

**VILLAGE YELLOW SPRINGS, OHIO  
ORDINANCE #2007-04**

**AN ORDINANCE TO AUTHORIZE AND DIRECT THE MUNICIPALITY TO EXECUTE A MUTUAL AID AGREEMENT WITH INTERSTATE AND INTRASTATE PARTICIPATING MUNICIPALITIES WITH MUNICIPAL ELECTRIC SYSTEMS, IN ORDER TO BE ABLE TO RECEIVE AND PROVIDE MUTUAL ASSISTANCE DURING TIMES OF EMERGENCIES THROUGH THE INTERCHANGE AND USE OF PERSONNEL AND EQUIPMENT.**

**WHEREAS**, Section 735.051 of the Ohio Revised Code authorizes Ohio municipalities to enter into contracts in the case of real and present emergencies without formal bidding and advertising for work to be done and supplies to be purchased from municipal utilities, and;

**WHEREAS**, Section 715.02 of the Ohio Revised Code provides that two or more municipal corporations may enter into joint agreements relating to the operation of public utilities; and

**WHEREAS**, Sections 735.051 and 715.02, along with express and inherent authority granted by Articles XVIII of the Ohio Constitution to construct, operate and maintain utilities, provide the authority to for the Village of Yellow Springs, Ohio (herein "Municipality") to execute a Mutual Aid Agreement with other interstate and intrastate municipalities; and

**WHEREAS**, American Municipal Power-Ohio, Inc. (herein "AMP-Ohio") organizes and manages a Mutual Aid Program among its member municipalities wherein members experiencing an emergency in the provision of electricity to customers of the municipal electric system can request assistance from other participating member municipalities, both intrastate and interstate, to assist Municipality in expediting repairs to its electric system to restore electric service as soon as possible; and

**WHEREAS**, Municipality is a member of AMP-Ohio and operates a municipal electric system; and

**WHEREAS**, Municipality deems it prudent to enter into a Mutual Aid Agreement with AMP-Ohio and other participating member municipalities to participate in the AMP-Ohio Mutual Aid Program so that it can provide and receive aid and assistance in times of emergency; and

**WHEREAS**, a Mutual Aid Agreement to receive and provide assistance in times of emergency to preserve the public health, safety and welfare is a valid public purpose.

**NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:**

**SECTION 1.** That the form of the Mutual Aid Agreement, substantially in the form attached hereto, is approved.

**SECTION 2.** That the Village Manager is authorized and directed to execute the Mutual Aid Agreement, substantially in the form of the mutual agreement attached hereto.

**SECTION 3.** That any and all competitive bidding requirements are hereby waived.

**SECTION 4.** That the Municipality agrees to reimburse any Signatory to the Mutual Aid Agreement all eligible costs for services provided to the Municipality in accordance with the terms and conditions of the Mutual Aid agreement in response to a request for aid from the Municipality.

**SECTION 5:** That this Ordinance shall take effect and be in full force at the earliest period allowed by law.

\_\_\_\_\_  
Karen Wintrow, Vice President of Council

Passed: April 6, 2007

Attest: \_\_\_\_\_  
Deborah Benning, Clerk of Council

ROLL CALL:

Karen Wintrow \_\_Y\_\_ Judith Hempfling \_\_Y\_\_ Kathryn Chase \_\_Y\_\_

Bruce Rickenbach \_\_Y\_\_ Kathryn Van der Heiden Absent

**#2007-04 Mutual Aid Agreement**

**I the undersign, Deborah Benning, Clerk of Council for the Village of Yellow Springs, Ohio, hereby certify that the foregoing is a true and correct copy of Ordinance #2007-34 adopted by said Council on the 6<sup>th</sup> day of April 2007.**

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**Deborah Benning, Clerk of Council**