

ORDINANCE NO. 4616

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING SELF-CONTAINED BREATHING APPARATUS TECHNICIANS AS A SPECIALIZED FUNCTION OF THE MESQUITE FIRE DEPARTMENT (“MFD”) AND AUTHORIZING ASSIGNMENT PAY FOR MEMBERS OF THE MFD WHO SATISFY CERTAIN CONDITIONS AND CRITERIA; PROVIDING WHICH MEMBERS OF THE MFD WILL RECEIVE SUCH ASSIGNMENT PAY; REPEALING ORDINANCE NO. 3117; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 15, 2018.

WHEREAS, a self-contained breathing apparatus (“SCBA”) is a device worn by members of the Mesquite Fire Department (“MFD”) to provide breathable air in situations where the atmosphere is immediately dangerous to the life or health of MFD members; and

WHEREAS, the MFD’s SCBA must be tested, maintained and repaired to ensure that it is working properly at all times; and

WHEREAS, testing, maintenance and repair of the MFD’s SCBA requires certification and specialized training by the manufacturer of the SCBA; and

WHEREAS, for the health and safety of the members of the MFD, it is necessary for technicians to be trained and certified to test, maintain and repair the MFD’s SCBA; and

WHEREAS, the testing, maintenance and repair of the MFD’s SCBA are specialized functions of the MFD.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated and adopted as part of this ordinance for all purposes.

SECTION 2. That it is a benefit to the MFD (a) for members of the MFD to meet the training criteria necessary to obtain certification as a Self-Contained Breathing Apparatus technician (“SCBA Technician”) and to thereafter maintain such certification so that they are available to perform the specialized functions of a SCBA Technician at such times and under such circumstances as may be needed by the MFD; and (b) to provide a financial incentive to members of the MFD who are specially assigned to perform the specialized functions of a SCBA Technician.

SECTION 3. That pursuant to Chapter 143 of the Texas Local Government Code, the City Council hereby establishes SCBA Technicians as a specialized function for the MFD and authorizes the City to pay, over and above all other compensation paid to members in the MFD, assignment pay in the following amount to all members in the MFD who satisfy the following conditions/criteria:

**Table of SCBA Technician Assignment Pay**

<b>Specialized Function</b>	<b>Conditions/Criteria for SCBA Technician Assignment Pay</b>	<b>SCBA Technician Assignment Pay</b>
SCBA Technician	<p>To be eligible, a MFD member must:</p> <ol style="list-style-type: none"> <li>1. Meet all training criteria established by the MFD for SCBA Technician assignments;</li> <li>2. Be certified by the manufacturer of the MFD’s SCBA to test, maintain and repair the MFD’s SCBA;</li> <li>3. Provide proof of the member’s certification as required by Section 2 above to the MFD;</li> <li>4. Be specially assigned by the MFD to perform the specialized functions of a SCBA Technician for the MFD; and</li> <li>5. Be serving in any rank below the rank of Fire Chief of the MFD.</li> </ol>	\$125.00 per month

SECTION 4. A maximum of six members of the MFD shall be assigned to perform the specialized functions of a SCBA Technician.

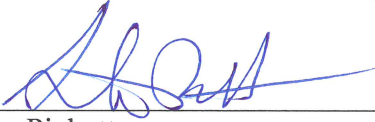
SECTION 5. That Ordinance No. 3117 is hereby repealed in its entirety effective as of the date of this ordinance and is superseded by this ordinance. If any other ordinances of the City contain portions in conflict with this ordinance, the portions in conflict are hereby repealed and the portions not in conflict herewith shall remain in full force and effect.

SECTION 6. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 7. That all matters set forth herein are subject to change, amendment or repeal by subsequent ordinance of the City Council at any time and any benefits hereunder are subject to the appropriation and allocation of funds for that purpose by the City Council. The provisions of this ordinance are not intended to create contractual rights between the City and its employees or their heirs, beneficiaries, legal representatives or assigns and nothing contained in this ordinance shall be construed as creating or constituting a contract, either express or implied, unilateral or otherwise, between the City and its employees or their heirs, beneficiaries, legal representatives or assigns.

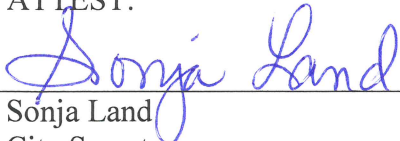
SECTION 8. That this ordinance shall be and become effective on the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of October, 2018.



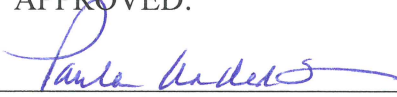
Stan Pickett  
Mayor

ATTEST:



Sonja Land  
City Secretary

APPROVED:



Paula Anderson  
Interim City Attorney