

LEWISTON-AUBURN 911 AGREEMENT

This agreement made and entered into by and between the City of Lewiston, a body corporate and politic of the State of Maine and the City of Auburn a body corporate and politic of the State of Maine.

ARTICLE I - PREAMBLE

INCORPORATION

Pursuant to a Resolution passed by the Lewiston City Council on January 26, 1978 and a Resolution passed by the Auburn City Council on February 6, 1978 there is hereby created an administrative agency of the Cities of Lewiston and Auburn to be known as the Lewiston-Auburn 9-1-1 Committee, hereinafter called the "Committee".

PURPOSE

The purpose of this Committee will be to establish, operate, and maintain a 9-1-1 Emergency Reporting Communications System for the Lewiston-Auburn area.

ARTICLE II - LEWISTON-AUBURN 9-1-1 COMMITTEE

MEMBERSHIP

The Committee will consist of nine (9) members. The respective Police and Fire Chiefs of both Lewiston and Auburn will be members of the Committee by virtue of their respective offices and in the event of their death, incapacity, resignation, or discharge from said offices, their successors shall fill the vacancy thus created. A fifth and sixth member, who must be a resident of the city or city employee, of the Committee shall be nominated by the Mayor and confirmed by the Lewiston City Council pursuant to Article IV, Section 4 of the City Charter, as amended. The seventh and eighth member, who must be a resident of the city or a city employee, of the Committee shall be nominated by the Mayor and confirmed by the Auburn City Council. The appointed members shall take office at the first meeting in January.

In the event that either of said additional members of the Committee shall cease to be residents of their respective cities, cease to be employed by their respective cities, or should die, become incapacitated, or resign from the Committee, a successor shall be appointed to serve for the remainder of the term in the same manner as the original appointments are made.

The eight (8) above-named members of the Committee shall elect the ninth member who shall be a resident of Auburn or Lewiston but does not hold any public municipal office nor is a member of any municipal board or commission. After the election of the ninth member, the ninth member must not be a resident of the same city as the previous ninth member, unless this provision is waived by the opposite municipality. The ninth member of the Committee will serve for a three-year (3) term and thereafter until a successor is appointed.

COMPENSATION

Members of the Committee will serve without compensation but may be reimbursed for their actual expenses incurred in the performance of their duties upon the approval of the Committee.

ELECTION OF OFFICERS

All officers of the Committee shall be elected annually at the first regular meeting in January by members of the Committee and shall hold office until their successors are chosen and qualified. The Clerk and Treasurer need not be members of the Committee, and both offices may, in the discretion of the Committee, be held by the same person, except as provided in the agreement.

OFFICERS

4a. Chairperson The Chairperson shall have the general control and management of the Committee, subject to any specific power delegated by the Committee and shall preside at all meetings of the Lewiston- Auburn 9-1-1 Committee.

The Chairperson shall execute all deeds, leases, bonds, mortgages, and all other contracts and papers of which this Committee is party under the seal of the Committee. The Chairperson shall vote only in the event of a tie.

4b. Vice-Chairperson The Vice-Chairperson shall be a member of and be elected from among the Committee members. The Vice-Chairperson shall assist the Chairperson in carrying out the latter's duties and shall preside at meetings in his absence.

4c. Treasurer The Treasurer shall be the Treasurer of the Cities of Lewiston or Auburn or such other qualified city employees and shall have the custody of the funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Committee and shall deposit all monies and other valuable effects in the name of and to the credit of the Committee at such depositories as may be designated by the Committee.

The Treasurer shall render to the members at the regular meetings of the Committee or whenever they may require it, an account of all transactions as Treasurer and of the financial condition of the Committee from time to time. The Treasurer shall perform such other duties as may be prescribed by the Committee from time to time.

4d. Clerk The Clerk of the Committee shall keep a faithful record of all meetings of the Committee and send proper notices of the meeting of said Committee and generally perform those duties as may be required by the Chairperson and members.

All minutes of the Committee shall be filed at the Clerk's Office of the respective Cities of Lewiston and Auburn.

REMOVAL OF OFFICERS FROM OFFICE

A majority of five (5) members to be required for removal from office.

METRO SYSTEM

The police chiefs of the Cities of Lewiston and Auburn shall have responsibility for ensuring compliance of the 9-1-1 Committee with the rules and regulations governing access to the Maine Telecommunications and Radio Operations (METRO) system. In the event that the Committee takes action that would result in loss of the access by the Committee to the METRO system, the police chiefs of the Cities of Lewiston and Auburn, acting together, shall have authority to take such action binding on the Committee as in necessary to preserve the Committee's continued access to the METRO system.

ARTICLE III - MEETINGS

REGULAR MEETINGS

Regular meetings of the Committee for the transaction of any business that may come before the Committee shall be held monthly at a time and date mutually agreed upon by the Committee at a public place previously designated by the Committee.

Notices of a regular meeting shall be sent by the Clerk to each Committee member at least five (5) days before such meetings.

SPECIAL MEETINGS

Special meetings of the Committee can be called by the Chairperson or majority of the Committee members upon reasonable notice to all members to administer the affairs of the Committee.

QUORUM

A majority of the members of the Committee shall constitute a quorum.

ARTICLE IV - ADMINISTRATION

OFFICE

The Committee will establish an office at the same location as the 9-1-1 Dispatch Center where its business may be conducted and in which maps, plans, records, and other papers relating to operation of the Committee will be kept, but the Committee may vote to hold its meetings in any public building in Lewiston or Auburn.

The Committee will at all times keep full and accurate accounts of its receipts, expenditures, liabilities, and assets, which will at all reasonable times be open to inspection.

FISCAL YEAR

The fiscal year of the Committee shall be the same fiscal year as that of both cities, being the first day of July in each year and end at midnight on the thirtieth day of June in each year.

ANNUAL REPORT

The Committee will make an annual report of its activities and submit audited financial statements for the preceding fiscal year to the Mayor and Council of the Cities of Lewiston and Auburn.

The Committee will adopt the same annual report date as that of both cities, the first day of July in each year.

ARTICLE V - ANNUAL EXPENSES AND REVENUES

The Committee will annually prepare a budget for its next fiscal year, itemizing expenses of operations, maintenance and repairs, costs of contemplated capital improvements, and payments of principal and interest on fixed indebtedness and other borrowing. The budget will also include such other details as to present assets, surplus, accounts receivable, expenses, and liabilities as the Committee shall deem advisable and as the Cities of Lewiston and Auburn may reasonably require. The Committee will also estimate all anticipated revenues of the Committee for the forthcoming fiscal year.

NOTICE OF APPORTIONMENT

In any year in which it is anticipated expenses exceed anticipated revenues, the Committee shall give notice of apportionment to the Cities of Lewiston and Auburn.

Such notice of apportionment will be submitted to each city in time for inclusion in their respective budgets for their next fiscal year.

The Cities of Lewiston & Auburn agree to meet jointly prior to May 31st of each year to review the Committee's budget. Upon approval of the majority of the members of the Lewiston & Auburn City Councils the Committee's budget and amount of the apportionment, the Cities of Lewiston & Auburn agree to include said apportionment in their respective city budgets for the coming fiscal year and shall make provisions through assessment of taxes or otherwise to obtain sufficient revenues to pay the same.

The proportionate share of each City shall be calculated on the basis of fifty percent (50%) of the difference.

If either the City Council of Lewiston or Auburn do not approve an apportionment, the City of Auburn and the City of Lewiston will include in their respective budgets, for the coming fiscal year, an amount equal to their respective apportionment for the previous year, less any part of those apportionments representing the costs of contemplated capital improvements.

ARTICLE VI - CONTRACTS

The Committee is authorized to enter into binding contracts with other persons, corporations and governmental bodies or agencies thereof, including contracts to lease existing buildings upon such terms as the Committee shall approve. The Committee may also negotiate for, receive and use grants and loans from any governmental body or agency which are available for use in the furtherance of any of the purposes of the Committee.

ARTICLE VII- DISPOSAL OF SURPLUS PROPERTY

When the Committee determines that any real or personal property or interests therein in its possession are no longer necessary to the accomplishments of the purposes of the Committee, it may dispose of the same.

ARTICLE VIII - PROPERTY TAX EXEMPT

The real and personal property rights of the Committee will be exempt from taxation.

ARTICLE IX - RULES AND REGULATIONS

The Committee will adopt and publish rules and regulations governing the use of the communications center and related facilities.

ARTICLE X - TERMINATION & MODIFICATION

The Committee will remain in existence for an indefinite term and until terminated by a majority vote of the Lewiston and Auburn City Councils. This agreement may also be modified by a majority vote of both the Lewiston & Auburn City Councils. In the event that either municipal body shall vote to modify this agreement, notice in writing shall immediately be given to the Committee or an authorized administrative representative thereof and to the City not initiating the action. If the existence of the Committee is terminated, notice in writing shall immediately be given to the Committee or an authorized representative thereof. In the event of said termination, all of the operations of the 9-1-1 reporting system and the property, real and personal, of the Committee shall be returned to the Cities of Lewiston & Auburn within sixty (60) days of receipt of such written notification. Assets jointly owned shall be divided equally while other assets shall become property of the grantor.

IN WITNESS THEREOF, the parties have caused these presents to be executed on the date indicated below:

ATTEST Kathleen M. Montgo
DATE January 18, 2000

CITY OF LEWISTON
BY: Kaileigh A. Tara
Kaileigh A. Tara, Mayor

ATTEST Mary Ann Thayer
DATE February 28, 2000

CITY OF AUBURN,
BY: Lee Young
Lee Young, Mayor