

Committee of the Whole
Monday, November 16, 2020 6:15 PM
Council Chambers
1369 25 Avenue
Columbus, NE 68601

1. **Statement of compliance with Open Meetings Act and roll call.**

84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

84-1408. Declaration of intent; meetings open to public.

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

84-1409. Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions.

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster.

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public

power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

- (a) Reasonable advance publicized notice is given;
- (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;
- (c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;
- (d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and
- (e)(i) Except as provided in subdivision (2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or
- (ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

- (a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;
- (b) Reasonable advance publicized notice is given which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;
- (c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;
- (d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that:

(i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and

(ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an instate location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the instate location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413. Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Effective Date – September 1, 2019

Distributed by the League of Nebraska Municipalities



2. Proposed updates to City Code with regard to Fire Department.

Suggested Changes to City Code by Fire Department

10/27/20

The City has requested recommendations for amendments to the City Code. This being a significant revision, as well as the hiring of a paid fire chief, the Fire Department Strategic Vision Committee is recommending the following changes to City Code regarding the Fire Department.

Overall strategy:

- Simplify code and align with comparable cities
- Allow the City to be nimble, based on needs of the City, as it grows and times change
- Remove redundancies with State law
- Include both career and volunteer in references where applicable, and treat as a singular organization

The sub-committee working on this reviewed city codes from North Platte, Norfolk, Beatrice, and Hastings.

Specific recommended changes:

1. Adopt a code similar to that of Beatrice. Shorten, simplify, streamline as much as possible.
2. Include necessary local adaptations/fixes, including:

33.01 Fire Department Created [Simplifies code and aligns with comparable cities. Allow the City to be nimble, based on needs of the City, as it grows and times change.]

Existing - There is hereby created a Fire Department for the City and there is created the office of Chief of the Fire Department, Assistant Chief and Fire Training and Safety Officer. The Fire Department shall include the above-stated officers as well as all Volunteer Firefighters and paid employees of the City Fire Department.

('63 Code, § 3-1-1) (Ord. 89-3A, passed 3-6-89)

Proposed: Replace in entirety with: *"There is hereby created a Fire Department for the City which shall consist of a Fire Chief and as many officers and firefighters as is deemed appropriate by the Mayor and City Council, whether they be volunteer or career. The Fire Chief shall be appointed by the mayor, subject to the approval of the City Council, from a list of suitable persons supplied by the Civil Service Commission. The Fire Chief shall have such powers and authority and shall perform such duties as are provided by the provisions of this code, State law, and City ordinances, rules and regulations."*

33.02 Companies; Formation

Existing - Whenever it shall be deemed necessary by the Mayor and City Council, additional fire companies may be organized in such numbers and by such methods as the City Council may, by resolution, direct, and recommendations as to the necessity for the additional companies may be made to the City Council by the Fire Department or its executive officers. However, no such company shall be formed with less than 12 nor more than 25 members.

('63 Code, § 3-1-2)

Proposed: Repeal. Where State law exists, no need to re-state. Companies not defined in current code. Only addressed the volunteer side.

33.02 Duties of Chief; Officers *[Created – new]*

“The Fire Chief shall have full control and supervision over all career and volunteer firefighters, subject to the authority of the Mayor and City Council, and the Fire Chief shall be accountable to the Mayor and City Council for the proper and faithful performance of their duties. In the absence or inability of the Fire Chief, or during such hours of the day as the Fire Chief may be off duty, the Fire Chief’s powers and duties shall be exercised by the Chief’s designee.”

(Officers duties and delegations are further detailed in Fire Department SOP, job descriptions, etc.)

33.04 Organization – Volunteer Fire Department [Title changed to address volunteers only. Heavily amended to remove language allowing each company to make it’s own rules, uniform, etc. SOP and bylaws address these areas department-wide. Addresses ability for VFD to have control of it’s own funds.]

Existing – Each company of the Fire Department shall perfect and maintain its own organization, determine and elect its own officers and adopt its own regulations governing activities of its members in their relation to the company as may be necessary to promote the efficiency of the company. The Fire Department as a whole shall either through action by its entire membership or through a board of control composed of representatives chosen by the several companies, perfect and maintain its own organization, elect its own officers, except Chief, Assistant Chief and Fire Training and Safety Officer who shall be chosen as hereinafter provided, and adopt its own regulations affecting the activities of individual members and companies in their relation to the Department. The Department or companies may determine the uniforms to be worn, and no person other than a member shall be permitted to wear the uniforms. In all matters referred to in this section, however, the Department and the companies shall be subject to the control, direction and approval of the Mayor and the City Council.

(‘63 Code, § 3-1-4) (Ord. 89-13, passed 5-1-89)

Proposed: “The organization of volunteer firefighters shall be known as the Columbus Volunteer Fire Department, and shall be a part of the Fire Department of the City. In all matters referred to in this section, however, the Volunteer Fire Department and the companies thereof shall be subject to the control, direction, and approval of the Fire Chief. The Volunteer Fire Department shall be allowed to elect executive and financial officers for the organization, notwithstanding it’s own Constitution and Bylaws, and State law, raise funds for it’s fraternal benefit, and keep bank accounts for the same.”

-Nebraska Revised Statute 35-901 Volunteer departments; trust fund; established; use; public funds; restrictions; express authorization required; when; section, how construed; expenditures of public funds; procedure; gambling money; restrictions.

-Election, appointment, and number of officers subject to 33.01 (Mayor and City Council)

(- Do we/should we revise to state specifically “volunteer fire department trust fund” as does the State law? And, does this preclude each company having it’s own checking account as they do now? Each company has one, and so does the volunteer fire department.)

33.05 Employment of Firefighters *Removed “two or more”. Added Civil Service where applicable to the process. Added union contract as part of disciplinary process.*

Existing - The Mayor and City Council are hereby authorized to employ two or more paid Firefighters selected from candidates recommended by the Chief of the Fire Department, the Firefighters to be under the immediate control of the Chief of the Fire Department, but at all times to be subject to the orders of the Mayor and City Council. The tenure of a paid Firefighter shall be only during good behavior. Any disciplinary action in regard to a paid Firefighter shall be as provided by the City Personnel Policy Manual and/or the Nebraska Civil Service Act.

(‘63 Code, § 3-1-7)

Proposed: *“The Mayor and City Council are hereby authorized to employ paid firefighters selected from candidates recommended by the Chief of the Fire Department, the list of which is supplied by the Civil Service Commission. The paid firefighters are to be under control, direction, and approval of the Fire Chief. Any disciplinary action in regard to a paid firefighter shall be as provided by the City Personnel Policy Manual, the Nebraska Civil Service Act, and the Collective Bargaining Agreement.”*

33.06 Appointment of Volunteer Officers *Simplified. Moved to two year term of Asst. Chief and Training Safety Officer, as well as change in selection/appointment process. Left internal process details to bylaws, SOP, etc. Removed references to part time position so as not to compromise volunteer status. Will need a lot of review by City Attorney for language. Changes title to “Appointment of Volunteer Officers”.*

Existing: (A) The Chief of the Fire Department, the Assistant Chief and Fire Training and Safety Officer shall, at a regular meeting of the City Council prior to the first day of May of each year, be appointed by the Mayor, subject to the approval of the City Council, and shall hold office for one year or until the appointment and qualification of the successor. All of the positions shall be held as a part-time position, subject to contractual obligations which the appointed individual shall enter into between the City and themselves prior to the appointment of the individuals to their term. Prior to the time of the appointments, the Volunteer Fire Department shall recommend to the Mayor and City Council three of the members of the Department for such offices who, prior to having their names submitted to the Mayor and City Council, and prior to the appointment by the Mayor and City Council, shall on or before March 1, execute a contract prepared and tendered by the City, defining the individuals’ duties and obligations, and if found otherwise qualified, shall be appointed. In determining the qualifications of those individuals recommended by the Department, the Mayor and City Council shall consider those factors relating to the suitability of the individuals, which shall include but not be limited to an evaluation of their previous job performance, compliance with the City Code, and compliance with their contractual obligations between the City and said individuals.

(B) The officers shall receive a stipend as determined and approved by the Mayor and City Council. The officers shall receive the same benefit package as is provided to other Volunteer Firefighters. Group health insurance and other benefits available to regular part-time and full-time employees are not applicable to Volunteer Firefighter officers.

(‘63 Code, § 3-1-9) (Ord. 89-13, passed 5-1-89; Am. Ord. 00-07, passed 3-6-00)

Proposed: Repeal Section (A) in entirety, replace with:

“The Mayor and City Council are hereby authorized to appoint the Assistant Fire Chief and the Training Safety Officer as selected by the Fire Department, and are to be under control and direction of the Fire Chief.

(A) The Assistant Chief is recommended by popular vote of the Volunteer Fire Department in January of every even-numbered year. The Training Safety Officer is recommended by the Fire Chief in January of every odd-numbered year, with approval of the Volunteer Fire Department and Bargaining Unit of the paid firefighters. The Assistant Chief and Training Safety Officer shall, at a regular meeting of the City Council prior to the first day of May of each year, be appointed by the Mayor, subject to the approval of the City Council, and shall hold office for two years or until the appointment and qualification of the successor.”

(B) (Leave as is, unchanged)

33.08 ASSISTANT FIRE CHIEF, FIRE TRAINING AND SAFETY OFFICER DUTIES. *Succession and absence of Fire Chief detailed in 33.02 as well as SOP and job descriptions. ICS roles and processes on scene will not change. If long for term, Fire Chief will name an Acting-Chief with the approval of the Mayor, or Mayor will choose until resolved or a successor is hired/promoted.*

It shall be the duty of the Assistant Chief of the Fire Department to assist the Chief in matters pertaining to the Fire Department ~~and to exercise the powers and duties of the Chief during the absence or disability of the latter officer.~~ It shall be the duty of the Fire Training and Safety Officer to assist the Chief and Assistant Chief ~~and to perform their duties in their absence,~~ in the performance of their duties, and the Fire Training and Safety Officer shall ~~be in charge~~ coordinate of all fire practice and training activities, and shall chair the Fire Department Safety Committee. The Training Safety Officer shall be regarded at the same rank level as a Captain of the Fire Department.

33.13 Repeal. *This is handled by written agreement with the Rural Fire District.*

33.28 RESISTING FIRE POLICE; IMPERSONATING A FIREFIGHTER *Moved uniform and impersonation of a firefighter to this article.*

Existing: Any person who shall resist an active member of the Fire Department during all fires at which the Department, or any portion thereof, is on duty at such time, shall be subject to a similar penalty as for resisting the City Police. **Add:** Any person who shall impersonate an active member of the Fire Department, including wearing of the uniform, shall be subject to similar penalty as for impersonating a Police Officer.

3. Adjournment.