

ORDINANCE NO. 2374

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY MANAGER OF THE CITY OF ALBANY, OREGON, TO ENTER INTO A CONTRACT TO FURNISH CERTAIN FIRE PROTECTION BY THE CITY TO THE NORTH ALBANY FIRE DISTRICT.

WHEREAS, there exists a municipal corporation known as the North Albany Fire District adjacent to the City of Albany established under Chapter 30, Title 99 of O.C.L.A. as amended, and

WHEREAS, prior to this time the municipal corporation known as the City of Albany did enter into a contract with the said District on the 27th day of June, 1951, for the purpose of furnishing to North Albany Fire District certain fire protection by the said municipality, the City of Albany, and

WHEREAS, the said contract was to be for the period of one year, and

WHEREAS, the said contract is now at its consummation.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

1. That the Mayor and City Manager of the City of Albany shall be and are hereby authorized to enter into a contract with the North Albany Fire District for the purpose of furnishing the said District a certain fire protection.

2. That the said contract shall be and read as follows:

CONTRACT

THIS CONTRACT AND AGREEMENT made and entered into this _____ day of June, 1952, by and between the CITY OF ALBANY, a municipal corporation of the State of Oregon, hereinafter designated the City and the NORTH ALBANY FIRE DISTRICT, a municipal corporation of the State of Oregon, hereinafter designated the District.

WITNESSETH:

That the City is a regular incorporated city of the State of Oregon and maintains fire fighting equipment and a force of men to man the same and the District is a rural fire protection district organized for the purpose of furnishing to its electorate fire protection under provisions of Ch. 30, Title 99, O.C.L.A. and amendments thereto.

That negotiations have been had between the two municipalities and it is therefore agreed that the City, commencing July 1st, 1952, shall, on notice by telephone or otherwise afford any fire prevention and fire protection aid that can be reasonably furnished by the City for the protection of the property in the District. It being understood that the City shall have first claim upon its own fire fighting equipment and that the claim of the District shall be secondary to the necessities of the City in the protection of the property situated therein.

It is further provided that the City's dispatcher, commanding officer of the fire department, or any unit thereof, shall exercise his judgment from the information received as to the amount and type of equipment which may be spared from the City at the time and the amount and type of equipment to be dispatched to the said District and no faulty judgment or ill-adviced action on the part of the dispatcher or commanding officer of the fire department or unit thereof shall create any liability against that individual or against the City or defeat the right of the City to compensation as herein provided.

That the District shall cause to be levied for the tax year 1952-53, a two mill levy for fire protection and agrees to pay the City a sum computed upon the two mills of assessed valuation of the taxable property of the District as shown in the Benton County Assessor's office for the year 1952-53, provided however, that the District may first deduct its necessary operating expenses from the amount above stipulated not to exceed \$50.00.

It is understood and agreed that the said amount shall be paid to the City as and when the same is collected and turned over to the District by the County treasurer of Benton County. The District binds itself no further than to make the levy and turn over the receipts thereof as hereinabove provided.

This contract shall be in full force and effect commencing July 1, 1952, and terminating July 1, 1953, it being the purpose and intent of this agreement that it shall be renewable as experience and the propriety of the levy of service upon such terms and conditions as may then be agreed upon.

IN WITNESS WHEREOF, the parties hereto have caused their presence to be executed by their officers therein duly authorized this _____ day of July, 1952.

NORTH ALBANY FIRE DISTRICT

CITY OF ALBANY

By _____
President

By M. Baum
Mayor

By _____
Secretary

By _____
City Manager

Passed by Council 7-9-52

Approved by Mayor 7-9-52