

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1110

AN ORDINANCE TO AMEND SECTION 34.02 OF THE LA VISTA MUNICIPAL CODE PERTAINING TO THE POSITION OF FIRE CHIEF AND ASSISTANTS; TO REPEAL SECTION 34.02 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 34.02 of the La Vista Municipal Code is amended to read as follows:

§ 34.02 FIRE CHIEF AND ASSISTANTS, DUTIES.

(A) Prior to appointment of the Fire Chief by the Mayor and City Council, the City Administrator shall make a recommendation for appointment based upon an eligibility list established by the Civil Service Commission of the City. The Fire Chief shall make the following appointments for the specified terms, subject to removal by the Fire Chief at any time with or without cause. The Fire Chief shall appoint the Assistant Chief(s) and District Chief(s) to office. The Assistant Chiefs and District Chief(s) will serve four-year terms with a maximum of two consecutive terms. The Fire Chief shall appoint the Fire Training Officer and Medical Training Officer to office. The Fire Training Officer and Medical Training Officer will serve two-year terms with a maximum of two consecutive terms. The Fire Chief shall appoint the Fire Captains and Rescue Captain. The Fire Captains will serve one-year terms with a maximum of three consecutive terms. The Rescue Captain will serve one-year terms with a maximum of four consecutive terms. The Fire Chief shall appoint the Public Information Officer and Department Secretary/Parliamentarian. The Public Information Officer will serve a one-year term with a maximum of three consecutive terms. The Department Secretary/Parliamentarian will serve a one-year term with no maximum of consecutive terms. The Fire Chief, subject to approval by the City Administrator, will designate and fill as may be necessary other positions within the Department. A Fire Lieutenant and Rescue Lieutenant from each District will be elected by the membership of the department and will serve one-year terms with a maximum of three consecutive terms.

(B) After an officer reaches the term limit for the office the officer is currently serving in, he/she shall be eligible for reapplication for that office, providing he/she meets the qualifications for office, after a period of two years. Provided, however, if an officer has reached his/her term limit and the Fire Chief determines that there are no qualified candidates who have applied to fill the position, the Fire Chief may reappoint the incumbent for one or more additional terms.

(C) Upon the written consent and directive of the City Council, the Fire Chief shall cause the repair, improvement or maintenance of Fire Department equipment and shall personally supervise and approve of the same. It shall be the duty of the Chief of the Fire Department, the Assistant Chief(s) or their designate(s) lawfully acting in his, her or their stead, in all cases of fire, and/or medical emergency, to take and have control of all members of the Fire Department and of all proper means for the extinguishment of fires, the protection of property, the administration of emergency medical assistance and the preservation of order at and in the vicinity of fire and rescue scenes and to secure the observance of all ordinances and regulations respecting fires. After engines and other apparatus have been withdrawn from any fire or rescue scene, he or she shall have charge of the premises and/or scene until it has been properly secured or assumed by proper authorities.

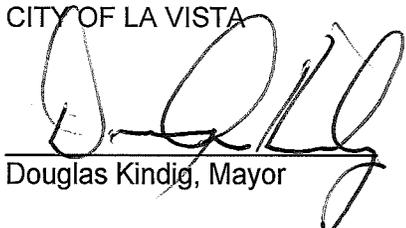
SECTION 2. Repeal of Conflicting Ordinances. Section 34.02 and all ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF NOVEMBER 2009.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk