

RECORD OF RESOLUTIONS

City of Belpre, Inc. Form 3000

Resolution No. _____

Passed _____

20____

**CITY OF BELPRE
RESOLUTION NO. 10 (2018-19)**

A RESOLUTION TO AUTHORIZE AND DIRECT THE MAYOR OF THE CITY OF BELPRE, OHIO, PURSUANT TO OHIO REVISED CODE SECTIONS 3709.051 AND 3709.052, TO ENTER INTO A CONTRACT ESTABLISHING A JOINT CONSOLIDATED CITY HEALTH DISTRICT FOR THE DELIVERY OF PUBLIC HEALTH SERVICES TO BOTH THE CITY OF BELPRE, OHIO, AND THE CITY OF MARIETTA, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Section 3709.01 provides that each city within the State of Ohio constitutes a health district known as a "city health district"; and

WHEREAS, the Council of the City of Belpre, Ohio, enacted by Chapter 155 - Board of Health - the Belpre City Health District; and

WHEREAS, Ohio Revised Code Section 3709.051 authorizes two (2) or more city health districts to join and/or consolidate in the formation of a single city health district; and

WHEREAS, the Marietta City Health District, i.e. the Marietta Board of Health, at a meeting held on May 15, 2018, by a majority vote, did vote affirmatively on a Resolution to consolidate with the Belpre City Health District; and

WHEREAS, the Belpre City Health District, i.e. the Belpre City Board of Health, at a meeting held on May 11, 2018, by a majority vote, did vote affirmatively on a Resolution to join and consolidate with the Marietta City Health District.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELPRE, OHIO, THAT:

SECTION I

The Mayor of the City of Belpre, Ohio, shall be and is hereby authorized and directed, pursuant to Ohio Revised Code Sections 3709.051 and 3709.052, to enter into a Contract establishing a Joint Consolidated City Health District for the delivery of Public Health Services to both the City of Belpre, Ohio, and the City of Marietta, Ohio, according to the Agreement attached hereto as Exhibit A, which is incorporated herein, and is hereby adopted and approved.

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SECTION II

This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Belpre, Ohio, and for the further reason that immediate action is necessary because the merger of the two (2) departments needs to be in place on or before June 1, 2018, for funding purposes. Wherefore, this Resolution shall take effect and be in full force from and immediately after its passage by Council and signing by the Mayor.

PASSED: June 4, 2018 _____
PRESIDENT OF COUNCIL
ATTEST: Kimberly B. Meredith
PRESENTED TO MAYOR: 6/4/18 _____
MAYOR
APPROVED BY MAYOR: 6/4/18

CLERK'S CERTIFICATION OF PUBLICATION

The undersigned Clerk of the Council of the City of Belpre, Ohio, does hereby certify that on June 4, 2018, this Resolution was published by posting a copy of the same at the five public places designated by the City Council in Ordinance No. 18 (2006-07).

June 4, 2018
Date

CLERK
Kimberly B. Meredith

**AGREEMENT FOR THE ESTABLISHMENT OF A
JOINT CONSOLIDATED CITY HEALTH DISTRICT FOR THE
ADMINISTRATION OF HEALTH AND ENVIRONMENTAL SERVICES
AND FOR THE DELIVERY OF PUBLIC HEALTH SERVICES WITHIN THE
CITY OF MARIETTA, OHIO AND THE CITY OF BELPRE, OHIO**

EFFECTIVE DATE: JUNE 1, 2018

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AGREEMENT FOR THE ESTABLISHMENT OF A JOINT CONSOLIDATED CITY HEALTH DISTRICT FOR THE ADMINISTRATION OF HEALTH AND ENVIRONMENTAL SERVICES AND FOR THE DELIVERY OF PUBLIC HEALTH SERVICES WITHIN THE CITY OF MARIETTA, OHIO AND THE CITY OF BELPRE, OHIO

PREAMBLE

WHEREAS, Ohio Revised Code Section 3709.01 provides that each city within the State of Ohio constitutes a health district known as a "city health district"; and

WHEREAS, the Council of the City of Marietta, Ohio enacted by Chapter 145 Board of Health, the Marietta City Health District by 1957 Code Section 2-26; and

WHEREAS the Council of the City of Belpre, Ohio formed the Belpre City Health District by Ordinance No. 24 passed on July 19, 1972; and

WHEREAS, Ohio Revised Code Section 3709.051 authorizes two or more city health districts to join or consolidate in the formation of a single city health district; and

WHEREAS, It has been proposed that the City of Marietta Health District join and consolidate with the City of Belpre Health District in the formation of a joint consolidated single city health district known as the Marietta and Belpre City Joint Consolidated Health District; also known as the Marietta/Belpre Health Department; and

WHEREAS, the Council of the City of Marietta, Ohio did on May 31, 2018 by Ordinance No. 75 (18-19) by a majority of Council members, ordain that the Marietta City Health District should consolidate with the Belpre City Health District in the formation of a joint consolidated city health district. The Mayor of the City of Marietta and the Mayor of the City of Belpre are hereby authorized and directed to enter into an agreement for the administration of health and environmental services and for the delivery of public health service within the cities of Marietta and Belpre, to be administered by a joint consolidated city health district in accordance with the provisions of Ohio Revised Code Section 3709.051 and Section 3709.052, and to submit such agreement to the City Council of Marietta and the City Council of Belpre for approval; and

WHEREAS, the Marietta City Health District, i.e. the Marietta Board of Health, at a meeting held on May 15, 2018, by a majority vote, did vote affirmatively on a resolution to consolidate with the Belpre City Health District; and

WHEREAS, the Belpre City Health District, i.e. the Belpre City Board of Health, at a meeting held on May 11, 2018, by a majority vote, did vote affirmatively on a resolution to consolidate with the Marietta City Health District.

WHEREAS, the Council of the City of Belpre, Ohio did on _____ by Ordinance No. _____ by a majority of Council members, ordain that the Belpre City Health District should consolidate with the Marietta City Health District; and

NOW, THEREFORE, pursuant to the authority granted by the Mayors of the Cities of Marietta, Ohio and Belpre, Ohio, and Ohio Revised Code Sections 3709.051 and 3709.052, the parties hereto mutually covenant and agree to the establishment of a joint consolidated single city health district on the following terms and conditions:

1. EFFECTIVE DATE, IMPLEMENTATION, CONTINUATION, AND TERMINATION OF AGREEMENT

The effective date of this agreement shall be June 1, 2018, insofar as it relates to the creation and appointment of the joint consolidated single city health district board.

The Joint Consolidated Health District shall be known as the Marietta and Belpre Joint Consolidated Health District. The Joint Consolidated Health District shall be fully operational and assume full administration of health and environmental affairs within the City of Marietta and the City of Belpre as of June 1, 2018, subject to the terms and conditions set forth herein, unless said date is modified in writing by mutual agreement of the parties.

2. CONTINUATION OF SERVICES, GRANTS, PROGRAMS, ETC., PROVIDED BY BELPRE HEALTH DISTRICT AND MARIETTA HEALTH DISTRICT

It is the intention of all parties to this Agreement, to provide public health services within the cities of Belpre and Marietta in an as evenly and equitable distribution as possible. The Marietta and Belpre City Joint Consolidated Health District, also known as the Marietta/Belpre Health Department, recognizes that the City of Marietta and the City of Belpre, have in the past, each contributed general fund allocations in order to provide public health services in those two cities. The Marietta and Belpre City Joint Consolidated Health District, also known as the Marietta/Belpre Health Department, will continue to provide the public health programs and services previously provided by the City of Marietta and the City of Belpre, in the level previously provided.

3. APPOINTMENT OF A HEALTH COMMISSIONER WHO SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE JOINT CONSOLIDATED MARIETTA AND BELPRE CITY HEALTH DISTRICT.

The Joint Consolidated Marietta and Belpre City Board of Health shall appoint a Health Commissioner who shall be the Chief Administrative Officer of the Joint Consolidated Marietta and Belpre City Health District. The Health Commissioner shall be responsible for the organization and administration of the Joint Consolidated Marietta and Belpre City Health District subject to the approval of, pursuant to the directives of, and consistent with the policies, rules and regulations adopted or enacted by the Joint Consolidated Marietta and Belpre City Board of Health.

4. ORGANIZATION AND ADMINISTRATION OF THE JOINT CONSOLIDATED MARIETTA AND BELPRE CITY HEALTH DISTRICT

The organization of the Joint Consolidated Marietta and Belpre City Health District shall be the responsibility of the Joint Consolidated Marietta and Belpre City Board of Health, created, established and appointed in accordance with Sections five (5) and seven (7) of this Agreement.

Consistent with this Agreement, the Joint Consolidated Marietta and Belpre City Board of Health shall be responsible for administering the health and environmental affairs within the Cities of Marietta and Belpre, Ohio, as provided by the laws of the State of Ohio. The Joint Consolidated Marietta and Belpre Board of Health may adopt rules and regulations for the purposes of administering such health and environmental affairs as authorized by law. The rules and regulations adopted or enacted by the Joint Consolidated Marietta and Belpre Board of Health shall be enforceable throughout its geographical jurisdiction as applicable.

5. CREATION OF THE JOINT CONSOLIDATED MARIETTA AND BELPRE BOARD OF HEALTH, ALSO KNOWN AS THE MARIETTA/BELPRE HEALTH DEPARTMENT

There shall be an Organizational Meeting to be held on June 8, 2018. At that meeting, a Joint Consolidated Board of Health shall be created. The Joint Consolidated Board of Health, hereafter known as the Joint Consolidated Marietta and Belpre City Board of Health, shall be created to organize and administer services to the Joint Consolidated Health District, as well as, to enforce the health and environmental rules and regulations as adopted by the Board, applicable and effective within its jurisdictional and geographic boundaries.

The Joint Consolidated Marietta and Belpre City Board of Health shall hold a regularly scheduled meeting on the second Friday of each month.

Three (3) Board Members shall constitute a Quorum.

The meetings shall alternate each month between the City of Marietta and the City of Belpre.

If there should be a tie vote on any issue considered by the Board, then the Health Commissioner will cast the deciding vote.

6. ADDRESS TO BE USED FOR THE JOINT CONSOLIDATED MARIETTA AND BELPRE CITY BOARD OF HEALTH

The office of the Joint Consolidated Marietta and Belpre City Board of Health shall be at 304 Putnam Street, Marietta, Ohio.

7. APPOINTMENT/TERM OF OFFICE OF MEMBERS OF THE JOINT CONSOLIDATED MARIETTA AND BELPRE CITY BOARD OF HEALTH, ALSO KNOWN AS THE MARIETTA/BELPRE HEALTH DEPARTMENT

The Joint Consolidated Marietta and Belpre City Board of Health shall consist of seven (7) members who shall serve without pay except that which is provided by the laws of the State of Ohio as they now or hereafter may exist. The members to be appointed shall be as follows: two (2) members from the current Marietta City Board of Health; two (2) members from the current Belpre City Board of Health; and one (1) member to be appointed jointly by the Mayor of Marietta and the Mayor of Belpre. Furthermore, the Mayor of the City of Marietta and the

Mayor of the City of Belpre, will each be non-voting members of the Joint Consolidated Marietta and Belpre City Board of Health.

Members of the Joint Consolidated Marietta and Belpre City Board of Health, also known as the Marietta/Belpre Health Department, shall be residents of the City of Marietta and the City of Belpre.

The term of the Board Members shall be as follows: The term for the two (2) members who are currently on the Marietta City Board of Health shall continue, without interruption, on the same expiration schedule that existed prior to the creation of the Joint Consolidated Marietta and Belpre City Board of Health, unless re-appointed by the Mayor for the next term.

The term for the two (2) members who are currently on the Belpre City Board of Health shall continue, without interruption, on the same expiration schedule that existed prior to the creation of the Joint Consolidated Marietta and Belpre Board of Health, unless re-appointed by the Mayor for the next term.

If the Mayor of the City of Marietta and the Mayor of the City of Belpre, jointly choose a person who is currently on either the Marietta City Board of Health or the Belpre City Board of Health, then that person's term shall terminate when his or her current term expires. If the Mayor of the City of Marietta and the Mayor of the City of Belpre, jointly choose a person who is **not** currently on either the Marietta City Board of Health or the Belpre City Board of Health, then that person's term shall terminate three (3) years after appointment by the two Mayors.

Note: In city health districts which are defined as municipalities with population of 5,000 or more persons, the Chief Executive, to-wit: the Mayor appoints Board of Health members who must have the approval of city council. The Board of Health in turn, appoints the Commissioner and approves staff hiring.

As the term of each member of the Joint Consolidated Board of Health expires, the appointing authority, to-wit: either the Mayor of Marietta, or the Mayor of Belpre, shall fill the vacancy created thereby for a three (3) year term. In the event a vacancy is created by death or resignation of a member, or by significant nonattendance by a member as determined by the original appointing authority for such member, the vacancy shall be filled by the original appointing authority for the unexpired term of such member.

8. COMPENSATION FOR THE MEMBERS OF THE JOINT CONSOLIDATED MARIETTA AND BELPRE CITY BOARD OF HEALTH

Members of the Joint Consolidated Marietta and Belpre Board of Health; also known as the Marietta/Belpre Health Department, shall be compensated for attendance at meetings and/or reimbursed for expenses in accordance with Ohio Revised Code Section 3709.02 as such law may be amended from time to time.

9. BUDGET, CONTRIBUTIONS, FEES, GRANTS AND LEVIES

The current Belpre City Health Department is funded through grants, contributions, fees, levies and monies appropriated by Belpre City Council. Each year, the Belpre City Board of Health submits an annual budget to Belpre City Council for approval. The Belpre City Board of Health includes all grant funds that they anticipate receiving for the upcoming year. The Belpre City Board of Health, in submitting their annual budget, estimates the

amount of money that the Board thinks it will need to provide health and environmental services within the Belpre Health District for the upcoming year.

Once the Belpre City Health District and the Marietta City Health District are joined and consolidated, the Joint Consolidated Marietta/Belpre City Board of Health will continue to submit to Belpre City Council, an annual budget for Belpre's respective share of costs in maintaining health and environmental services within what used to be the Belpre City Health District. Furthermore, as in the past, the City of Belpre shall continue to apply for all grants available for the administration of health and environmental services.

The budget for the operation of the Joint Consolidated Health District shall be estimated by the Joint Consolidated Marietta/Belpre Board of Health and shall be subject to approval by Belpre City Council and Marietta City Council. Any unusual or unexpected expenditures over or under the previous year's expenditures, shall be noted and considered. Any unusual or extraordinary expenses over and above the approved annual budget shall be required to be apportioned according to the City of Marietta's and the City of Belpre's respective populations.

It should be noted that the Belpre City Health Department presently has no employees. Instead, the Belpre City Health Department utilized the employees of the Marietta City Health Department on a contractual basis to provide health and environmental services within the Belpre City Health District. The Belpre City Health Department would then pay the Marietta City Health Department for the services rendered upon receipt of an invoice.

The services rendered each year to the Belpre City Health Department by employees of the Marietta City Health Department include the following:

Environmental Health Services:

Environmental Health Services include, but are not limited to, animal bite investigation and quarantine; food service operation and retail food establishments inspection and licensures; swimming pool inspections and licensure; general sanitation; determination of need, planning and consultation services; body art facility inspections and licensure; park camp inspections and licensure; mobile home park inspections; on-site sewage disposal inspections and permitting; emergency response; public disclosure by maintaining a web presence for all licensed establishments; and any other services as mutually agreed upon.

Nursing Services:

Nursing Services include, but are not limited to immunization clinics for adults and childhood vaccines; TB testing; blood sugar testing; blood pressure testing; travel clinic consultation and vaccination; hearing clinic; well-child clinic services; children with medical handicaps services; child lead screening and case management; infectious disease surveillance; monitoring and management; HIV testing, bicycle helmet fittings; car seat program; public education and any other services as mutually agreed upon.

Director of Environmental Services:

Director of Environmental Services include those services of an Environmental Health Director as found in the minimum standards as set forth in the Ohio Administrative Code 3701-36-03 and Ohio Revised Code Section 3701.342.

Director of Nursing Services:

Director of Nursing Services include those services of a Nursing Director as found in the minimum standards as set forth in the Ohio Administrative Code 3701-36-03 and Ohio Revised Code Section 3701.342.

Medical Director Services:

Medical Director Services include those services of a Medical Director as found in the minimum standards as set forth in the Ohio Administrative Code 3701-36-03 and Ohio Revised Code Section 3701.342.

Health Commissioner Services:

Health Commissioner Services shall include those services of a Health Commissioner as found in the minimum standards as set forth in the Ohio Administrative Code 3701-36-03 and Ohio Revised Code Section 3701.342.

Professional Services To Be Provided:

Professional Services To Be Provided include school inspections; rabies reporting and "follow up" with the Ohio Department of Health; nuisance complaint inspections; code enforcement support; lead poisoning "follow up" with the Ohio Department of Health; senior center services; population health education; and accreditation pursuit.

The Joint Consolidated Marietta/Belpre City Health Department shall continue to provide the same services provided in the past to the former Belpre City Health District, and the former Marietta City Health District.

The current funding/reimbursement provided by the Belpre City Health Department to the Marietta City Health Department for services rendered by the employees of the Marietta City Health Department are as follows:

Nursing	\$35.00 per hour
Sanitarian	\$30.00 per hour
Director of Nursing	\$40.00 maximum twice a month
Director of Environmental Health	\$40.00 maximum twice a month
Mileage	\$0.535 based on Federal reimbursement set annually

The Joint Consolidated Marietta/Belpre City Health Department shall keep in mind the fee schedule currently in effect when submitting its annual estimated budget to Belpre City Council and to Marietta City Council.

The Joint Consolidated Marietta and Belpre City Health District; also known as the Joint Consolidated Marietta/Belpre Health Department, shall, no later than November 1st of each year, establish an estimated Joint Consolidated Health District Budget for the following fiscal year. The fiscal year of the Joint Consolidated Health District shall be from January 1 through December 31.

Upon request of the Belpre City Mayor, or Belpre City Council; or Marietta City Mayor, or Marietta City Council, representatives of the combined Joint Consolidated Health District shall meet to provide information and respond to questions regarding the operations and expenditures of the Joint Consolidated Health District and supply documentation regarding programs and expenditures.

The estimated budget shall be submitted to the Marietta City Auditor and the Marietta City Mayor; and to the Belpre City Auditor and the Belpre City Mayor by November 1st of each year. At the request of any of the parties, the Joint Consolidated Marietta/Belpre Board of Health shall meet and supply requested documentation and/or explanations in order to develop an acceptable budget.

All fees and grants currently collected by the City of Belpre through the activities of the Belpre City Health Department shall, from the effective date of the Agreement, be payable to or collected by the Joint Consolidated Health District, unless prohibited by law.

10. PAYMENTS AND ALLOCATION OF COSTS

The City of Belpre shall transfer its portion of the annual funding allocation to the Joint Consolidated Health District on a quarterly basis beginning January 1st of each year. However, during the initial year, a payment of \$_____ will be paid to the Joint Consolidated Health District by July 1, 2018.

11. MODIFICATIONS TO ANNUAL FUNDING ALLOCATION BY THE CITY OF BELPRE OR THE CITY OF MARIETTA

The City of Belpre, or the City of Marietta, or the Joint Consolidated Board of Health may propose, subject to agreement by the parties, to modify the annual funding contributions.

12. TRANSFER OF EQUIPMENT, SUPPLIES, AND RECORDS

The City of Belpre, and the Belpre City Health Department, shall transfer all equipment and supplies, if any, and all records, currently assigned to, or owned by the Belpre City Health Department, to the Joint Consolidated Marietta/Belpre Health Department before July 1, 2018. In the event that the Joint Consolidated Health District elects to dispose of equipment transferred from the City of Belpre within 3 years of the effective date of this agreement, the Joint Consolidated Health District shall notify the Mayor of Belpre and the Mayor of Belpre shall have the option to request that the equipment be transferred back to the City of Belpre, at which time such equipment will be removed from the Joint Consolidate Health Department's inventory.

13. EMPLOYMENT OF THE JOINT CONSOLIDATED MARIETTA/BELPRE HEALTH DEPARTMENT EMPLOYEES

The Joint Consolidated Marietta/Belpre Board of Health shall employ all employees of the Marietta City Health Department that were currently employed at the time of authorization of this Agreement.

14. TERMINATION

Any party may withdraw from, and thereby terminate said party's obligations under, this Agreement by giving written notice of such intent to withdraw from the Joint Consolidated Health District. Such written notice must be given more than one (1) year in advance of the effective date of withdrawal from this Agreement. During the period between the submission of the written notice of withdrawal to the Joint Consolidated Marietta/Belpre Board of Health and the effective date of the withdrawal from this Agreement, the withdrawing party shall be bound by the full force and effect of this Agreement.

The Joint Consolidated Marietta/Belpre Board of Health, may, by an affirmative vote of a majority of its members, elect to disband the Joint Consolidated Health District and thereby terminate this Agreement. In the event that the Joint Consolidated Marietta/Belpre Board of Health elects to disband the Joint Consolidated Health District and terminate this Agreement, such disbandment and termination shall be fully implemented and effective no less than one (1) year from the date of the Joint Consolidated Marietta/Belpre Board of Health's election for such action. During the period between the Joint Consolidated Marietta/Belpre Board of Health's election to disband the Joint Consolidated Health District and terminate this Agreement and the effective date to fully implement such action, all parties to this agreement shall remain bound by the full force and effect of this Agreement.

If this Agreement is terminated, all parties to the Agreement agree to assign or transfer to the City of Belpre those programs, services and grants as were in effect and transferred to the Joint Consolidated Health District at the time the programs, services and grants were originally assigned.

Likewise, if this Agreement is terminated, all parties to the Agreement agree to assign or transfer to the City of Marietta those programs, services and grants as were in effect and transferred to the Joint Consolidated Health District at the time the programs, services and grants were originally assigned.

15. LEGAL ADVISOR

The Law Director for the City of Marietta, Ohio and the Law Director for the City of Belpre, Ohio, shall jointly be the legal advisors for the Joint Consolidated Marietta and Belpre City Health District/Marietta/Belpre Health Department.

16. MISCELLANEOUS

This Agreement constitutes the entire understanding between the parties hereto relating to the matters herein contained.

This Agreement shall be construed and enforced pursuant to the laws of the State of Ohio.

No amendments, modifications or variations of the terms and conditions of this Agreement shall be valid unless the same are in writing and approved and signed by the parties hereto.

This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their successors and assigns.

If any provision of this Agreement shall be or become illegal or unenforceable, in whole or in part for any reason whatsoever, the remaining provisions shall nevertheless remain valid, binding and subsisting.

The terms and conditions of this Agreement shall not inure to the benefit of any third party or parties.

The headings and titles of the several sections, provisions and clauses of this Agreement are for convenience only and do not define, limit or construe the contents of this Agreement.

The parties represent to each other that, by their respective execution of this Agreement, they have obtained all necessary consents and approvals required for their respective execution and performance thereof.

IN WITNESS WHEREOF, the parties have executed this agreement on the date set forth above.

FOR THE CITY OF MARIETTA, OHIO:

FOR THE CITY OF BELPRE, OHIO:

Honorable Joe A. Matthews, Mayor

Honorable Michael Lorentz, Mayor

Date:

Date:

APPROVED AS TO FORM
FOR THE CITY OF MARIETTA, OHIO:

APPROVED AS TO FORM
FOR THE CITY OF BELPRE, OHIO:

Paul G. Bertram, III
Law Director

Tom Webster
Law Director

Date:

Date:

OHIO DEPARTMENT OF HEALTH: