

**ORDINANCE NO. FD-3342**

**AN ORDINANCE AUTHORIZING THE CITY OF OVERLAND PARK, KANSAS, TO APPROVE THE EXECUTION AND DELIVERY OF A FIRE SERVICE AGREEMENT RELATED TO A MERGER OF JOHNSON COUNTY FIRE DISTRICT NO 2 WITH THE CITY OF OVERLAND PARK AND THE PROVISION OF FIRE SERVICES IN TERRITORY CURRENTLY SERVED BY JOHNSON COUNTY FIRE DISTRICT NO 2.**

**WHEREAS**, Johnson County Fire District No. 2 (the “Fire District”) currently provides first response fire protection and rescue services and emergency medical services (“EMS”) (hereinafter referred to collectively as “fire/rescue and EMS services”) within the territory comprising Johnson County, Fire District No. 2; and

**WHEREAS**, the Fire District provides fire/rescue and EMS services with the territory comprising Miami County Fire District No. 2 by contractual agreement; and

**WHEREAS**, the Fire District provides fire/rescue and EMS services for a portion of Overland Park by contractual agreement; and

**WHEREAS**, pursuant to K.S.A. 19-3608, and amendments thereto, the Johnson County Board of County Commissioners, as the governing body of the Fire District, may contract with Overland Park for fire protection services and for the use, operation, care and maintenance of any fire apparatus or equipment belonging to the Fire District; and

**WHEREAS**, under K.S.A. 19-3609, and amendments thereto, the Fire District and Overland Park may contract for the equipping and maintenance of any building for the housing and servicing of the Fire District’s and Overland Park’s fire apparatus and equipment; and

**WHEREAS**, the Fire District and Overland Park have the express authority to make and enter into contracts under K.S.A. 12-2908, and amendments thereto; K.S.A. 12-101, and amendments thereto, for Overland Park; and K.S.A. 19-3601a, K.S.A. 19-3608, and K.S.A. 19-3609, and amendments thereto, for the Fire District; and

**WHEREAS**, the Fire District and Overland Park believe it is in the best interests of their respective entities for Overland Park to cooperate to provide fire/rescue and EMS services within the Fire District’s territory; and

**WHEREAS**, the Fire District and Overland Park desire to set forth their understanding regarding the provision of fire/rescue and EMS services in an Agreement.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:**

**Section 1. Authorization of Fire Services Agreement.** The City is hereby authorized to enter into the Fire Services Agreement between the City and the Fire District in substantially the form presented to the City Council at the September 20, 2021 Council meeting (copies of this document shall be on file in the records of the City), with such changes therein as shall be approved by the City Attorney, the Fire Chief, the City Manager, and the officials of the City executing such documents, such officials' signatures thereon being conclusive evidence of their approval thereof and the same are hereby approved in all respects.

**Section 2. Execution of the Fire Services Agreement.** The Mayor, City Manager and City Clerk are hereby authorized and directed to execute, seal, attest and deliver the Fire Services Agreement and such other documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City.

**Section 3. Effective Date.** This Ordinance shall be in full force and effect from and after its publication.

PASSED by the City Council this 4th day of October, 2021.

APPROVED AND SIGNED by the Mayor this 4th day of October, 2021.

CITY OF OVERLAND PARK, KANSAS

(s) Carl Gerlach

Carl Gerlach, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley

Elizabeth Kelley

City Clerk

(s) Tammy M. Owens

Tammy M. Owens

City Attorney