council elected thereto or six (6)

affirmative votes if all members of Council are present at the meeting at which it is passed; otherwise, it shall take effect and be in force from after the earliest period allowed by law.

PASSED: _____

William A. Currin, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on _____, 2013.

Elizabeth Slagle, Clerk of Council