

RESOLUTION NO. 2018-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT FOR MUTUAL AID IN FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES; SETTING THE STANDARD OF CARE FOR EMERGENCY ACTION IN MUTUAL AID AND FIRE PROTECTION SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 791 of the Texas Government Code authorizes local governments to enter into Interlocal Agreements for mutual aid and fire protection services (the “Agreement”); and

WHEREAS, The City of North Richland Hills Fire Department desires to enter into an Interlocal Agreements with other government entities in Tarrant County to provide shared fire protection and emergency medical services; and

WHEREAS, The Agreement for mutual aid requires each entity participating in the agreement to adopt an ordinance, resolution, rule or order to establish the “standard of care for emergency action” under the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:

SECTION 1. The City Council hereby finds that the recitals set forth above are true and correct and are incorporated into this Resolution as if written herein.

SECTION 2. The City Manager of the City of North Richland Hills is authorized to execute an Interlocal Agreement with other government entities in Tarrant County for mutual aid in fire protection and emergency services, and any necessary and related documents.

SECTION 3. The City Council hereby adopts the “standard of care for emergency action” as set forth herein below:

Every officer, agent or employee of the City of North Richland Hills and every officer, agent or employee of an authorized provider of emergency services, including, but not limited to every unit of government or subdivision thereof, while responding to emergency calls or reacting to emergency situations, regardless of whether any declaration of emergency has been declared or proclaimed by a unit of government or subdivision thereof, is hereby authorized to act or not to act in such a manner to effectively deal with the emergency.

An action or inaction is ‘effective’ if it in any way contributes or can reasonably be thought by the provider of such emergency service to contribute to preserving any lives or property. This Section shall prevail over every other ordinance, resolution, rule, or order of the City of North

Richland Hills and, to the extent to which the City of North Richland Hills has the authority to so authorize, over any other law establishing a standard of care in conflict with this section.

Neither the City of North Richland Hills nor the employee, agent or officer thereof, or other unit of government or subdivision thereof or its employees, agents or officers shall be liable for failure to use ordinary care in such emergency. It is the intent of the City of North Richland Hills, by passing this ordinance, resolution, rule, or order to assure effective action in emergency situations by those entrusted with the responsibility of saving lives and property by protecting such government units from liability, and their employees, agents and offices from nonintentional tort liability to the fullest extent permitted by statutory and constitutional law, this ordinance, resolution, rule or order shall be liberally construed to carry out the intent of the City of North Richland Hills.”

SECTION 4. This Resolution shall take effect and be in full force and effect from and after the date of its adoption, and it is so resolved; and all Resolutions of the City Council of the City in conflict herewith are hereby amended or repealed to the extent of such conflict.

PASSED AND APPROVED on this 10th day of December, 2018.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

APPROVED AS TO CONTENT:

Stan Tinney, Fire Chief