



RESOLUTION NO. 21- 148

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

**RESOLUTION TO APPROVE USED FIREFIGHTING GEAR AND EQUIPMENT
DONATION AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS
AND EL PASO COUNTY**

WHEREAS, pursuant to C.R.S. §§ 30-11-101(1)(b), 30-11-102 and 30-11-103, the Board of County Commissioners of El Paso County, Colorado (hereinafter "Board") has the legislative authority to hold personal property for the County and to exercise such other and further powers as are conferred by law; and

WHEREAS, the City of Colorado Springs, a home rule city and Colorado municipal corporation, by and through the Colorado Springs Fire Department ("CSFD") is in possession of used firefighting equipment and gear that it wishes to donate to El Paso County, which includes the following: 1997 Type 1 Fire Engine, identified as Vehicle Identification No. 44KFT4284TWZ18101; and

WHEREAS, El Paso County acknowledges that this donated equipment is in "used condition and may no longer conform to express or implied warranties" as further delineated in the Used Firefighting Gear and Equipment Donation Agreement, attached hereto as Exhibit 1; and

WHEREAS, the Board believes it will serve the public welfare and best interests of the citizens of El Paso County to accept the donation from the City of Colorado Springs and enter into the Used Firefighting Gear and Equipment Donation Agreement.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby authorizes and approves the Used Firefighting Gear and Equipment Donation Agreement and accepts the donation of used firefighting gear and equipment from the City of Colorado Springs as herein stated.

BE IT FURTHER RESOLVED, that Stan VanderWerf, duly elected qualified member and Chair of the Board of County Commissioners, or Cami Bremer, duly elected, qualified member and Vice Chair of the Board of County Commissioners be and is hereby authorized and appointed on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

DONE THIS 20th day of April, 2021 at Colorado Springs, Colorado.

ATTEST:

By:

Chuck Broerman
El Paso County Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

By:

Stan VanderWerf

Stan VanderWerf

Used Firefighting Gear and Equipment Donation Agreement

This Agreement is entered into between the City of Colorado Springs ("City"), a home rule city and Colorado municipal corporation, by and through its Colorado Springs Fire Department ("CSFD") and El Paso County, Colorado ("El Paso County"). The purpose of this Agreement is to facilitate the donation of used firefighting gear and equipment from the CSFD to El Paso County.

El Paso County acknowledges that donated gear and equipment is in used condition and may no longer conform to express or implied warranties provided by the original manufacturer. El Paso County specifically agrees that the City, CSFD, and individual employees and agents of the City provide no warranty regarding usefulness, safety, or currency of the gear and equipment. El Paso County expressly releases and agrees to hold harmless the City, its officers, agents, and employees, for any liability or claim arising in connection with the use of the donated firefighting gear and equipment.

El Paso County agrees to inform all its employees, volunteers, or agents using the donated firefighting gear and equipment of the age and used condition of the donated firefighting gear and equipment. El Paso County must ensure that those using the donated gear and equipment warrant that they understand the age and condition of the donated firefighting gear and equipment and acknowledge the risks associated with its use.

Equipment and gear associated with this agreement, referred to as the donated firefighting gear and equipment includes the following:

Type 1 Fire Engine

Year: 1997

Manufacturer: HME

Vehicle Identification Number: 44KFT4284TWZ18101

The authorized official for El Paso County named below certifies that he/she has read and is familiar with this Agreement, understands its contents, and releases any potential liability of the

City associated with use of donated firefighting gear and equipment by El Paso County and any of its employees, volunteers, or agents.

Colorado Springs Fire Department Authorized Official

Date

El Paso County Authorized Official

Date