

RESOLUTION 20211110-70

A RESOLUTION TO APPROVE THE WITHDRAWAL FROM NEGOTIATIONS AND DISSOLVE THE CURRENT 28E AGREEMENT BETWEEN THE CITY OF WEST LIBERTY AND WEST LIBERTY RURAL FIRE DISTRICT

WHEREAS, the City of West Liberty issued a notice of termination effective at midnight on July 1, 2021, of the existing 28E Agreement with the West Liberty Rural Fire District on March 31, 2021; and

WHEREAS, the City of West Liberty issued an amendment and extension, effective through and including September 30, 2021, of the existing 28E Agreement with the West Liberty Rural Fire District on June 15, 2021; and

WHEREAS, the Rural Trustees filed a lawsuit, Case No. EQCV026162 in the Iowa District Court for Muscatine County against the City on July 15, 2021, seeking dissolution of a partnership between the City and the West Liberty Rural Fire District with distribution of the assets; and

WHEREAS, the City of West Liberty issued a second amendment and extension, District effective through and including January 31, 2021, of the existing 28E Agreement with the West Liberty Rural Fire on September 17, 2021; and

WHEREAS, the City of West Liberty filed an Answer and Counterclaim to the lawsuit on October 11, 2021, seeking dissolution of the current 28E Agreement with distribution of assets; and

IT IS THEREFORE RESOLVED BY THE CITY COUNCIL OF WEST LIBERTY, IOWA, AS FOLLOWS:

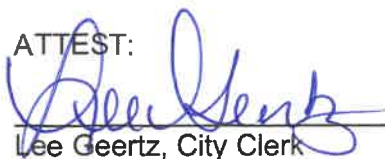
1. The City withdraws from negotiations for a new or replacement 28E Agreement with the Trustees of the West Liberty Rural Fire District, and agrees to operate under the currently extended agreement until such time as the Iowa District Court in Muscatine County in case No. EQCV026162 issues a determination as to the nature of the relationship between the parties, and terminates said relationship with a final disposition of the assets.
2. The City Clerk is hereby authorized to submit correspondence of the withdrawal from negotiations for a new or replacement 28E Agreement effective upon the date of passing this resolution to the Trustees of the West Liberty Rural Fire District. The City Clerk is furthermore directed to provide a copy of the signed resolution and letter to the City Attorney, Jamie Bosten, as legal counsel and representative of City of West Liberty.

PASSED, APPROVED, AND ADOPTED this 10th of November 2021 by City Council of the City of West Liberty, Iowa



Robert Hartman, Mayor

ATTEST:



Lee Geertz, City Clerk