

RESOLUTION NO. 2009- 200 R

A resolution authorizing the City Manager to execute all documents necessary to convey to the Texas Forest Service a 1987 Pierce Arrow Pumper and 4 Survivair Self Contained Breathing Apparatus (SCBA), to be further conveyed to the volunteer fire departments of Victoria County, who will agree to make such equipment available to the City of Victoria in emergencies, and declaring an effective date.

Texas Education Code § 88.106 provides, in relevant part:

. . . (c) A person may donate used or obsolete fire control or fire rescue equipment to the Texas Forest Service for the service's use or the service's distribution to other volunteer fire departments.

(d) A person is not liable in civil damages for personal injury, property damage, or death resulting from a defect in equipment donated in good faith by the person under this section unless the person's act or omission proximately causing the claim, damage, or loss constitutes malice, gross negligence, recklessness, or intentional misconduct. . .

IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Manager is authorized to execute all necessary documents, in a form to be approved by the City Attorney, to convey to the Texas Forest Service a 1987 Pierce Arrow Pumper and 4 Survivair Self Contained Breathing Apparatus (SCBA), to be further conveyed to the volunteer fire departments of Victoria County, who will agree to make such equipment available to the City of Victoria in emergencies.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 17th day of November, 2009.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 17th day of November, 2009.



Will Armstrong

WILL ARMSTRONG, Mayor of the City of Victoria, Texas

ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

APPROVED AS TO LEGAL FORM

Thomas A. Gwosdz
THOMAS A. GWOSDZ, City Attorney

Distribution: Legal Department
Fire Department

Copies Sent: NOVEMBER 18, 2009