

RESOLUTION NO. R2012-13

**AN EMERGENCY RESOLUTION AMENDING RESOLUTION NO. R2011-11,
AUTHORIZING THE CITY MANAGER
TO ENTER INTO FIRE PROTECTION AGREEMENT
WITH THE TOWNSHIP OF GREEN, GALLIA COUNTY, OHIO**

WHEREAS, the City of Gallipolis, Ohio, and the Townships of Addison, Clay, Gallipolis and Green of Gallia County, Ohio, have for several years entered into agreement pertaining to fire protection within and for said township; and

WHEREAS, Green Township and the City of Gallipolis, Ohio, are desirous of entering into an agreement wherein the City of Gallipolis, Ohio, shall furnish fire protection to said township; and

WHEREAS, it is necessary to amend the fire protection agreement pertaining to the collection of the fire levy for Green Township; and

WHEREAS, the City Manager has recommended in writing the passage of this Resolution as an emergency measure as it is necessary for the immediate preservation of the public peace, health, safety and property and in order to provide for the usual operations of the municipal departments.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Gallipolis, State of Ohio:

SECTION 1: That Item 2 of the Fire Protection Agreement which reads as follows:

2. As a consideration for said fire protection, the Township agrees to pay the City eighty-five per cent (85%) of the actual gross proceeds that are authorized to be levied of the fire levy that the township receives from its residents. Failure of the Township to pay the amount due for a period of one (1) month after being billed by the City of Gallipolis, or failure to maintain the levy at least at its current level, shall terminate this Agreement, provided the City gives the Township notice of such default and of the City's intention to terminate this Agreement. Such notice shall be in writing and shall be addressed to the Clerk of the Board of Township Trustees and mailed via U.S. Certified Mail. Further, any monies received by the township for payments from insurance companies as a result of fire runs shall be paid immediately to the City.

BE, AND HEREBY IS AMENDED to read as follows:

2. As a consideration for said emergency services for fire protection and safety, the Township agrees to pay the City eighty-five per cent (85%) of the actual gross proceeds that are authorized to be levied of the fire levy that the township receives from its residents. In any year that the township, for whatever reason, does not collect a fire levy, then in that event only, the Township agrees to pay the city eighty-five percent (85%) of the actual gross proceeds from the last year in which the fire levy was collected. Failure of the Township to pay the amount due for a period of one (1) month after being billed by the City of Gallipolis, or failure to maintain the levy at least at its current level, shall terminate this Agreement, provided the City gives the Township notice of such default and of the City's intention to terminate this Agreement. Such notice shall be in writing and shall be addressed to the Clerk of the Board of Township Trustees and mailed via U.S. Certified Mail. Further, any monies received by the township for payments from insurance companies as a result of emergency services for fire protection and safety shall be paid immediately to the City.

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SECTION 2: That the City Manager of the City of Gallipolis, State of Ohio, be and hereby is authorized and empowered to enter into an amended agreement as hereby attached for fire protection with the Township of Green, Gallia County, Ohio, for a three-year period of time from January 1, 2012 through December 31, 2014.

SECTION 3: This Resolution shall be in full force and effect immediately upon passage as an emergency measure.

PASSED: June 5, 2012

ATTEST:

Annette M. Landers
Clerk of the City Commission
Annette M. Landers

James Jay Cremeens
President of the City Commission
James Jay Cremeens

The foregoing Resolution is hereby approved as to form.

Adam Salisbury
Gallipolis City Solicitor
Adam R. Salisbury