

**JOINT AGREEMENT BETWEEN THE BOARD OF TRUSTEES  
OF WALNUT TOWNSHIP, OHIO AND THE VILLAGE OF THURSTON, OHIO  
FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES**

This Agreement is made and entered into this 15 day of March, 2007, by and between the Village of Thurston, Ohio and the Township of Walnut, Fairfield County, Ohio.

This Agreement modifies and expressly supercedes the prior written agreement dated June 21, 1999 (Ordinance No. 06-21-99-1; Resolution 99-12).

WHEREAS, pursuant to Ohio Revised Code Chapter 505 and specifically Ohio Revised Code Sections 505.37(b) and 505.44, Boards of Township Trustees or the legislative authority of any two or more Ohio political subdivisions or any combination thereof, through joint action, may unite in the joint purchase, maintenance, use and operation of fire fighting equipment and provide for emergency medical services; and,

WHEREAS, Walnut Township is a political subdivision of the State of Ohio located in Fairfield County, Ohio and governed by a Board of Township Trustees; and,

WHEREAS, the Village of Thurston is a political subdivision of the State of Ohio located in Fairfield County, Ohio and is governed by a Village Council and Mayor; and,

WHEREAS, the Board of Trustees of Walnut Township and the Village of Thurston, through its Mayor and Council, desire to provide fire and emergency medical services for the protection of Walnut Township, the Village of Thurston and respective inhabitants.

Walnut Township and the Village of Thurston hereby agree as follows:

**Fifty-Fifty Ownership and Governance Of The  
Thurston-Walnut Township Fire Department**

- ❖ Walnut Township and the Village of Thurston shall equally share the ownership, operation and governance of the Thurston-Walnut Township Fire Department, including the purchase of all necessary equipment for the provision of fire and emergency medical services as set forth in O.R.C. Sections 505.37 and 505.44.
- ❖ Walnut Township and the Village of Thurston recognize that the Thurston Fire Association is a separate entity with its own inventory which is not subject to the 50/50 ownership agreement.
- ❖ Walnut Township and the Village of Thurston agree to execute any and all necessary documents, forms, filings, certificates, deeds, titles, etc. necessary to establish joint ownership of all vehicles, equipment and property.
- ❖ Any new equipment, property or buildings which are acquired after the effective date of this Agreement shall be owned 50/50 between Walnut Township and the Village of Thurston.
- ❖ All existing Fire/EMS equipment shall be kept and stored at the Thurston firehouse, unless a different location is agreed to by both Walnut Township and the Village of Thurston.

- ❖ Walnut Township and the Village of Thurston desire to provide 24 hour 7 days per week fire protection and emergency medical services to inhabitants of the Village of Thurston and the inhabitants of Walnut Township, Ohio.
- ❖ Pursuant to Ohio Revised Code Sections 505.37(A) and 505.41, Walnut Township shall be primarily responsible for the employment/staffing of part-time employees and/or volunteer firefighters to staff the necessary fire and EMS personnel needed. Walnut Township shall provide Ohio Worker's Compensation coverage for said employees. The Township's ability to staff the fire and EMS personnel will at all times depend upon available fire levy funding.
- ❖ The Village of Thurston, within its discretion, may also contribute to the necessary staffing, including the use of volunteer firemen and EMS personnel.
- ❖ The Fire Chief of the Thurston-Walnut Township Fire Department will prepare an annual budget setting forth a reasonably detailed request for funding and operation of the Thurston-Walnut Township Fire Department, including a current inventory of all equipment and assets.
- ❖ The budget request prepared by the Fire Chief shall be forwarded to the Thurston Village Council a minimum of 60 days prior to the end of the year and be submitted to the Walnut Township Trustees 60 days prior to the end of the year.
- ❖ The Thurston Village Council and Mayor, along with the Board of Trustees of Walnut Township shall jointly approve or approve with modifications the budget request of the Fire Chief and shall determine the amount of money to be contributed to the operation of the Thurston-Walnut Township Fire Department by Walnut Township and the Village of Thurston.
- ❖ The Fire Chief will be appointed by a majority of the representatives of the Village of Thurston, including the Thurston Mayor, and a majority of the Walnut Township Trustees. A majority of each political subdivision must agree on the appointment of the Fire Chief.
- ❖ Except as otherwise specifically set forth herein, should the Thurston-Walnut Township Fire Department cease to exist and/or the Village of Thurston incorporate into another subdivision, or this Agreement terminates by action of the Village of Thurston, the assets, including real estate of the Fire Department will go 100% to Walnut Township. In the event this Agreement is terminated by sole action of the Board of Trustees of Walnut Township, the assets of the Fire Department, including real estate and equipment, shall go 100% to the Village of Thurston.
- ❖ In the event that this Agreement is set-aside or nullified by a Court of law through no voluntary action of either the Village or the Township, the assets of the Thurston-Walnut Township Fire Department shall be divided equally (50-50) between Walnut Township, Ohio, and the Village of Thurston, Ohio.
- ❖ Walnut Township shall act as fiscal agent for the Thurston-Walnut Township Fire Department. To that end, all funds to be contributed to the joint operation of the Thurston-Walnut Township Fire Department shall be deposited by Walnut Township into a special Fire Department fund and accounted for according to law.
- ❖ The Village of Thurston and Walnut Township do hereby agree that they will jointly procure an insurance policy naming the Village of Thurston, Walnut Township and the respective employees and volunteer fire and EMS personnel as insureds in policy amounts and limits to be

approved by both the Village of Thurston and Walnut Township to cover insurance on all equipment buildings and liability for the Thurston-Walnut Township Fire Department, pursuant to Ohio Revised Code Section 505.63.

- ❖ Either the Village of Thurston or Walnut Township may terminate this Agreement at any time by giving a ninety (90) day written notice to the other. The ninety (90) day period shall begin to run from the time that either the Township or the Village of Thurston send notice to the respective Clerk of either the Village of Thurston or Walnut Township by certified mail of its intention to terminate this Agreement. The terms of this Agreement may not be contradicted by oral statement and may be modified by written agreement approved by a majority of each political subdivision.

By: Ralph Zollinger  
WALNUT TOWNSHIP TRUSTEE

By: Mary M. Barber  
MAYOR, VILLAGE OF THURSTON

By: Alan C. Dwyer  
WALNUT TOWNSHIP TRUSTEE

By: Carl Reed  
CLERK-TREASURER,  
VILLAGE OF THURSTON

By: Matthew G. Hill  
WALNUT TOWNSHIP TRUSTEE

By: \_\_\_\_\_  
CLERK, WALNUT TOWNSHIP

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-3

Passed March 15, 2007

## AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK-TREASURER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF TRUSTEES OF WALNUT TOWNSHIP FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES AND THE DECLARATION OF AN EMERGENCY

WHEREAS, the Village of Thurston and the Board of Trustees of Walnut Township desire to modify their agreement of June 21, 1999 for the purchase, maintenance, use, and operation of fire fighting equipment and/or other related purposes designated in Sections 505.37 to 505.44 of the Ohio Revised Code; and,

WHEREAS, the Village of Thurston and the Board of Trustees of Walnut Township desire to equally share the ownership, operation and governance of providing fire protection and emergency medical services; and,

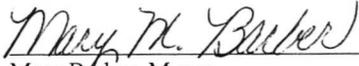
WHEREAS, an Agreement has been reached by the Village of Thurston and the Board of Trustees of Walnut Township for the joint fire district; and,

WHEREAS, Walnut Township requires that the Agreement be adopted and in effect by no later than April 1, 2007; and the terms of the Agreement provide for an increased level of service to Village and Township residents; and the Village desires to maintain a continuity of fire protection and emergency services to its residents, this ordinance will need to be passed on an emergency basis;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF THURSTON, FAIRFIELD COUNTY, OHIO, THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION 1: The Mayor and Clerk-Treasurer are hereby authorized and directed to enter into an agreement with the Board of Trustees of Walnut Township for the joint purchase, maintenance, use, and operation of fire fighting equipment or for any other purpose designated in Sections 505.37 to 505.44 of the Ohio Revised Code. A copy of the Agreement is attached hereto and incorporated herein.

SECTION 2: For the reasons noted in the preamble, this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare. Therefore, this ordinance shall become effective upon its passage by Council.

  
Mary Barber, Mayor

DATE OF PASSAGE: 3-15-2007

EFFECTIVE DATE: 3-15-2007

ATTEST:   
Aaron L. Reedy, Clerk-Treasurer

APPROVED AS TO FORM:   
Jeffrey Feyko, Village Solicitor