

**ORDINANCE 2024 010 (O)**

**AN ORDINANCE AMENDING CHAPTER 12, ARTICLE III FIRE PREVENTION AND PROTECTION – FIRE DEPARTMENT OF THE WINDCREST CODE OF ORDINANCES**

**WHEREAS**, the City of Windcrest is a home-rule municipality located within Bexar County, Texas;

**WHEREAS**, pursuant to Texas Local Government Code § 342.011, the City of Windcrest provides for a fire department;

**WHEREAS**, the Windcrest Volunteer Fire Association, Inc. was previously designated as the organization responsible for activities of volunteer firefighters acting in conjunction with the City of Windcrest Fire Department;

**WHEREAS**, the Windcrest Volunteer Fire Association, Inc. is no longer in existence;

**WHEREAS**, the Windcrest Volunteer Firefighters Alliance is a nonprofit association formed to raise funds for equipment, training, and other assistance to be provided to the Windcrest Fire Department;

**WHEREAS**, City Council desires to amend the Windcrest Code of Ordinances to reflect the change regarding the Windcrest Volunteer Fire Association, Inc. and the willingness of the Windcrest Volunteer Firefighters Alliance to provide assistance to the Windcrest Fire Department; and

**WHEREAS**, the City Council finds this ordinance is necessary for the good and efficient administrative management of the City and its fire department.

**I.**

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

Sections 12-32 and 12-33 of the City of Windcrest Code of Ordinances regarding the fire department shall be amended as shown below with underlined text constituting additions and struck through text constituting deletions:

**Sec. 12-32. Windcrest Volunteer Firefighters Alliance**

The city designates the Windcrest Volunteer Firefighters Alliance, referred to in this section as the “Alliance,” as an organization responsible for raising funds for equipment, training, and other assistance provided to the Windcrest Fire Department as requested by the fire chief, or the designee thereof. The Alliance shall develop by-laws, rules, and regulations to govern its structure and procedures, which shall be consistent with the laws of the state of Texas and subject

to approval of the city council. The Alliance is authorized to accept donations and contributions in the form of money, equipment, or other items of value to support the activities of the Windcrest Fire Department, and to promote fundraising events. The city shall pay for the retirement fund for volunteer firefighters in accordance with Texas law and as determined by the city council. The selection and number of members of the Alliance, their duties and functions, and other matters incidental to membership in the Alliance shall be determined by the Alliance, subject to approval by the city council.

#### **Sec. 12-33. Fire chief.**

The fire chief shall be responsible for administration of the fire department and shall be a city department head who reports directly to the City Manager. The city shall be responsible for the salary and related expenses of the fire chief. The fire chief, or the designee thereof, shall act as the liaison between the city and the Windcrest Volunteer Firefighters Alliance. The fire chief shall negotiate mutual aid agreements beneficial to the city, subject to approval of the city council.

### **II.**

#### **CUMULATIVE CLAUSE**

That this Ordinance shall be cumulative of all provisions of the City of Windcrest Code of Ordinances except where the provisions of this Ordinance are in direct conflict with the provisions of such existing Ordinance, in which event the conflicting provisions of such existing Ordinance are hereby repealed, and this Ordinance controls.

### **III.**

#### **SEVERABILITY**

That it is hereby declared to be the intent of the City Council for the City of Windcrest 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 should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

### **IV.**

#### **PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said

meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

V.

**EFFECTIVE DATE**

This Ordinance shall be effective upon passage and publication as required by state and local law.


VI.

**READINGS**

**DULY PASSED ON FIRST READING**, on the 15 day of JULY, 2024, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't Code §551.001, et. Seq. at which meeting a quorum was present and voting.

**DULY PASSED AND APPROVED**, on the 5 day of AUGUST, 2024, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

  
\_\_\_\_\_  
Dan Reese, Mayor

ATTEST:

  
\_\_\_\_\_  
Rachel Dominguez, City Secretary

APPROVED:

  
\_\_\_\_\_  
Ryan Henry, City Attorney

