

ORDINANCE NO. 737

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY MANAGER OF SWEET HOME TO ENTER INTO A CONTRACT WITH THE SWEET HOME RURAL FIRE PROTECTION DISTRICT, A MUNICIPAL CORPORATION; PROVIDING FOR THE FURNISHING OF FIRE PROTECTION TO THE SWEET HOME RURAL FIRE DISTRICT BY THE CITY OF SWEET HOME; REPEALING ORDINANCE NO. 683; AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. The Mayor and City Manager of the City of Sweet Home, Oregon are hereby authorized and directed to enter into a contract in writing with the Sweet Home Rural Fire Protection District, a municipal corporation, in words and figures as follows:

A G R E E M E N T

This agreement made and entered into by and between the City of Sweet Home, Oregon, a municipal corporation, hereinafter called the "City"; and the Sweet Home Rural Fire Protection District, a municipal corporation, hereinafter called the "district".

In consideration of the mutual covenants herein contained, the parties hereby agree as follows, to-wit:

The term of this agreement is for the three fiscal years of 1978-79 to 1980-81, which term commences July 1, 1978, and continues to and includes June 30, 1981.

During the term of this agreement, the City shall, upon receipt of notice of a fire in the said district, provide such fire prevention and fire protection aid as the City can reasonably provide for the protection of property within the district, it being understood and agreed 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 protecting property within the City.

The City's dispatcher, the 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 of equipment to be dispatched to said district; and no faulty judgment or ill-advised action on the part of said dispatcher, or commanding officer of the fire department, or unit thereof, shall create any liability against the individual or against the City, or defeat the right of the City to compensation as herein provided.

The district shall make an annual tax levy on the real and personal property within the district for the three fiscal years of 1978-79 to 1980-81 for fire protection. The amount of the tax levy for each fiscal year shall be equal to the amount of the tax levy for the fiscal year immediately preceding, plus 6 percent thereof. The annual rates during the life of this agreement shall be implemented by a "memorandum of understanding" executed by the City Manager and the President of the District. The district shall extend its tax base into any newly annexed area, as provided by ORS 310.130.

The returns from the district's said regular levy shall be paid to the City as rapidly as the same are collected, and the district binds itself no further than to make the levies and turn over the receipts therefrom. Provided, however, the district may retain out of the money collected by such levies a sum not to exceed \$700.00 each year during the term of this contract to pay necessary expenses of said district. Unexpended funds shall be paid to the City before the end of each fiscal year.

This contract shall be in full force and effect commencing July 1, 1978, and terminating June 30, 1981, it being the purpose and intent of the agreement that it shall be renewable as experience determines the propriety of the levy and the services.

In witness whereof, the City and the district have caused this agreement to be executed in duplicate by their respective duly authorized officers this _____ day of _____, 19____.

FOR THE CITY OF SWEET HOME:

Mayor _____

City Manager _____

FOR THE SWEET HOME RURAL FIRE PROTECTION DISTRICT:

President _____

Secretary _____

Section 2. Ordinance No. 683, enacted May 10, 1977, is hereby repealed.

Section 3. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. Therefore, an emergency is hereby declared to exist; and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 27 day of

June, 1978.

ATTEST:

Robert D. Richardson
City Manager-Exofficio City Recorder

H. Blair Smith
Mayor