

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 – 007

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THIRD AMENDMENT TO THE AGREEMENT FOR PUBLIC SAFETY DISPATCH SERVICES BETWEEN THE CITY OF STRONGSVILLE AND THE CITY OF MIDDLEBURG HEIGHTS, IN CONNECTION WITH AN ADJUSTMENT OF FEES COMMENCING JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

WHEREAS, through adoption of Ordinance No. 2021-084 on June 7, 2021, the Strongsville City Council authorized an Agreement with the City of Middleburg Heights for public safety services; and

WHEREAS, through adoption of Resolution No. 2021-40 on May 27, 2021, the Middleburg Heights City Council likewise authorized an Agreement with Strongsville for such public safety services; and

WHEREAS, on June 7, 2021, Strongsville and Middleburg Heights entered into an *Agreement for Public Safety Dispatch Services*, in which Strongsville agreed to dispatch Middleburg Heights Police Department and Fire Department calls, on a twenty-four (24) hour basis, to authorized personnel of the Middleburg Heights Police Department and the Middleburg Heights Fire Department and other public safety resources generally with regard to emergency and non-emergency incidents, and with communication support and services/systems directly related to the dispatch function, and subject to other specific terms and conditions contained therein; and

WHEREAS, at that time, Middleburg Heights agreed to certain terms and conditions in connection with payment to Strongsville for Strongsville's provision of such Dispatch Services; and

WHEREAS, based upon one-half year of operations in 2021 and in accordance with provisions of said Agreement, it was necessary to amend the provision relating to payment for Dispatch Services; and

WHEREAS, on November 1, 2021, the parties entered into a *First Amendment to Agreement* providing for an adjustment to the provision for payment based upon the one-half year of operations and consistent with the Agreement, and as authorized by Strongsville City Council in Ordinance No. 2021-143; and

WHEREAS, for the year 2023, the parties entered into a *Second Amendment to Agreement* providing for an adjustment to the provision for payment based upon one and one-half years of operations and consistent with the Agreement; and as authorized by Strongsville City Council in Ordinance No. 2023-015; and

WHEREAS, now based upon two and one-half years of operations and in accordance with provisions of said Agreement, it is now necessary to further amend the provision relating to payment for Dispatch Services; and

WHEREAS, Middleburg Heights has agreed to a Third Amendment providing for an increase in fees commencing January 1, 2024.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 – 007

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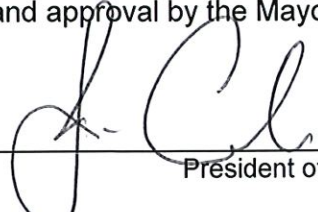
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That the Mayor be and is hereby authorized and directed to enter into a Third Amendment to Agreement for Public Safety Dispatch Services between the City of Strongsville, Ohio and Middleburg Heights, Ohio, providing for an adjustment in the payment of fees to the City of Strongsville for dispatch services for 2024, commencing January 1, 2024, at an adjusted rate of \$41,431.42 per month, for a total of \$497,177.00 for the year 2024, in accordance with the terms and conditions set forth in the Third Amendment to Agreement attached hereto as Exhibit "A" and incorporated herein by reference, which in all respects is hereby approved.

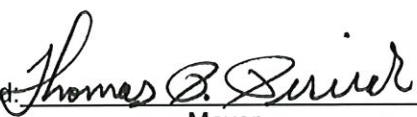
Section 2. That any funds received pursuant to this Ordinance shall be deposited into the General Fund, and any expenditures required by the City to effectuate the Agreement have been appropriated for 2024 and shall be paid from the General Fund.


Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to enter into the Amendment to Agreement to provide for proper and fair compensation to the City for dispatch services, to act in accordance with the terms and conditions of the Agreement, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.



President of Council
Date Passed: 01 04 2024

Approved: 

Mayor
Date Approved: Jan. 16, 2024
Attest: 

Clerk of Council

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Clark	<input checked="" type="checkbox"/>	_____
Kaminski	<input checked="" type="checkbox"/>	_____
Kosek	<input checked="" type="checkbox"/>	_____
Roff	<input checked="" type="checkbox"/>	_____
Short	<input checked="" type="checkbox"/>	_____
Spring	<input checked="" type="checkbox"/>	_____

Ord. No. 2024-007 Amended: _____
1st Rdg. 01-16-24 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____
Public Hrg. _____ Ref: _____
Adopted: 01-16-24 Defeated: _____

**THIRD AMENDMENT TO AGREEMENT
FOR PUBLIC SAFETY DISPATCH SERVICES
BETWEEN
THE CITY OF STRONGSVILLE, OHIO AND
MIDDLEBURG HEIGHTS, OHIO**

THIS THIRD AMENDMENT TO AGREEMENT made at Strongsville, Ohio, this 16 day of January, 2023, by and between the **CITY OF STRONGSVILLE**, Ohio, hereinafter designated as "Strongsville", and **MIDDLEBURG HEIGHTS**, Ohio, hereinafter designated as "Middleburg".

WITNESSETH:

WHEREAS, through adoption of Ordinance No. 2021-084 on June 7, 2021, the Strongsville City Council authorized an Agreement with the City of Middleburg Heights for public safety services; and

WHEREAS, through adoption of Resolution No. 2021-40 on May 27, 2021, the Middleburg Heights City Council likewise authorized an Agreement with Strongsville for such public safety services; and

WHEREAS, on June 7, 2021, Strongsville and Middleburg entered into an *Agreement for Public Safety Dispatch Services*, in which Strongsville agreed to dispatch Middleburg Police Department and Fire Department calls, on a twenty-four (24) hour basis, to authorized personnel of the Middleburg Police Department and the Middleburg Fire Department and other public safety resources generally with regard to emergency and non-emergency incidents, and with communication support and services/systems directly related to the dispatch function, and subject to other specific terms and conditions contained therein; and

WHEREAS, at that time, Middleburg agreed to certain terms and conditions in connection with payment to Strongsville for Strongsville's provision of such Dispatch Services; and

WHEREAS, based upon one-half year of operations in 2021 and in accordance with provisions of said Agreement, it was necessary to amend the provision relating to payment for Dispatch Services; and

WHEREAS, on November 1, 2021, the parties entered into a *First Amendment to Agreement* providing for an adjustment to the provision for payment based upon the one-half year of operations and consistent with the Agreement, and as authorized by Strongsville City Council in Ordinance No. 2021-143; and

WHEREAS, for the year 2023, the parties entered into a *Second Amendment to Agreement* providing for an adjustment to the provision for payment based upon one and one-half (1½) years of operations and consistent with the Agreement; and as authorized by Strongsville City Council in Ordinance No. 2023-015; and

WHEREAS, now based upon two and one-half years (2½) of operations and in accordance with provisions of said Agreement, it is now necessary to further amend the provision relating to payment for Dispatch Services.

NOW, THEREFORE, in consideration of the premises and the mutual covenants set forth in the Agreement and herein, it is agreed as follows:

1. Article I(E) of the Agreement be and is hereby amended to read in part as follows:

* * *

“E. Payment for Dispatch Services: Middleburg, in consideration of the provision of the Dispatch Services outlined herein, agrees to pay Strongsville the amount of Thirty-Seven Thousand Five Hundred and 00/100 Dollars (\$37,500.00) for the month of June, 2021 and each month thereafter until December 31, 2021, by the fifteenth (15th) of each month for Dispatch Services provided in that month. For the period of operation from January 1, 2022 through December 31, 2022, Middleburg will pay Strongsville at an increased rate of pay of Thirty-Eight Thousand Three Hundred Thirty-Four and 00/100 Dollars (\$38,334.00) per month by the fifteenth (15th) of each month for Dispatch Services provided in that month, for a total of Four Hundred Sixty Thousand Eight and 00/100 Dollars (\$460,008.00). For the period of operation from January 1, 2023 through December 31, 2023, Middleburg will pay Strongsville at an increased rate of pay of Forty Thousand Six Hundred Thirty-Three and 00/100 Dollars (\$40,633.00) per month by the fifteenth (15th) of each month for Dispatch Services provided in that month, for a total of Four Hundred Eighty-Seven Thousand Five Hundred Ninety-Six and 00/100 Dollars (\$487,596.00). ” For the period of operation from January 1, 2024 through December 31, 2024, Middleburg will pay Strongsville at an increased rate of pay of Forty-One Thousand Four Hundred Thirty-One and 42/100 Dollars (\$41,431.42) per month by the fifteenth (15th) of each month for Dispatch Services provided in that month, for a total of Four Hundred Ninety-Seven Thousand One Hundred Seventy-Seven and 00/100 Dollars (\$497,177.00). ”

* * *

2. This Third Amendment to Agreement amends, modifies and supplements the Agreement effective January 1, 2024 only as specifically set forth herein. All rights and obligations of Strongsville and Middleburg under the Agreement and all other provisions not specifically amended herein remain unmodified and in full force and effect.

3. This Third Amendment to Agreement shall be binding upon Strongsville and Middleburg and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Agreement the day and year first above written.

Signed in the presence of:




CITY OF MIDDLEBURG HEIGHTS
("Middleburg")

By: 
Matthew J. Castelli, Mayor



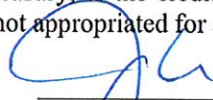
CITY OF STRONGSVILLE
("Strongsville")

By: 
Thomas P. Perciak, Mayor

CERTIFICATE OF FINANCE DIRECTOR

I hereby certify that the amount of money required to meet the expenditures called for by this Amendment to Agreement is in the treasury, to the credit of the fund for which it is to be drawn, or in the process of collection, and not appropriated for any other purpose.

1/2/24
Date


Jason Stewart, Finance Director
City of Middleburg Heights

CERTIFICATE OF LAW DIRECTOR FOR MIDDLEBURG HEIGHTS

I have hereby reviewed and approved the form of the foregoing Amendment to Agreement this 25 day of Oct., 2023.


Santo T. Incorvaia, Law Director

CERTIFICATE OF LAW DIRECTOR FOR THE CITY OF STRONGSVILLE

I have hereby reviewed and approved the form of the foregoing Amendment to Agreement this 16th day of January, 2024.


Neal M. Jamison, Law Director

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2023- **87**

Introduced By: Mayor Matthew Castelli

**A RESOLUTION
AUTHORIZING THE MAYOR TO SIGN A
THIRD AMENDMENT TO AGREEMENT FOR PUBLIC SAFETY DISPATCH
SERVICES BETWEEN THE CITY OF STRONGSVILLE, OH
AND THE CITY OF MIDDLEBURG HEIGHTS, OH**

WHEREAS, through adoption of Resolution 2021-40 on May 27, 2021, Middleburg Heights City Council authorized an agreement with the City of Strongsville for Public Safety Dispatch Services; and

WHEREAS, at that time, Middleburg Heights agreed to certain terms and conditions in connection with payment to Strongsville for Strongsville's provision of such public safety services; and

WHEREAS, on November 1, 2021, the parties entered into a *First Amendment to Agreement* providing for an adjustment to the provision for payment based upon the one-half year of operations and consistent with the Agreement; and

WHEREAS, for the year 2023, the parties entered into a *Second Amendment to Agreement* providing for an adjustment to the provision for payment based upon one and one-half (1 ½) years of operations and consistent with the Agreement; and

WHEREAS, now based upon two and one-half years (1/2) of operations and in accordance with provisions of said Agreement, it is now necessary to further amend the provision relating to payment for Dispatch Services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That the Mayor is hereby authorized to sign the *"Third Amendment to Agreement for Public Safety Dispatch Services between the City of Strongsville, OH and the City of Middleburg Heights, OH"*, a copy of which is attached hereto and marked "Exhibit A".

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: 10/24/23

Dave Bortolotto
President of Council

Attest: M. Meola
Clerk of Council

Approved On: 10-25-23

Presented to Mayor: 10/25/23

Matthew Caska
Mayor

	Yea	Nay
Bortolotto	X	_____
Ali	X	_____
Sage	X	_____
Meany	X	_____
McGregor	X	_____
Ference	X	_____
Grech	ABSENT	_____

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Res 2023-87 adopted by the Council of the City of Middleburg Hts., on 10/24/23 was posted for a period of fifteen days, beginning 10/25/23 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meola
Clerk

CERTIFICATE

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Res. 2023-87 passed on the 24th day of October 2023 by said Council.

Mary Ann Meola
Clerk of Council