

ORDINANCE NO. 105-24

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING BETWEEN THE LORAIN COUNTY BOARD
OF COMMISSIONERS AND THE CITY OF AVON TO EXTEND PARTICIPATION IN
THE LORAIN COUNTY WENS EMERGENCY NOTIFICATIONS SYSTEM
AND DECLARING AN EMERGENCY**

WHEREAS, the Lorain County Board of Commissioners entered into a Service Agreement with Inspiron Logistics to set up and allow the use of a Wireless Emergency Network System (WENS) and account to provide emergency notifications of important announcements and alerts; and

WHEREAS, the Lorain County Board of Commissioners now desire to continue to share this notification system with other political subdivisions within Lorain County (See, Ord. No. 5-21, passed February 22, 2021); and

WHEREAS, the County has established a revised cost sharing arrangement with any political subdivision in the County wishing to participate or continue to participate in the WENS notification system; and

WHEREAS, it is now necessary for Avon to extend the Memorandum of Understanding for continued participation in the Lorain County WENS Emergency Notification System; and

WHEREAS, upon the recommendation of the Administration, Council finds it to be in the best interests of the health, safety, and welfare of the citizens of Avon to enter into the Memorandum of Understanding (MOU) and Contract Extension with the Lorain County Board of Commissioners to extend participation in the Lorain County WENS Emergency Notifications System; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the City, through the office of the Mayor, is hereby authorized to execute a Memorandum of Understanding and Contract Extension for the WENS with the Lorain County Board of Commissioners, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, allowing the City of Avon to extend participation in the WENS Notification System from April 1, 2024 to March 30, 2025. Said fee for the 18-month contract extension is One Thousand, Six Hundred, Fifteen Dollars and 00/Cents (\$1,615.00). Council authorizes the Finance Director to make payment to Lorain County Emergency Management in said amount from General Fund 101.

Section 2 - That 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 of any of its committees which resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public, health, safety, and welfare of the citizens of the City of Avon, Ohio, the immediate emergency being the necessity to enter into a Memorandum of Understanding and Contract Extension with the Lorain County Board of Commissioners to participate in the WENS (Wireless Emergency Notification System) for the period set forth in Section 1 and make payment to the County prior to December 1, 2024; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: November 11, 2024

DATE SIGNED: November 11, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: November 12, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks
Clerk of Council

Posted: November 13, 2024
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 105-24, passed by the Council of said City on November 11, 2024.

IN WITNESS WHEREOF, I have on this 12th day of November 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 105-24

**MEMORANDUM OF UNDERSTANDING
AND CONTRACT EXTENSION
WENS
EMERGENCY NOTIFICATION SYSTEM
OCTOBER 1, 2023 - MARCH 30, 2025**

Between the Lorain County Board of Commissioners and City of Avon.

This Memorandum of Understanding (MOU) is entered into by and between the Lorain County Board of Commissioners (the "County") and City of Avon ("User") on the date set forth below.

WHEREAS, the County has a goal of co-operative efforts with the various political subdivisions of Lorain County to implement an emergency notification system; and

WHEREAS, the County has entered into a contract with Inspiron Logistics for such a notification system and is also incurring the cost of installation, but there will be costs to any political subdivision that wishes to participate; and

WHEREAS Users intending to participate in and access the use of the system will be charged at a rate as shown below in III per resident (based off the year 2020 census) of said jurisdiction.

Therefore, IN CONSIDERATION OF, the mutual covenants and promises herein contained, the County and User agree as follows:

- I. The County has entered into a 1-1/2-year contract extension for purchase and installation of a notification software system from Inspiron Logistics (the "Software System").
- II. The County will make the Software System available for use in assisting Users in data transmission to residents within User's jurisdiction.
- III. Users pay the following rate for use of the Software System as follows:
 - a) October 1, 2023, to March 31, 2024 (6 Months), \$0.05 per resident.
 - b) April 1, 2024, to March 30, 2025 (1 Year), \$0.04 per resident.
- IV. User will assign an administrator to be trained on the Software System to issue notifications as appropriate.
- V. User will comply with all terms and conditions set forth by the County and Inspiron Logistics will not knowingly commit any act constituting a violation of either the County's agreement with Inspiron or this Memorandum of Understanding.

VI. The County will maintain all primary server equipment used for the purpose of hosting the Software System.

VII. The County agrees to notify User of any Software System changes that may require additional training for the administrator assigned by User.

VIII. The County cannot guarantee notifications will be received by the intended recipient. The County will not be liable to the User nor to any third party for any occurrences of unreceived notifications.

IX. The County will bill User on **September 1, 2024**, for the duration of this MOU. User agrees to make payment in the amount of \$ 1,615.00 to be paid no later than **December 1, 2024**, for the entire contractual amount. In the event User does not make payment by the said date, the County may exercise the option to terminate this Memorandum of Understanding, and thereby terminate User's access to the Software System.

Witness the signature below of an Official of _____,
who by signing hereunder represents and acknowledges he/she has been duly authorized through
appropriately enacted legislation to sign on behalf of the same.

LORAIN COUNTY BOARD OF COMMISSIONERS

"County"

By: _____ Date: _____

Approved to form: _____

Prosecution Attorney of Lorain County

User (Jurisdiction):

By: _____ Date: _____

Approved to form: _____

Legal counsel for political subdivision