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ORDINANCE 310 VOLUNTEER FIRE AND RESCUE DEPARTMENT

Section 310.01: CONTINUATION OF DEPARTMENT.

This Section is intended to provide for the continuation of a volunteer fire and rescue department and to establish rules regulating the same.

Section 310.02: FIRE DEPARTMENT ESTABLISHED.

There is hereby established and continued in the City a volunteer fire and rescue department consisting of a Fire Chief, an Assistant Chief, and not fewer than ten (10) nor more than thirty (30) additional firefighting personnel.

Section 310.03: SELECTION OF FIRE CHIEF.

The Chief of the Fire Department shall be appointed by the City Council biennially in even numbered years based upon a recommendation by the members of the department and qualifications as stated in the Kimball Fire Department Standard Operating Guidelines. The Fire Chief shall hold office for two (2) years or until a successor has been duly qualified. The Fire Chief is eligible to serve up to three (3) consecutive terms, for a total of six (6) years. The Fire Chief may be removed by the City Council at any time, for any reason or for any cause. The Fire Chief may request a public hearing with the City Council to discuss its removal decision.

Section 310.04: FIRE CHIEF.

The Fire Chief is the administrative head of the Fire Department and accountable to the City Council. The Fire Chief shall also serve as the Fire Marshall for the City.

Section 310.05: ASSISTANT CHIEF.

In the absence or disability of the Fire Chief, the Assistant Chief shall perform all the functions and exercise all the authority of the Fire Chief. The Assistant Chief shall be appointed by the City Council biennially in odd numbered years based upon a recommendation by the members of the department and qualifications stated in the Kimball Fire Department Standard Operating Guidelines. The Assistant Fire Chief shall hold office for two (2) years or until a successor has been duly qualified. The Assistant Chief may be removed by the City Council at any time for any reason or for any cause. The Assistant Chief may request a public hearing with the City Council to discuss its removal decision.

Section 310.06: PERSONNEL.

Fire department personnel shall be governed by these provisions, and by such other policies as the Council may from time to time adopt, but shall not be governed by any other conflicting city personnel policies or ordinances.

(a) Appointment and Promotion.

All appointments to and promotions within the fire and rescue department shall be made upon the basis of individual merit and ability. All members of the fire and rescue department shall be qualified to perform their administrative, firefighting and rescue duties prior to their appointment. The Fire Chief shall draft departmental regulations on personnel standards and procedures to

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accomplish these objectives for review and approval by the City Council. The Fire Chief shall recommend appointment, promotion, suspension or removal of the members of the fire department, subject to the confirmation and approval of the Council.

(b) Qualifications.

All fire fighters shall be able-bodied, not less than eighteen (18) years of age and possess a valid Minnesota driver's license. Members of the Fire and Rescue Squad shall also possess such other qualifications as may be required by the City Council or by State law.

(c) Physical Examination.

The department shall hold a yearly basic physical SCBA exam that complies with OSHA 1910.156 and OSHA 1910.120. The exam shall consist of blood pressure, a medical questionnaire, lung function test, EKG and urinalysis.

(d) Probationary Period.

Each candidate shall serve a probationary period of twelve (12) months before having full membership rights as a member of the department. Each probationary fire and rescue member shall attend a minimum of seventy (70) percent of monthly training sessions during the probationary period. During the probationary period, a member may be terminated by the City Council at any time, for any reason or no reason, without a hearing.

(e) Compensation.

The members and officers of the fire and rescue department shall receive such nominal compensation as deemed appropriate by the City Council. At no time shall compensation deviate from set standards without express written, prior City Council approval. In computing compensation for fires and rescue calls, one hour shall be the minimum to be paid to any responding fire fighter or officer. In computing compensation for training sessions, one hour shall be paid to any participating fire fighter or officer, unless a higher amount has been approved by the City Council. The Fire Chief shall certify and submit an annual report showing in detail the hours served by each member of the department and the compensation to which he/she is entitled during the year. No payment of compensation shall be paid to any firefighter or officer until such report is filed with and approved by the City Council.

(f) Loss of Membership.

Each officer, member or probationary member shall attend at least seventy (70) percent of the monthly meetings and at least seventy (70) percent of the monthly training sessions held in any one (1) year. Each member shall respond to a minimum of twenty-five (25) percent of all emergency calls from the month starting in December of each year for the succeeding one (1) year period. In addition, any member or probationary member shall not be absent from three (3) consecutive trainings or meetings, unless such absence is excused by the Fire Chief. If a member fails to meet any or all of these requirements, they shall be placed on probation for a period of one (1) year. If a member fails to achieve the number of requirements during the probationary period, they will be removed by the City Council. Fire and rescue members shall continue as members of the department during periods of good behavior but may be removed by the City Council at any time for any reason or for any cause. Any member so removed may request a public hearing with the City Council to discuss its removal decision. The Fire Chief shall have authority to suspend a member pending Council action. A member shall have no pay or member rights and shall not attend training nor respond to calls while suspended.

Section 310.07: RELIEF ASSOCIATION.

The members and officers of the Fire and Rescue Department shall organize themselves into a relief association and shall submit proposed By-Laws to the City Council for approval. Any benefits provided from the Special Fund of such association must be first ratified by the City Council before they are paid or become effective. The relief association shall segregate and keep separate monies received of the City from monies received from donations, fundraisers, or other sources.

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Section 310.08: FIRE DEPARTMENT PROPERTY.

All personal property, equipment, supplies and inventory now owned or hereafter acquired by the Fire and Rescue Department shall be the property of the City of Kimball. This property shall be used exclusively for training, medical emergencies, prevention of fires and protection from fire of the property in the City of Kimball and the Fire Service Area. All property used for the aforementioned purposes shall be maintained on a schedule as determined by the Fire Chief so as to remain in good working order and condition. Such property is hereby declared to be public property used for essential public and governmental purposes. No person shall use any such property for any private, personal or commercial use. Such use of such property may result in immediate termination from the fire and rescue department, in addition to such other criminal or civil penalties as may be provided by law.

Section 310.09: TRAINING COSTS AND FEES.

The City shall reimburse members for reasonable costs and fees incurred in obtaining required training and certifications, including specifically, but not exclusively, costs of classroom instruction, mileage, meals, accommodations, tuition, books, and supplies. The Council shall determine the amounts of reimbursement in its sole discretion. Members wishing to be reimbursed must receive City Council approval to attend training before attending and shall submit a properly documented claim form to the City Clerk upon return, including receipts. The City Clerk shall not disburse funds in advance of training nor pay reimbursed claims without prior Fire Chief and City Council approval.

Section 310.10: OTHER COSTS AND FEES.

The City Council may pay such other costs and fees for the promotion and advancement of the fire and rescue department as it may from time to time deem necessary including specifically, but not exclusively, costs of administering vaccines required by law, and fees for architects, engineers and attorneys necessitated by fire and rescue department building requirements.

Section 310.11: GOOD SAMARITANS.

Members of the Kimball Fire and Rescue Department shall be considered “public nonprofit volunteers” for purposes of Minn. Stat. 604A.01, and shall be entitled to the general immunity from liability provided therein.