

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
NOVEMBER 17, 2009 AGENDA**

Subject:	Type:	Submitted By:
AMENDING SECTION 34.02 OF THE LA VISTA MUNICIPAL CODE	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

An ordinance has been prepared to amend Section 34.02 of the La Vista Municipal Code to establish the duration of appointed terms and term limits for officers of the La Vista Volunteer Fire Department and to provide that said officers will be appointed by the Fire Chief.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The establishment of appointed terms and term limits is being recommended to ensure that there is incentive for all members of the La Vista Volunteer Fire Department to acquire the knowledge and skills necessary to attain officer positions. It is recommended that the Fire Chief be authorized to appoint said positions based upon a competitive selection process. It is further recommended that one (1) Fire Captain at each station (*there are currently three of each*) be made a Fire Lieutenant and that the Fire Lieutenant and Rescue Lieutenants (*currently there is one at each station*) be elected by the membership, assuming that they meet eligibility requirements.

Qualifications for the officer positions are detailed in the position descriptions and the procedures for selection will be incorporated into the Department's Rules & Regulations.

On November 3, 2009 the City Council tabled action on the proposed ordinance pending notification of the members of the LVFD.

ORDINANCE NO._____

AN ORDINANCE TO AMEND SECTION 34.02 OF THE LA VISTA MUNICIPAL CODE PERTAINING TO THE POSITION OF FIRE CHIEF AND ASSISTANTS; TO REPEAL SECTION 34.02 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 34.02 of the La Vista Municipal Code is amended to read as follows:

§ 34.02 FIRE CHIEF AND ASSISTANTS, DUTIES.

(A) Prior to appointment of the Fire Chief by the Mayor and City Council, the City Administrator shall make a recommendation for appointment based upon an eligibility list established by the Civil Service Commission of the City. The Fire Chief shall make the following appointments for the specified terms, subject to removal by the Fire Chief at any time with or without cause. The Fire Chief shall appoint the Assistant Chief(s) and District Chief(s) to office. The Assistant Chiefs and District Chief(s) will serve four-year terms with a maximum of two consecutive terms. The Fire Chief shall appoint the Fire Training Officer and Medical Training Officer to office. The Fire Training Officer and Medical Training Officer will serve two-year terms with a maximum of two consecutive terms. The Fire Chief shall appoint the Fire Captains and Rescue Captain. The Fire Captains will serve one-year terms with a maximum of three consecutive terms. The Rescue Captain will serve one-year terms with a maximum of four consecutive terms. The Fire Chief shall appoint the Public Information Officer and Department Secretary/Parliamentarian. The Public Information Officer will serve a one-year term with a maximum of three consecutive terms. The Department Secretary/Parliamentarian will serve a one-year term with no maximum of consecutive terms. The Fire Chief, subject to approval by the City Administrator, will designate and fill as may be necessary other positions within the Department. A Fire Lieutenant and Rescue Lieutenant from each District will be elected by the membership of the department and will serve one-year terms with a maximum of three consecutive terms.

(B) After an officer reaches the term limit for the office the officer is currently serving in, he/she shall be eligible for reapplication for that office, providing he/she meets the qualifications for office, after a period of two years. Provided, however, if an officer has reached his/her term limit and the Fire Chief determines that there are no qualified candidates who have applied to fill the position, the Fire Chief may reappoint the incumbent for one or more additional terms.

(C) Upon the written consent and directive of the City Council, the Fire Chief shall cause the repair, improvement or maintenance of Fire Department equipment and shall personally supervise and approve of the same. It shall be the duty of the Chief of the Fire Department, the Assistant Chief(s) or their designate(s) lawfully acting in his, her or their stead, in all cases of fire, and/or medical emergency, to take and have control of all members of the Fire Department and of all proper means for the extinguishment of fires, the protection of property, the administration of emergency medical assistance and the preservation of order at and in the vicinity of fire and rescue scenes and to secure the observance of all ordinances and regulations respecting fires. After engines and other apparatus have been withdrawn from any fire or rescue scene, he or she shall have charge of the premises and/or scene until it has been properly secured or assumed by proper authorities.

SECTION 2. Repeal of Conflicting Ordinances. Section 34.02 and all ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 3RD DAY OF NOVEMBER 2009.

CITY OF LA VISTA

Ordinance No.

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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(B) After an officer reaches the term limit for the office the officer is currently serving in, he/she shall be eligible for reapplication for that office, providing he/she meets the qualifications for office, after a period of two years. Provided, however, if once an officer has reached his/her term limit and, if the Fire Chief determines that there are no qualified candidates who have applied/wishing to fill the position or qualified to fill the position, the Fire Chief may reappoint the incumbent for one or more additional terms incumbent shall be entitled, at the discretion of the Fire Chief to remain in the position for additional terms as needed. After officers have reached their term limits for the office they are currently serving in, he/she shall be eligible for reapplication for that office, providing they meet the qualifications, after a period of two years.

(C) Upon the written consent and directive of the City Council, the Fire Chief shall cause the repair, improvement or maintenance of Fire Department equipment and shall personally supervise and approve of the same. It shall be the duty of the Chief of the Fire Department, the Assistant Chief(s) or their designate(s) lawfully acting in his, her or their stead, in all cases of fire, and/or medical emergency, to take and have control of all members of the Fire Department and of all proper means for the extinguishment of fires, the protection of property, the administration of emergency medical assistance and the preservation of order at and in the vicinity of fire and rescue scenes and to secure the observance of all ordinances and regulations respecting fires. After engines and other apparatus have been withdrawn from any fire or rescue scene, he or she shall have charge of the premises and/or scene until it has been properly secured or assumed by proper authorities.

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CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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Procedures for Filling Officer Positions (*to be incorporated into the Departmental Rules and Regulations*)

Each candidate's (Assistant Fire Chief) application for promotion will be screened for eligibility. Eligible candidates will be required to successfully pass an interview process with the Chief and the City Administrator or his/her designee and will be placed on an eligibility list. The Asst. Chief will be appointed by the Fire Chief.

Each candidate's (District Fire Chief) application for promotion will be screened for eligibility. Eligible candidates will be required to successfully pass an interview process with the Chief and/or his designees and the City Administrator or his/her designee and will be placed on an eligibility list. The District Chiefs will be appointed by the Fire Chief after consultation with the Asst. Chief.

Each candidate's (Fire Training Officer and Medical Training Officer) application for promotion will be screened for eligibility. Eligible candidates will be required to successfully pass an interview process with the Chief and/or his designees and the City Administrator or his/her designee and will be placed on an eligibility list. The Fire Training Officer and Medical Training Officer will be appointed by the Fire Chief after consultation with the Asst. Chief and Dist. Chiefs.

Each candidate's (Fire Captain, Rescue Captain) application for promotion will be screened for eligibility. Eligible candidates will be required to successfully pass an interview process with the Chief and/or his designees and the City Administrator or his/her designee and will be placed on an eligibility list. The Chief Officers will convene, discuss each candidate, and will cast their vote as to which member will be selected to fill the appropriate vacancy.

Each candidate's (Fire Lieutenant, Rescue Lieutenant) application for promotion will be screened for eligibility. Eligible candidates will be required to successfully pass an interview process with the Chief and/or his designees and the City Administrator or his/her designee and will be placed on an eligibility list. The department members will vote at the annual officer election/appointment meeting for the selection of Fire Lieutenants and Rescue Lieutenants.

The Public Information Officer and Department Secretary/Parliamentarian will be appointed by the Fire Chief alone following a similar application and interview process.

It should be noted that at the end of any officer's term limit, if there is no candidate wishing to fill the position the incumbent shall be entitled, at the discretion of the Fire Chief to remain in the position for additional terms as needed. After the appointment and terms limits have reached their maximum for any officer, he/she shall be eligible for reapplication for any office, providing they meet the qualifications after a period of two years.

Qualifications

Assistant Fire Chief

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED. Prefer B.A. in related field or combination of education and experience. (This was not included in the Asst. Chief description, but should be added as it was listed in the Dist. Chief description)
3. Experience of a wide and progressively responsible nature in the fire and emergency medical services field, and prior supervisory experience as an elected or appointed officer.
4. A minimum of 23 months consecutive service with the LVFD.
5. Completion/certification of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above.
6. Successful completion of national Firefighter 1 certification strongly preferred, and must be completed successfully within term of office.
7. Must possess a valid driver's license.
8. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
9. Must be willing to submit to a drug test and a background investigation.

District Fire Chief

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED. Prefer B.A. in related field or combination of education and experience.
3. A minimum of 23 months consecutive service with the LVFD.
4. Completion/certification of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above.
5. Successful completion of national Firefighter 1 certification strongly preferred, and must be completed successfully within term of office.
6. Must possess a valid driver's license.
7. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
8. Must be willing to submit to a drug test and a background investigation.

Fire Training Officer

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED.
3. Experience of a wide and progressively responsible nature in the fire and emergency medical services field, and prior supervisory and training experience or Instructor 1 certification preferred.
4. A minimum of 23 months consecutive service with the LVFD.
5. National Firefighter 1 certification strongly preferred.
6. Completion/certification of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above.
7. Successful completion of national Firefighter 1 certification strongly preferred.

8. Must possess a valid driver's license.
9. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
10. Must be willing to submit to a drug test and a background investigation.

Medical Training Officer

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED.
3. Experience of a wide and progressively responsible nature in the fire and emergency medical services field, and prior supervisory and training experience or Instructor 1 certification preferred.
4. A minimum of 23 months consecutive service with the LVFD.
5. Completion/certification of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above.
6. Successful completion of national Firefighter 1 certification strongly preferred.
7. Must possess a valid driver's license.
8. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
9. Must be willing to submit to a drug test and a background investigation.

Fire Captains

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED.
3. Experience of a wide and progressively responsible nature in the fire and emergency medical services field.
4. A minimum of 18 months consecutive service with the LVFD.
5. Completion of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above.
6. Successful completion of national Firefighter 1 certification strongly preferred.
7. Must possess a valid driver's license.
8. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
9. Must be willing to submit to a drug test and a background investigation.

Rescue Captains

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED.
3. Experience of a wide and progressively responsible nature in the fire and emergency medical services field.
4. A minimum of 18 months consecutive service with the LVFD.
5. Completion of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above.
6. Must possess a valid driver's license.
7. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
8. Must be willing to submit to a drug test and a background investigation.

Fire Lieutenants

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED.
3. Experience with the nature of the fire and emergency medical services field.
4. A minimum of 18 months consecutive service with the LVFD.
5. Completion of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above.
6. Successful completion of national Firefighter 1 certification strongly preferred.
7. Must possess a valid driver's license.
8. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
9. Must be willing to submit to a drug test and a background investigation.

Rescue Lieutenants

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED.
3. Experience in the fire and emergency medical services field.
4. A minimum of 18 months consecutive service with the LVFD.
5. Completion of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above.
6. Must possess a valid driver's license.
7. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
8. Must be willing to submit to a drug test and a background investigation.

Public Information Officer

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED.
3. Experience in the fire and emergency medical services field, previous experience in journalism or related field strongly preferred.
4. Completion of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above within one year of membership with LVFD.
5. Must possess a valid driver's license.
6. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
7. Must be willing to submit to a drug test and a background investigation.

Department Secretary/Parliamentarian

1. Must be 18 years of age or older.
2. Graduation from an accredited high school or GED.
3. Completion of Operations Level Hazardous Materials and Incident Command courses, as well as certification as an EMT-B or above within one year of membership with LVFD.
4. Must possess a valid driver's license.

5. Ability to successfully complete the physical agility course designed specifically for firefighter/EMT candidates.
6. Must be willing to submit to a drug test and a background investigation.

Duration of appointed terms and term limits for all officers.

Asst. Chief: 4 year appointment, 2 consecutive terms

Dist. Chief: 4 year appointment, 2 consecutive terms

Fire Training Officer: 2 year appointment, 2 consecutive terms

Medical Training Officer: 2 year appointment, 2 consecutive terms

Rescue Captain: 1 year appointment, 4 consecutive terms

Fire Captain: 1 year appointment, 3 consecutive terms

Fire Lieutenant: 1 year elected, 3 consecutive terms

Rescue Lieutenant: 1 year elected, 3 consecutive terms

Public Information Officer: 1 year appointment, 3 consecutive terms

Department Secretary/Parliamentarian: 1 year appointment, unlimited terms