

CITY OF CLAYTON, OHIO

RESOLUTION NO. R - 09 - 25 - 68

A RESOLUTION TO AUTHORIZE AND APPROVE AN AGREEMENT WITH MONTGOMERY COUNTY TO PROVIDE EMERGENCY PREPAREDNESS, HOMELAND SECURITY AND EMERGENCY MANAGEMENT SERVICES FOR THE CITY OF CLAYTON, OHIO

WHEREAS, the City of Clayton desires to participate in the creation of a Countywide emergency management agency pursuant to Ohio Revised Code Section 5502.26 et seq.; and

WHEREAS, the City of Clayton desires to enter into an agreement with Montgomery County to provide its emergency preparedness, homeland security and emergency management services as outlined in the Montgomery County Jurisdictional Emergency Management Intergovernmental Agreement (“Agreement”) appended hereto as *Exhibit A*.

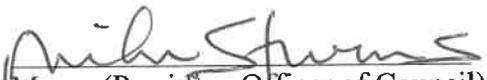
NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the Montgomery County Jurisdictional Emergency Management Intergovernmental Agreement between Montgomery County and the City of Clayton, Ohio, a copy of which is appended hereto as *Exhibit A*, is hereby approved.

2. That the Clerk of Council is hereby directed to certify a copy of this Resolution and forward it to the Montgomery County Office of Emergency Management.

ADOPTED BY COUNCIL ON SEPTEMBER 4, 2025.

AUTHENTICATION:


Mayor (Presiding Officer of Council)


Clerk of Council

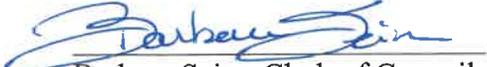
APPROVED AS TO FORM:



Law Director

CERTIFICATION

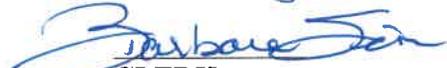
This shall certify that the foregoing is a true and accurate copy of Resolution No. R-09-25-68 which was enacted by the Clayton City Council on September 4, 2025 and which became effective immediately in accordance with the terms of the Clayton Charter.


Barbara Seim, Clerk of Council

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper Eaton Register Herald Date of publication September 10, 2025


CLERK

Ref: R.C. 5502.26

Montgomery County Jurisdictional Emergency Management Intergovernmental Agreement

RECITALS

The coordination of emergency management and homeland security activities is essential for all municipal corporations and townships, hereinafter referred to as "Jurisdictions," within Montgomery County. In accordance with Section 5502.26 of the Ohio Revised Code (ORC), the Montgomery County Office of Emergency Management, hereinafter "MCOEM," is established to grant the Board of County Commissioners, hereinafter "BCC," and the Director of MCOEM specific emergency powers outlined in this Agreement. Additionally, MCOEM is empowered to facilitate mutual aid and cooperation, when necessary, with surrounding Jurisdictions within the State of Ohio and neighboring states.

MCOEM will provide critical support to local subdivisions in the areas of mitigation, preparedness, response, and recovery for emergencies, disasters, acts of terrorism, large-scale events, or any other incidents that exceed the capabilities of local response efforts.

To achieve effective coordination, the Montgomery County BCC and MCOEM intend to enter into this Agreement, as authorized under Section 307.15 of the ORC, with the Jurisdictions within Montgomery County.

It is further the intent of this Agreement and the policy of Montgomery County that all emergency management and homeland security functions be harmonized with those of the State of Ohio, the Federal Government, their respective agencies, as well as other states, localities, and private sector organizations. This coordination aims to maximize the use of the County's resources and facilities in responding to any disaster or emergency.

REPRESENTATIONS AND WARRANTIES

IT IS THEREFORE MUTUALLY AGREED:

1. A countywide emergency management agency organized under ORC 5502.26 and this agreement shall establish a program for emergency management that:
 - a. Is in accordance with sections 5502.21 to 5502.51 of the Revised Code, rules adopted under those sections, local ordinances pertaining to emergency management, the "Robert T. Stafford Disaster Relief and Emergency Assistance Act," 88 Stat. 143, 42 U.S.C. 5121, et. seq., as amended, and all applicable rules and regulations adopted under that act;
 - b. Includes, without limitation, the development of an all-hazards emergency operations plan that has been coordinated with all agencies, boards, and divisions having emergency management functions within the county;
 - c. Includes the preparation and conduct of an annual exercise of the county's all-hazards

- emergency operations plan;
- d. Applies to all Jurisdictions entering into the countywide agreement and establishes a framework for cooperative emergency management effort.
 - e. Clearly defines the roles and responsibilities of each participating jurisdiction and MCOEM, ensuring coordination in disaster preparedness, mitigation, response, and recovery efforts.
2. A representative from each political subdivision entering into the agreement, selected by the political subdivision's chief executive, shall constitute a countywide advisory group to appoint an executive committee through which the countywide agency shall implement emergency management in the county in accordance with ORC 5502.26 and to advise the executive committee on matters regarding countywide emergency management policies and initiatives. The executive committee shall consist of at least the following seven members:
- a. One (1) representative of the Montgomery County Board of County Commissioners
 - b. Five (5) chief executives representing the municipal corporations and townships entering into the agreement are divided as follows:
 - i. One (1) from the largest municipality, by population, of Montgomery County, appointed by the commission or council of said municipality
 - ii. Two (2) from the townships of Montgomery County appointed by the Montgomery County Township Trustees Association
 - iii. Two (2) from the municipalities (cities and villages) of Montgomery County appointed by the Montgomery County Mayors and Managers Association
 - c. One (1) nonelected representative recommended by the Executive Committee and approved by the Countywide Advisory Committee
3. The executive committee shall appoint a director/coordinator of emergency management who shall pursue a professional development training program in accordance with rules adopted under section 5502.25 of the Revised Code. The director/coordinator of emergency management may be an official or employee of any political subdivision entering into the countywide agreement, except that the director/coordinator shall not be the chief executive of any such political subdivision. Compensation for the Director and staff shall be paid from MCOEM's budget.
4. Said executive committee shall convene at least twice within a calendar year and upon the request of MCOEM's Director. Special meetings may be held for the execution of unforeseen business requiring immediate attention. The Executive Committee Chair and/or three Executive Committee members may request such meetings be called.
5. Pursuant to this agreement, an Emergency Management Technical Advisory Committee shall also be established. All organizations, through their representation on the Technical Advisory Committee, are expected to actively participate in the development of a regional template to augment and enhance local capabilities to address emergencies.
6. In accordance with ORC 5502.26, the agency, MCOEM, shall be supported financially by the

jurisdictions entering into the countywide agreement and the Montgomery County BCC.

- a. The Montgomery County Board of County Commissioners shall be requested to pay an annual fee of \$107,020.
 - b. The per capita fee schedule can be found in *Exhibit A*.
 - c. Jurisdictions within Montgomery County that do not wish to participate in this agreement will be considered a “non-participating jurisdiction”. Non-participating jurisdictions shall be required to reimburse MCOEM for services provided, based on an itemized cost structure. These services will be itemized based on personnel, travel, and equipment usage expenses. Additionally, non-participating jurisdictions requiring State and/or Federal assistance during an emergency must coordinate such assistance through MCOEM, as mandated by State and Federal regulations and protocols.
7. This agreement shall remain in effect indefinitely unless amended or altered at any time by a majority of the parties hereto.
- a. This agreement shall be in full force and effect when no less than a majority of the Jurisdictions of Montgomery County and the County Commissioners of Montgomery County shall have subscribed to this agreement by adopting a like resolution or passing a like ordinance and shall continue in full force and effect thereafter unless terminated by the Montgomery County BCC. The complete list of participating Jurisdictions can be found in *Exhibit A*.
 - b. A city, village, or township may individually terminate its participation in this agreement at the end of any calendar year by formal action of its legislative authority and by providing written notice to the MCOEM Executive Committee no less than ninety (90) days prior to the end of that calendar year. Such termination shall apply solely to the jurisdiction providing notice and shall not affect the validity or continuation of the agreement for the remaining participating jurisdictions. Any Political Subdivision that elects to terminate its participation must establish and maintain an emergency management program in accordance with ORC 5502.271 and shall be subject to the provisions outlined in paragraph 6(b) above.
 - c. MCOEM is authorized to terminate this agreement with any participating jurisdiction that fails to comply with the terms set forth herein. Non-compliance includes, but is not limited to, failure to sign the agreement, non-payment of the required per capita fee, or failure to fulfill the roles and responsibilities outlined in Section 8(b).
 - i. In the event of non-compliance, MCOEM shall provide a 90-day written notice to the jurisdiction, outlining the deficiencies and allowing a reasonable period for corrective action.
 - ii. If the jurisdiction fails to remedy the non-compliance within the specified timeframe, MCOEM may terminate the agreement with the jurisdiction, and the jurisdiction shall be reclassified as a non-participating jurisdiction as defined in Section 6(c).
 - iii. Upon termination, the jurisdiction shall remain financially responsible for any services rendered by MCOEM and must coordinate State and/or Federal

assistance through MCOEM, as required by applicable laws and regulations.

- iv. Jurisdictions seeking reentry must submit a formal request outlining corrective actions taken, which shall be subject to review and approval by MCOEM, the Executive Committee, and the Board of County Commissioners.

1. Any financial obligations of terminated jurisdictions (such as outstanding fees) shall be addressed before reentry.

8. Roles and Responsibilities

The Montgomery County Office of Emergency Management (MCOEM) and the jurisdictions within the county shall collaborate to ensure comprehensive disaster preparedness, mitigation, response, and recovery. MCOEM provides guidance, coordination, and resources to assist jurisdictions in fulfilling their local responsibilities, while jurisdictions contribute localized expertise, personnel, and operational support to ensure the success of countywide efforts. These roles and responsibilities establish a coordinated framework for disaster readiness and response, ensuring efficiency and effectiveness across all jurisdictions.

a. Montgomery County Office of Emergency Management (MCOEM) shall:

- i. Develop and maintain a comprehensive all-hazards emergency operations plan.
- ii. Maintain a centralized resource inventory for countywide emergency response coordination.
- iii. Assist Jurisdictions with any emergency and continuity planning needs.
- iv. Coordinate countywide training programs and emergency exercises to ensure readiness.
- v. Assist Jurisdictions with any training and exercise planning needs.
- vi. Conduct public education campaigns to promote community resilience.
- vii. Identify countywide vulnerabilities and prioritize mitigation projects.
- viii. Secure grants and other funding sources for mitigation initiatives.
- ix. Maintain and update the county hazard mitigation plan.
- x. Serve as the central coordination hub for resource allocation during emergencies.
- xi. Operate the Emergency Operations Center (EOC) to ensure unified command, control, and communication.
- xii. Facilitate mutual aid agreements and deploy resources to impacted areas.
- xiii. Coordinate post-disaster recovery efforts, including damage assessments and federal aid applications.
- xiv. Provide guidance and resources to jurisdictions for rebuilding and restoring

essential services.

- xv. Evaluate and update emergency plans based on lessons learned.
- xvi. Prepare and submit a budget annually to the Montgomery County BCC for review and approval.

The Jurisdictions within Montgomery County play a vital role by contributing localized expertise, personnel, and operational support to countywide efforts. Jurisdictions implement emergency protocols, provide critical information, and execute on-the-ground measures to protect their communities. Their participation ensures that local needs are integrated into the county's emergency management framework, fostering collaboration and shared responsibility for disaster readiness and recovery.

b. Member Jurisdictions shall:

- i. Participate in emergency planning workshops and contribute local knowledge to the all-hazards plan.
 - ii. Identify and train local personnel to serve in emergency operations roles.
 - iii. Actively engage in the planning and execution of the annual exercise.
 - iv. Implement localized mitigation measures, such as floodplain management or wildfire prevention efforts.
 - v. Provide data and information to support countywide mitigation planning.
 - vi. Collaborate with the county to execute funded mitigation projects within their jurisdictions.
 - vii. Activate local emergency response protocols and notify MCOEM of significant incidents.
 - viii. Provide initial assessments of damages and resource needs to the EOC.
 - ix. Support mutual aid requests by offering personnel or equipment when feasible.
 - x. Conduct localized damage assessments and provide data to MCOEM for countywide reporting.
 - xi. Facilitate the distribution of disaster recovery funds within their jurisdiction.
 - xii. Implement long-term recovery strategies to rebuild infrastructure and restore economic stability.
9. MCOEM is authorized to coordinate, guide, and oversee emergency management and homeland security activities across all jurisdictions. This authority includes the coordination of multi-jurisdictional response efforts and resource allocation in accordance with State and Federal statutes, directives from the Governor, and the provisions of this Agreement. MCOEM shall

ensure a unified and effective emergency management framework within Montgomery County by implementing standardized protocols, facilitating interagency collaboration, and maintaining compliance with all applicable laws and regulations.

This agreement supersedes and replaces any and all prior jurisdictional Emergency Management Agreements between the parties related to emergency management services within Montgomery County. Any previous agreements shall be deemed null and void upon the effective date of this Agreement.

This agreement shall take effect and be in force on June 1, 2025, upon adoption by the majority of participating jurisdictions and approval by the Montgomery County Board of County Commissioners.

Exhibit A – Per Capita Fees Per the 2020 Census for Montgomery County, Ohio*

1. Jurisdictions entering into the countywide agreement will be required to contribute a per capita rate of \$0.20 per citizen, prorated to reflect fees accrued for June 1, 2025 – December 31, 2025, using the 2020 census. Per capita invoices for services listed in Section 8(a) of this agreement will be issued for 2025 on June 1, 2025, and will be due no later than July 1, 2025.
2. Beginning January 1, 2026 until this *Exhibit* is amended, Jurisdictions entering into the countywide agreement will be required to contribute a per capita rate of \$0.30 per citizen, based on the 2020 census. Invoices for subsequent years will be issued annually on January 1 with payment due no later than March 31 of that year.

Jurisdiction	Prorated Fee		Annual Fee	
	June 1, 2025 - December 31, 2025		January 1, 2026 Until Amended	
	2020	2025 Prorated Total (\$.20)	2020	Annual Total (\$.30)
Brookville	5,989	\$ 718.68	5,989	\$ 1,796.70
Butler Township	8,258	\$ 990.96	8,258	\$ 2,477.40
Centerville	24,238	\$ 2,908.56	24,238	\$ 7,271.40
Clay Township	3,575	\$ 429.00	3,575	\$ 1,072.50
Clayton	13,310	\$ 1,597.20	13,310	\$ 3,993.00
Dayton	137,644	\$ 16,517.28	137,644	\$ 41,293.20
Englewood	13,463	\$ 1,615.56	13,463	\$ 4,038.90
German Township	2,951	\$ 354.12	2,951	\$ 885.30
Germantown	5,796	\$ 695.52	5,796	\$ 1,738.80
Harrison Township	21,814	\$ 2,617.68	21,814	\$ 6,544.20
Huber Heights	37,788	\$ 4,534.56	37,788	\$ 11,336.40
Jackson Township	2,616	\$ 313.92	2,616	\$ 784.80
Jefferson Township	5,855	\$ 702.60	5,855	\$ 1,756.50
Kettering	57,123	\$ 6,854.76	57,123	\$ 17,136.90
Miami Township	30,828	\$ 3,699.36	30,828	\$ 9,248.40
Miamisburg	19,923	\$ 2,390.76	19,923	\$ 5,976.90
Moraine	6,393	\$ 767.16	6,393	\$ 1,917.90
New Lebanon	3,796	\$ 455.52	3,796	\$ 1,138.80
Oakwood	9,572	\$ 1,148.64	9,572	\$ 2,871.60
Perry Township	3,286	\$ 394.32	3,286	\$ 985.80
Phillipsburg	498	\$ 59.76	498	\$ 149.40
Riverside	24,474	\$ 2,936.88	24,474	\$ 7,342.20
Trotwood	23,070	\$ 2,768.40	23,070	\$ 6,921.00
Union	6,822	\$ 818.64	6,822	\$ 2,046.60
Vandalia	15,209	\$ 1,825.08	15,209	\$ 4,562.70
Village of Farmersville	975	\$ 117.00	975	\$ 292.50

Washington Township	37,444	\$ 4,493.28	37,444	\$ 11,233.20
West Carrollton	13,129	\$ 1,575.48	13,129	\$ 3,938.70
	535,839	\$ 64,300.68	535,839	\$ 160,751.70

**Information in Exhibit A was gathered from the United States Census Bureau. The links within the table will provide census details about each Jurisdiction.*

IN WITNESS WHEREOF, the parties have hereunto set their hands this 4th day of September, 2025.

BOARD OF COUNTY COMMISSIONERS OF
MONTGOMERY COUNTY, OHIO (Board)

By: _____
Judy Dodge, Commissioner

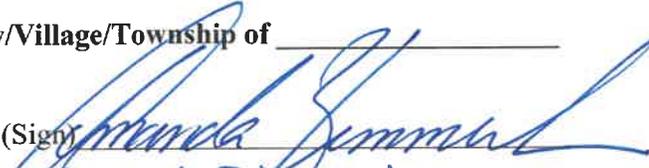
By: _____
Carolyn Rice, Commissioner

By: _____
Mary A. McDonald, Commissioner

OR

By: _____
Michael B. Colbert, County Administrator

City/Village/Township of _____

By: (Sign) 

(Print) Amanda Zimmerlin

TITLE: City Manager

Date: 9/4/25