



CITY COUNCIL SPECIAL AGENDA

Monday, May 22, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Special Session on Monday, May 22, 2023, at 9:00 AM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website <http://mybigspring.com/224/Channel-17-Live>.**

CITY COUNCIL MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no talking during the meetings. Take all conversations outside so that others can hear.

Thank you!

Open Session

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| 1. Call to Order | Moore |
| 2. Invocation | Moore |
| 3. Pledge of Allegiance to the United States Flag and to the Texas State Flag | Moore |

Announcements, Presentations and Public Hearings

Public Hearings – The Council will take Input on Items Requiring Public Hearing Items **Prior** to any Action.

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| 4. Staff Presentation | Darden |
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New Business

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| 5. First Reading of an Ordinance Addressing Safety, Efficiency, Coverage, and Budgetary Concerns for the Fire Department, Establishing Classifications and Number of Positions for the Fire Department Pursuant to Section 143.021, Texas Local Government Code; Decreasing the Number of Sworn Fire | Moore |
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Department Personnel by Ten (10) from Seventy-Four (74) to Sixty-Four (64) Through Attrition with No Current Positions Being Eliminated; Improving Safety, Efficiency, and Coverage by Consolidating from Five to Four Fire Stations; Providing for Repeal of Conflicting Ordinances; Providing a Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; Providing for Publication; and Providing for an Effective Date

6. Adjourn

Moore

The City Council reserves the right to meet in executive session on any agenda item should the need arise pursuant to Chapter 551, Subchapter D of the Texas Government Code, or the Texas Disciplinary Rules of Professional Conduct.

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and **Posted on Friday, May 19, 2023 at 8:30 a.m.** in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, www.mybigspring.com, in accordance with legal requirements.



Tami L. Davis, City Secretary

THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATION OR A HEARING IMPAIRED PERSON WISHING TO HAVE AN INTERPRETER SHOULD REQUEST SERVICES AT LEAST 48 HOURS PRIOR TO THE SCHEDULED MEETING BY CONTACTING TAMI DAVIS AT 432-264-2513 OR EMAIL: TDAVIS@MYBIGSPRING.COM.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, ADDRESSING SAFETY, EFFICIENCY, COVERAGE, AND BUDGETARY CONCERNS FOR THE FIRE DEPARTMENT, ESTABLISHING CLASSIFICATIONS AND NUMBER OF POSITIONS FOR THE FIRE DEPARTMENT PURSUANT TO SECTION 143.021, TEXAS LOCAL GOVERNMENT CODE; DECREASING THE NUMBER OF SWORN FIRE DEPARTMENT PERSONNEL BY TEN (10) FROM SEVENTY-FOUR (74) TO SIXTY-FOUR (64) THROUGH ATTRITION WITH NO CURRENT POSITIONS BEING ELIMINATED; IMPROVING SAFETY, EFFICIENCY, AND COVERAGE BY CONSOLIDATING FROM FIVE TO FOUR FIRE STATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, having adopted the Charter of the City of Big Spring, the City of Big Spring is incorporated and organized under the laws of the State of Texas as a home-rule municipality; and

WHEREAS, the City Council of Big Spring is the governing body of the City of Big Spring pursuant to Section 1a, Article IV of the Charter; and

WHEREAS, the City of Big Spring has as one of its departments the Big Spring Fire Department; and

WHEREAS, the citizens of the City of Big Spring, Texas have adopted the civil service system for the Fire Department; and

WHEREAS, civil service is governed under state law, Chapter 143 of the Texas Local Government Code; and

WHEREAS, by statute, the Civil Service Commission “shall provide for the classification of all fire fighters,” and City Council “by ordinance shall prescribe the number of positions in each classification,” Section 143.021, Texas Local Government Code; and

WHEREAS, in 2016, under Ordinance 030-2016, City Council had set the total number of sworn fire department personnel at 62, including 1 fire chief, 6 deputy chiefs, 15 lieutenants, 15 drivers, and 25 firefighters; and

WHEREAS, in 2019, in part to defray overtime expense, City Council accepted a FEMA SAFER grant that made it possible to add ten additional firefighter positions, and in addition City Council added one deputy chief position for a total of eleven additional personnel; and

WHEREAS, in its Ordinance 047-2019, City Council set the total number of sworn fire department personnel at 73, including 1 fire chief, 7 deputy chiefs, 15 lieutenants, 15 drivers, and 35 firefighters, and in said Ordinance, City Council stated “Prior to the end of the three-year term, the Fire Chief and HR Director will evaluate the ability of the City to maintain the additional firefighters. If it is determined that the City is unable to maintain the additional firefighter positions, the additional firefighter positions will be eliminated through attrition; however, the City will maintain no less than 25 firefighters;” and

WHEREAS, in 2022, City Council adopted Ordinance 016-2022 setting the total number of sworn fire department personnel at 74 by adding one firefighter position to a total of 36, in anticipation of seeking an additional SAFER grant for the one additional personnel, and nevertheless reserving the possibility of lowering the amount of firefighter positions to 26; and

WHEREAS, in 2022 City Council adopted Resolution 013-2022 in preparation for seeking the additional FEMA SAFER grant; and

WHEREAS, no FEMA SAFER grant can be used to retain existing positions, but may only be used to add new positions; and

WHEREAS, citing “the City’s limited budget,” City Council repealed Resolution 013-2022 by its Resolution 037-2022; and

WHEREAS, in March 2023, the FEMA SAFER grant expired; and

WHEREAS, the management staff of the City, after appropriate review and evaluation of the needs of the Fire Department and ongoing and continued overtime expense, have made their recommendation relating to the existing number of budgeted positions and recommend decreasing the number of sworn fire department personnel in the Fire Department by ten (10) positions from 74 to 64 total personnel, including 10 “firefighter” classifications from 36 to 26; and

WHEREAS, due to budgetary shortfalls affecting the Fire Department, especially as concerns overtime expense, the City of Big Spring must take action to control expenses; and

WHEREAS, the reduction by attrition of these positions is in the best interest of the Fire Department and the City; and

WHEREAS, to improve safety, efficiency, and coverage, Council determines to consolidate the Fire Department stations from five to four; and

WHEREAS, consolidation of the Fire Department stations to four is in the best interests of the City;

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

SECTION 1. The City Council approves an ordinance to decrease the number of Firefighter positions by ten (10), by attrition with no current positions being eliminated.

SECTION 2. City Council hereby amends Big Spring City Code Chapter 2, entitled "Administration," Article III, entitled "Officers and Employees," Section 2-57, entitled "Adoption of civil service for firefighters' and civil service positions designated," in part as follows:

Big Spring City Code
Chapter 2 – Administration
Article III – Officers and Employees

Section 2-57 – Adoption of civil service for firefighters and civil service positions designated.

~~Section 2-57 – Adoption of civil service for firefighters' and civil service positions designated.~~

- (a) Firefighters' Civil Service under Texas Local Government Code ch. 143 is hereby put into effect by the city as of October 1, 1985.
- (b) All employees are hereby granted the same vacation and sick leave benefits granted to firefighters under Texas Local Government Code ch. 143 and the city personnel policies and procedures is hereby amended to reflect these benefits.
- (c) Classification of all firefighters and the number of authorized positions in each classification are as follows:

Classification	Number of Authorized Positions
* Fire chief	1
** Deputy chief	7
Lieutenant	15
Driver	15
*** Firefighter	<u>26</u> 36
Total	<u>64</u> 74

* Non-civil service

****** One of the six deputy chiefs will be appointed by the fire chief in accordance with Texas Local Government Code § 143.014. One deputy chief will be assigned as fire marshal and certified health inspector by the fire chief in accordance with Texas Local Government Code § 143.042.

******* The city will reduce, through attrition only, firefighters to 26 from 36. As the position is reduced by attrition the number will be reduced accordingly. ~~In 2019, the Big Spring Fire Department was awarded the SAFER grant from FEMA. The grant pays for ten firefighter positions for a three-year period (ending in 2022). Prior to the end of the three-year term, the fire chief and HR director will evaluate the ability of the city to maintain the additional firefighters. If it is determined that the city is unable to maintain the additional firefighter positions, the additional firefighter positions will be eliminated through attrition; however, the city will maintain no less than 26 firefighters.~~

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 3. To improve safety, efficiency, and coverage, the five Fire Department stations shall be consolidated to four Fire Department stations, with the station at 18th Street and Main Street closing. Personnel and equipment will be re-deployed to the four Fire Department stations located in the City.

SECTION 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any purpose, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. It is hereby officially found and determined that the meetings at which this Ordinance was adopted were open to the public and that public notice of the time, place and purpose of said meetings was given as required by law.

SECTION 8. Upon final passage and approval of this Ordinance, the City Secretary is hereby directed to publish the caption of the Ordinance that summarizes the purpose of the Ordinance as required by law.

SECTION 9. This Ordinance shall become effective upon its second publication.

PASSED AND APPROVED on first reading at a special meeting of the City Council on the **22nd** day of **May, 2023** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **23rd** day of **May, 2023** with all members of the Council voting “aye” for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary