

ORDINANCE NO. 5319

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS REPEALING ORDINANCE NO. 5297 AND ANY OTHER ORDINANCE IN CONFLICT WITH THIS ORDINANCE; ADDING A CAPTAIN POSITION TO THE FIRE DEPARTMENT AND REDUCING AN ENGINEER POSITION; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 143 of the Texas Local Government Code requires that the number of authorized positions in each civil service classification for the Fire and Police departments be established by ordinance; and

WHEREAS, the City Council has determined that to further its lawful purposes of providing efficient and effective operation of its Fire Department, that it should add one (1) Captain position; and reduce the Engineer position by one (1).

WHEREAS, the City Council has determined that the Chief and the Assistant Chief positions for which testing are not required but which are filled by appointment, while members of the Fire Department, are not "classified positions" within the meaning of Chapter 143, Texas Local Government Code, and therefore should not be computed as part of the Fire Department's Classified Service; and

WHEREAS, the City Council is amending and superseding Ordinance No. 5297; and

WHEREAS, the City Council has determined the number of personnel in the Captain position in the Fire Department shall increase as necessary for the efficient and effective operation of its Fire Department now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:

SECTION 1: That the number of personnel in the civil service classifications of the Fire Department, created by Ordinance 5297, exist currently as follows:

<u>FIRE DEPARTMENT</u>	
(Chief) (Assistant Chief)	
Assistant Chief	1
Battalion Chief	6
Captain	10
Engineer	10
<u>Firefighter</u>	<u>34</u>
Total	61

SECTION 2: That the number of personnel in the civil service classifications of the Fire Department will now be, and hereafter, unless amended by ordinance pursuant to Texas Local Government Code 143.021:

FIRE DEPARTMENT

(Chief)	
(Assistant Chief)	
Assistant Chief	1
Battalion Chief	6
Captain	11
Engineer	9
<u>Firefighter</u>	<u>34</u>
Total	61

SECTION 3: Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Denison, Texas, in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 4: Savings/Repealing. Ordinance No. 5297 is hereby repealed in its entirety. All provisions of any other ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force effect.

SECTION 5: Publishing and Effective Date. This ordinance shall become effective according to law.

SECTION 6: Open Meetings. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.041, Texas Government Code.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Courtright, the above and foregoing ordinance was passed and approved on this the 16th day of October 2023, by the following vote:

Ayes: Hander, Courtright, Thorne, Gott, Crawley and Thomas

Nays:

Abstentions:

Absent: Massey

At regular meeting October 16, 2023.

ATTEST:


Christine M. Wallentine, City Clerk

