

ORDINANCE NO. 02-43 AC CMS

AN ORDINANCE APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF OBERLIN, OHIO, AND THE LORAIN COUNTY GENERAL HEALTH DISTRICT AND CERTAIN OTHER GOVERNMENTAL ENTITIES TO CREATE A UNIFIED COMBINED GENERAL HEALTH DISTRICT

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the attached amended agreement between the City of Oberlin and the Lorain County General Health District, and certain other governmental entities to create a unified combined general health district is hereby approved, and the City Manager is hereby authorized and directed to execute same on behalf of the City.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption 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 that 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.

SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading – April 1, 2002
2nd Reading – April 15, 2002 (E)
3rd Reading –

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: April 16, 2002

EFFECTIVE DATE: April 16, 2002



"For The Health of Us All"

KENNETH G. PEARCE, M.P.H.
HEALTH COMMISSIONER

LORAIN COUNTY GENERAL HEALTH DISTRICT

9880 SOUTH MURRAY RIDGE ROAD

ELYRIA, OHIO 44035

TELEPHONE

Area Code 440

Elyria 322-6367

Lorain 244-3418

244-2209

Columbia Station 236-8722

Fax Line 322-0911

www.loraincountyhealth.com

August 27, 2002

Oberlin City Hall
85 S Main Street
Oberlin, Ohio 44074

08-28-02 A10:07 IN

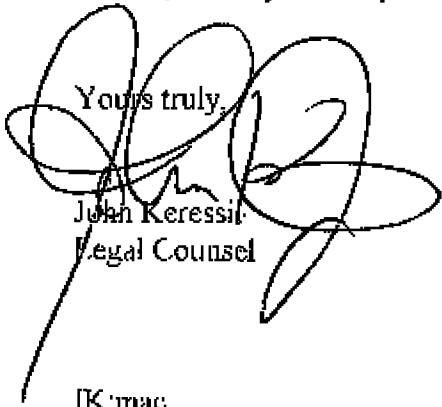
Attention City Manager Robert DiSpirito
Eugene Simon, Clerk of Council
Eric Severs, City Solicitor

Dear Sir/Madam:

Enclosed for your information and files is a copy of the fully executed Contract for Union

Thank you for your cooperation.

Yours truly,


John Keressil
Legal Counsel

.JK:mac



**Union of General Health District and More than One City
with Combined Board of Health**

Contract for Union (Authority - O.R.C. Section 3709.07)

WHEREAS, the District Advisory Council of the Lorain County, Ohio General Health District, at a regular meeting held March 6, 1961, by a majority vote of members representing the townships and villages, voted affirmatively on the question of union with the City Health Districts of Oberlin, Amherst, North Ridgeville, Avon, Sheffield Lake, and Avon Lake, and authorized the chairman to enter into a contract with the mayors of these cities to combine the health districts, and

WHEREAS, the councils of the aforementioned cities, at regular meetings held during the period December 18, 1961 through February 19, 1962, by a majority vote of council members, voted affirmatively on the question of union with the Lorain County General Health District, and authorized their respective city managers or mayors to enter into a contract with the chairman of the District Advisory Council to combine the health districts, and

WHEREAS, the final Contract to such effect and for such purpose was signed by representatives of these cities and was filed with the Ohio Department of Health on March 1, 1962; and

WHEREAS, the City of Avon Lake, in 1974, determined to cease its participation in the combined health district; and, as a result, the District Advisory Council determined to restructure the combined health district and to initiate amendments to the original Contract for Union; and

WHEREAS, the Councils of the Cities of North Ridgeville, Sheffield Lake, Oberlin, Amherst, and Avon, at regular meetings held during the period December 20, 1982 through April 25, 1983, by a majority vote of council members, voted affirmatively to restructure the combined health district, and authorized their respective city managers or mayors to enter into a contract with the chairman of the District Advisory Council to effect such restructuring; and

WHEREAS, the final contract to such effect and for such purposes was signed by representatives of these cities and was filed with the Ohio Department of Health on February 2, 1984, and

WHEREAS, as a result, these cities and the District Advisory Council, on behalf of the villages and townships newly agreed, in pertinent part, and continued to agree, in pertinent part, from the original Contract for Union, as follows

- 1 The administration of public health services for the combined health district shall be the responsibility of a combined board of health representing the following described areas:

Area No 1: Cities of Oberlin and Amherst

Area No. 2. City of North Ridgeville

Area No 3. Cities of Sheffield Lake and Avon

Area No 4: All townships and villages not covered by existing city health districts

- 2 The Combined Board of Health shall consist of seven (7) members, each of whom shall serve for a term of four (4) years. One member shall be regularly appointed to represent Area No 1 by joint action of the City Manager of the City of Oberlin and the Mayor of the City of Amherst, with approval by the legislative authorities of said cities, one member shall be regularly appointed to represent Area No 2 by the Mayor of the City of North Ridgeville, with approval by the legislative authority of said city; one member shall be regularly appointed to represent Area No 3 by joint action of the Mayors for the Cities of Avon and Sheffield Lake, with approval by the legislative authorities of said cities, and four (4) members shall be regularly appointed to represent Area No. 4 (the townships and villages) by the District Advisory Council; and

WHEREAS, the Ohio General Assembly, by virtue of Senate Bill 136 and Ohio Revised Code Section 3709.41, required the creation of a Licensing Council for the Lorain County General Health District, the members of which shall represent each business activity licensed by the Lorain County Health Department; and

WHEREAS, this Licensing Council is empowered and required to appoint, and has appointed, one of its members to the Board of Health of the Lorain County General Health District; and

WHEREAS, the net effect of Senate Bill 136 has been to reduce the number of appointments to the Board of Health to which the townships and villages are entitled under the Contract for Union, and

WHEREAS, the District Advisory Council, at a regular meeting held March 7, 2002, by unanimous vote of all members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years; and to authorize the chairperson to sign an Amended Contract for Union to such effect, and

WHEREAS, the City of Oberlin, at a regular meeting held April 15, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years, and to authorize the City Manager to sign an Amended Contract for Union to such effect (Ordinance No 02-43);

WHEREAS, the City of Amherst, at a regular meeting held May 13, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members, to increase the term of office of each member from four (4) to five (5) years, and to authorize the Mayor to sign an Amended Contract for Union to such effect (Ordinance No O-02-48);

WHEREAS, the City of North Ridgeville, at a regular meeting held June 17, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years; and to authorize the Mayor to sign an Amended Contract for Union to such effect (Ordinance No 3810-2002);

WHEREAS, the City of Avon, at a regular meeting held June 10, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years, and to authorize the Mayor to sign an Amended Contract for Union to such effect (Ordinance No 98-02);

WHEREAS, the City of Sheffield Lake, at a regular meeting held July 9, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years; and to authorize the Mayor to sign an Amended Contract for Union to such effect (Ordinance No. 46-02),

NOW THEREFORE, the Lorain County District Advisory Council and the Cities of Oberlin, Amherst, North Ridgeville, Avon and Sheffield Lake, through the signatures below of their duly authorized representatives, agree as follows:

1. The administration of public health services for the combined health district shall continue to be the responsibility of a combined board of health representing the following described areas:
Area No. 1: Cities of Oberlin and Amherst
Area No. 2: City of North Ridgeville
Area No. 3: Cities of Sheffield Lake and Avon
Area No. 4: All townships and villages not covered by existing city health districts
2. The Combined Board of Health shall consist of eight (8) members, each of whom shall serve for a term of five (5) years. One member shall be regularly appointed to represent Area No. 1 by joint action of the City Manager of the City of Oberlin and the Mayor of the City of Amherst, with approval by the legislative authorities of said cities; one member shall be regularly appointed to represent Area No. 2 by the Mayor of the City of North Ridgeville, with approval by the legislative authority of said city; one member shall be regularly appointed to represent Area No. 3 by joint action of the Mayors for the Cities of Avon and Sheffield Lake, with approval by the legislative authorities of said cities; one member shall be regularly appointed by the Lorain County Licensing Council; and four (4) members shall be regularly appointed to represent Area No. 4 (the townships and villages) by the District Advisory Council;
3. The Chairperson of the newly constituted Board of Health shall have no vote on matters which come before such Board except when necessary to break a tie vote;
4. The Appointing Authority for members of the Licensing Council shall be the District Advisory Council;
5. The Original Contract for Union, filed with the Ohio Department of Health on March 1, 1962 and the Amended Contract for Union filed with the Ohio Department of Health on February 2, 1984, except as modified herein, shall remain in full force and effect

IN WITNESS WHEREOF, we have hereunto set our hands:

Date: 08-15-02

District Advisory Council, Lorain County
General Health District:

By: Dale F. Rundle, Jr.
Chairperson

Date 4/17/02

City of Oberlin:

By: Robert H. Smith
City Manager

Date 08-06-02

City of Amherst

By: John Higgins
Mayor

Date: 8/6/02

City of North Ridgeville.

By: Alanna White
Mayor

Date: 8/6/02

City of Avon

By: James A. Smith
Mayor

Date. 8/6/02

City of Sheffield Lake:

By: Sam L. Minge
Mayor

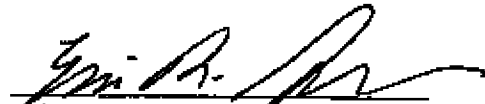
I hereby certify that a true copy of this Contract for Union was filed with the Ohio Department of Health this 20th day of Aug, 2002

This instrument was prepared by and was approved as to form and legal sufficiency by:

John S. Keressi, Jr.
Assistant County Prosecuting Attorney

Date. 8/15/02

Approved as to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Eric Severs", written over a horizontal line.

Eric Severs, City Solicitor
City of Oberlin

Date: 4-19-02

OHIO DEPARTMENT OF HEALTH

244 North High Street
Post Office Box 118
Columbus, Ohio 43216-0118
Telephone: (614) 466-3543



Bob Taft
Governor

J. Nick Baird, M.D.
Director of Health

LORAIN COUNTY
GENERAL HEALTH DISTRICT
2002 AUG 27 AM 7:13

August 22, 2002

John Keressi, Legal Counsel
Lorain Co. General Health District
9880 South Murray Ridge Road
Elyria, OH 44035

Dear Mr. Keressi:

This is to acknowledge receipt of a copy of the recently revised Contract for Union of the Lorain County General Health District. The document was received in our office on August 20, 2002.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth F. Bradley".

Elizabeth F. Bradley
Executive Secretary
Office of the Director

/efb

enclosure