

ORDINANCE # 804

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOWE, GRAYSON COUNTY, TEXAS, CREATING AND ESTABLISHING THE HOWE FIRE DEPARTMENT AS A DEPARTMENT OF THE CITY; CREATING AND ESTABLISHING THE OFFICE OF FIRE CHIEF OF THE HOWE FIRE DEPARTMENT; ESTABLISHING THE VOLUNTEER DIVISION OF THE HOWE FIRE DEPARTMENT; ESTABLISHING THAT ALL CITY-OWNED FIRE PROTECTION AND EMERGENCY RESPONSE EQUIPMENT, PROPERTIES AND FACILITIES SHALL BE USED ONLY BY THE CITY AND HOWE FIRE DEPARTMENT, ABSENT WRITTEN AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Howe, Texas ("City"), is a Type-A, general-law municipality established under the laws of the State of Texas; and

WHEREAS, the City has the authority to manage, regulate and provide fire protection and emergency response services to persons and property within its municipal boundaries; and

WHEREAS, the City wishes to provide needed fire protection and emergency response services to persons and property within the City and certain unincorporated areas of Grayson County; and

WHEREAS, the City owns, operates and/or maintains certain properties and facilities in the City of Howe, including those properties located at 120 E Haning Street, Howe, Texas (the "City Properties"), which presently are used for firefighting and emergency response purposes and to store firefighting and emergency response equipment; and

WHEREAS, the City has expanded its emergency response to include the provision of ambulance services and owns, operates, and/or maintains various emergency response equipment including but not limited to, vehicles, apparatus, tools, and items, located at the City Properties; and

WHEREAS, the City owns, operates, and/or maintains various firefighting vehicles and emergency response vehicles, located at the City Properties, including payment of related insurance, utilities, vehicle repairs, and gas/diesel fuel cost; and

WHEREAS, the City owns, operates, and/or maintains various firefighting and emergency response equipment including but not limited to, vehicles, apparatus, tools, and items, located at the City Properties, and

WHEREAS, the City Council of the City of Howe ("City Council") seeks to ensure organizational management, fiscal responsibility, and general accountability to the City Council and the citizens of Howe related to the provisions of fire protection and emergency response services; and

WHEREAS, the City Council has determined that, to protect and promote the public health, safety and welfare of the citizens of Howe, certain action related to these services should be implemented to provide for continuous, improved and efficient government services related to the City Council's and the City's business.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOWE, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct factual and legislative determinations of the City of Howe and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. ESTABLISHMENT OF THE HOWE FIRE DEPARTMENT AS A DEPARTMENT OF THE CITY OF HOWE

From and after the effective date of this Ordinance, there shall be established a fire department, to be known as the Howe Fire Department, within the municipal organizational structure of the City of Howe. The City Administrator, or his or her designated representative as approved by the City Council, shall have supervisory authority over the Howe Fire Department (Department) hereby created.

Section 3. ESTABLISHMENT OF THE OFFICE OF FIRE CHIEF OF THE HOWE FIRE DEPARTMENT

Section 3.01. OFFICE ESTABLISHED

From and after the effective date of this Ordinance, there shall be established the office of Fire Chief of the Howe Fire Department. The Fire Chief shall be appointed by the City Council and shall serve at the will of the City Council. The Fire Chief shall be properly qualified for the duties of his or her office and may be removed at any time for any reason by action of the City Council. The Fire Chief shall receive such compensation as provided for by the City Council. The Fire Chief shall have supervisory authority and responsibility over all personnel comprising the Howe Fire Department created by this ordinance, both paid and volunteer, and all apparatus, facilities, properties and equipment used by the Department.

Section 3.02. DUTIES OF THE FIRE CHIEF

(A) The Fire Chief shall coordinate and provide oversight and supervision of the emergency response services including ambulance services, emergency medical services, first responder services, firefighting, fire suppression, fire prevention and fire safety programs of the City. The Fire Chief shall coordinate the planning, structuring and oversight of the staffing, equipment and training needs for and personal involvement in the provision of emergency response services, ambulance services, emergency medical services, firefighting, and fire suppression services; make recommendations to the City Administrator and the City Council with respect to all matters and issues related to or regarding emergency response services, ambulance services, emergency medical services, firefighting, fire suppression, fire safety and fire prevention with the City, including, but not limited to, the functions, duties, responsibilities, performance and qualifications and training of personnel (including volunteers), budgets, programs, equipment, ordinances, rules and regulations applicable to such programs, functions and services; and perform such other duties as directed by the City Council. The Fire Chief shall also provide and cooperate in enforcement of ordinances and statutes related to these matters.

(B) The Fire Chief shall be responsible for all licensing and/or requirements for provision of ambulance and emergency medical services (EMS) and shall serve as or supervise the administrator of record. The Fire Chief shall coordinate and provide oversight and supervision for EMS dispatch processes, EMS billing processes, medical control accountability, medication control and handling, quality improvement processes for EMS operations, staffing plan, obtaining and coordinating with a medical director, creating and maintaining treatment and transport protocols and policies addressing the care to be provided to patients and approved and signed by the medical director, and all other matters required to be lawfully authorized to provide EMS. The Fire Chief shall hire, manage, supervise, discipline, and dismiss EMS staff, subject to the review of the City Administrator and/or City Council. The Fire Chief shall be in charge of all EMS personnel, apparatus, and equipment.

(C) The Fire Chief shall be responsible for record keeping for all matters under his/her control, oversight and/or supervision.

Section 4. ESTABLISHMENT OF THE VOLUNTEER DIVISION OF THE HOWE FIRE DEPARTMENT

From and after the effective date of this Ordinance, there shall be established the Volunteer Division within the Howe Fire Department, under the direction and supervision of the office of Fire Chief of the Howe Fire Department. The duties of the Volunteer Division shall include, but not be limited to, the fighting of fires, providing emergency response services, providing fire prevention services and such other duties and responsibilities as assigned or directed by the Fire Chief.

Section 5. FIRE CHIEF IS ADMINISTRATIVE AND OPERATIONAL HEAD OF HOWE FIRE DEPARTMENT

(A) The Fire Chief shall be the administrative and operational head of the Howe Fire Department. He or she shall work under the general direction and supervision of the City Administrator and shall operate in accordance with procedures outlined for his or her department as well as all other departments of the City. The Fire Chief shall establish department procedures approved by the City Council upon the recommendation of the City Administrator. The Fire Chief of the Howe Fire Department of the City shall have the powers and perform the duties as prescribed by the laws of the State of Texas and by the ordinances of the City.

(B) The Fire Chief shall be in charge of all members/volunteers, apparatus, and equipment, and shall have the right to call out any and all members/volunteers and apparatus for any purpose incidental to the office. He or she shall see that proper discipline is maintained in the Department.

(C) It shall be the duty of the Fire Chief to see that a proper record is kept of all fires and emergencies, the hour and date, the name of owner and tenant, type of damage, type of building construction, where fire originated if such can be determined at the scene, the extent of its spread, and how it was extinguished. He or she shall at the end of each month or at other lawful intervals, report to the State Fire Marshal all required matters together with a separate report on each fire in the City during the month(s).

(D) It shall be the duty of the Fire Chief to be present at the regularly called monthly meetings of the City Council and present a monthly report to the City Council including items such as the number of dispatched calls, type of call, number of volunteers responding to call, mileage and fuel usage of each fire apparatus, any concerns, or issues that the Council might need to consider at a later meeting. The Fire Chief will answer questions that the City Council might inquire about the Department.

(E) The Fire Chief shall be responsible for the maintenance of all property, facilities and equipment belonging to, used by, or in possession of the Department. He or she shall notify the Mayor or City Administrator of significant or reportable equipment failure, accidents or damages to members or city property.

Section 6. REQUIREMENTS AND APPLICATION FOR MEMBERS

(A) Volunteer applicants must make written application for membership. Membership shall be in the Volunteer Division. Application for membership in the Howe Fire Department as a volunteer shall be filed with the Fire Chief of the Howe Fire Department. Such application shall be on a form prescribed by the Fire Chief.

Section 7. DESIGNATED OFFICERS; APPOINTMENT

(A) *Designated officers.* The officers of the Howe Fire Department shall be a Fire Chief, and Volunteer Division Officers including First Assistant Chief, and Training Officer. Other positions may be created that are deemed necessary by the Fire Chief and approved by the City Council.

(B) *Appointment of the Fire Chief.*

(1) The City Council shall appoint the Fire Chief of the Howe Fire Department. Compensation for Fire Chief position therefore shall be established by the annual budget enacted by the City Council.

(C) *Appointment of Volunteer Division Officers and Members.*

(1) Volunteer Division Officers, selected from Volunteer Division members, shall be recommended by the Fire Chief to the City Council for approval.

(2) Volunteer Members/Firefighters shall be selected by the Fire Chief. The City Council may set qualifications, maximum numbers and other criteria as determined necessary by the City Council. The Fire Chief has authority to discipline, suspend and/or terminate members.

(3) All members of the Howe Fire Department, whether paid, volunteer, support staff, or civilian, shall be under the command of the Fire Chief and subject to all the provisions of the constitution and laws of the state, and city ordinances.

**Section 8. TERMINATION, SUSPENSION, OR RESIGNATION
OF MEMBERS**

(A) *Termination of members.* Membership of any volunteer member/firefighter in the Howe Fire Department may be terminated by the Fire Chief at any time. The volunteer member/firefighter shall have the right to appeal to the City Council.

(B) *Resignation of members.* A member/firefighter of the Howe Fire Department may resign by delivering his or her resignation to the Fire Chief of the Howe Fire Department. The Howe Fire Department Fire Chief shall notify the City Administrator of any and all resignations, thereby furnishing the City Administrator with an up-to-date roster. The City Administrator will furnish the Mayor and City Council with an update of any and all resignations and roster.

**Section 9. ESTABLISHING THAT ALL CITY-OWNED FIRE PROTECTION
AND EMERGENCY RESPONSE EQUIPMENT, PROPERTIES
AND FACILITIES SHALL BE USED ONLY BY THE CITY
AND THE HOWE FIRE DEPARTMENT, ABSENT WRITTEN
AGREEMENT**

From and after the effective date of this Ordinance, all vehicles, equipment, apparatus, tools, properties and facilities, including the City Properties, currently owned, operated and/or maintained by the City for fire protection and emergency response services shall be for the exclusive use of, and shall be used only by, the City of Howe and the Howe Fire Department, unless otherwise authorized by the City and evidenced by lawful, written agreement.

Section 10. ADMINISTRATION OF DEPARTMENT FUNDS

(A) All fund-raising moneys and donations shall be deposited into the City's General Operating Fund under a special fund described as FD Special Funds. All funds so deposited shall be used for equipment, training, facilities or property for the Howe Fire Department.

(B) Expenditures shall be through the City's purchase order system. All funds being requested shall be requested with a purchase order signed by the Howe Fire Chief and presented to the City Administrator or Mayor for review.

(C) Upon request, the City Secretary shall furnish the Fire Chief of the Howe Fire Department with a monthly financial report, and all records shall be open for investigation by the Howe Fire Chief.

(D) The funds of the Howe Fire Department shall be included in the City budget, showing its proposed balances, revenues, and expenditures. A copy of such budget shall be forwarded to the Fire Chief upon acceptance of the City Council for the upcoming fiscal year.

(E) All present fire equipment, vehicles, apparatus, tools, and buildings shall be the property of the City and all fire equipment, vehicles, apparatus, tools or any equipment purchased, shall become the property of the City and be listed under the assets of the City.

Section 11. CONTRIBUTIONS TO FIRE DEPARTMENT

(A) The Fire Chief has the authority to accept contributions and donations to the Howe Fire Department. Such contributions and donations shall be used for the purposes of equipment, training, facilities or property for use by the Howe Fire Department. All contributions and donations, including but not limited to those directed to or received by the Volunteer Division, shall be deposited into the City's General Operating Fund under a special fund described as FD Special Funds and withdrawn using established procedures. Any items purchased will become the property of the City of Howe. Any records of the Howe Fire Department, including those of contributions and donations to any volunteer or non-profit organization or corporation, shall be subject to review and inspection by the Mayor, City Administrator and/or City Council.

(B) Any contribution/donation of firefighting equipment or contributions/donations of personal or real property to the Howe Fire Department shall become the property of the City.

Section 12. FUNDING

The City shall, through the yearly budget, provide funding for maintaining operations of the Howe Fire Department as approved by the City Council. The Fire Chief has the responsibility to prepare an annual budget worksheet for consideration in the preparation of the approved annual budget for the upcoming fiscal budget year.

Section 13. FIRE AND RESCUE CALLS OUTSIDE CITY

The Howe Fire Department will respond to fire, medical, rescue, accidents and hazardous materials calls outside the City and within the boundaries of the designated area assigned to the Howe Fire Department pursuant to the intergovernmental agreement with Grayson County or as provided by applicable mutual aid agreement with Grayson County or other allowable entity. The decision on what apparatus, apparatus staffing and the conditions under which the response is made is the decision of the Fire Chief of the Howe Fire Department, or his/her designee.

Section 14. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or illegal by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance or any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.


Section 15. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provision of the ordinance of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

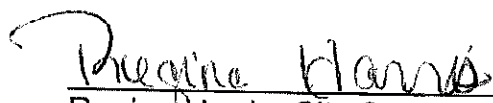
Section 16. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and/or publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Howe, Texas on this the 19 day of September, 2023.


Karla McDonald, Mayor

ATTEST:


Regina Harris, City Secretary

