

**RESOLUTION NO. 20-01-23-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, PROPOSING THE CREATION OF A FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT PURSUANT TO CHAPTER 344 OF THE TEXAS LOCAL GOVERNMENT CODE ("DISTRICT"), ESTABLISHING THE TEMPORARY BOARD OF DIRECTORS OF THE DISTRICT AND APPOINTING THE CITY COUNCIL OF THE CITY OF CORINTH AND BOB HART, CITY MANAGER OF THE CITY OF CORINTH, COLLECTIVELY, TO SERVE AS THE TEMPORARY BOARD OF DIRECTORS OF THE PROPOSED CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT ("TEMPORARY BOARD"); PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR THE APPOINTMENT OF MEMBERS TO SERVE ON THE TEMPORARY BOARD FOR THE DISTRICT; PROVIDING APPOINTMENT OF DIRECTORS AND DUTIES OF THE TEMPORARY BOARD; PROVIDING FOR DISSOLUTION OF THE TEMPORARY BOARD; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth, Texas, (the "City") is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the Fire Control, Prevention, and Emergency Medical Services District Act as set forth in Chapter 344 of the Texas Local Government Code (the "Act") authorizes the creation of a Fire Control, Prevention and Emergency Services District and an associated tax upon approval by a majority of the qualified voters of the district voting at an election, and Section 344.051(a-3) of the Texas Local Government Code authorizes the City Council of the City of Corinth to propose the creation of a fire control, prevention, and emergency medical services district; and

**WHEREAS**, Section 344.052 of the Act requires that within 60 days after a city council proposes a fire control, prevention, and emergency medical services district, the city council designate seven (7) persons who reside within the proposed district to serve as temporary directors of the proposed district (the "Temporary Board"); and

**WHEREAS**, Section "II" of the City of Corinth's Boards, Commissions, and Committees Rules and Procedures, last amended by Resolution No. 16-04-21-09, states that "All citizens of Corinth are eligible to serve on City boards, commissions, and committees"; and

**WHEREAS**, Section 344.052 of the Act further requires that the Board shall within 75 days after a city council proposes a fire control, prevention, and emergency medical services district, conduct a meeting to organize the Board and elect one of its members as presiding officer of the board at that meeting; and

**WHEREAS**, Section 344.061 of the Act requires the temporary board to develop and adopt a two-year fire control, prevention, and emergency medical services plan and a two-year budget plan; and

**WHEREAS**, after adopting the required plans pursuant to Section 344.061, the Board may call and hold a confirmation election for the proposed district pursuant to Sections 344.054 and 344.056 of the Act, after giving notice of such election in a newspaper with general circulation in the proposed district once a week for two consecutive weeks, the first publication occurring before the 35<sup>th</sup> day before the date set for the election; and

**WHEREAS**, Section 344.059 of the Texas Local Government Code requires the temporary board to canvass election results not earlier than the second day and not later than the 13<sup>th</sup> day after the date of the election; and

**WHEREAS**, the City Council of the City of Corinth has determined that the City Council of the City of Corinth and Bob Hart, City Manager of the City of Corinth, collectively, should be designated as the Temporary Board of Directors of the proposed City of Corinth Fire Control, Prevention, and Emergency Medical Services District.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, THAT:**

**Section 1. Incorporation of Premises.** The above recitals are true and correct and are hereby incorporated into the body of this Resolution as if fully set forth herein.

**Section 2. District Proposed.** The City Council of the City of Corinth has determined it necessary and appropriate to propose the formation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District within the boundaries of the City of Corinth as currently incorporated and to designate a Temporary Board of Directors in accordance with the Act.

**Section 3. Appointment of Directors and Duties of Temporary Board (the "Temporary Board").** The City Council of the City of Corinth hereby appoints the following persons to serve as the Temporary Board of Directors for the City of Corinth Fire Control, Prevention, and Emergency Medical Services District:

Mayor Bill Heidemann  
Mayor Pro Tem Sam Burke  
Councilmember Scott Garber  
Councilmember Lowell Johnson  
Councilmember Tina Henderson  
Councilmember Kelly Pickens  
City Manager, Bob Hart

The foregoing persons shall serve as the Temporary Board until such time as a District is established by the voters of the City and a permanent Board of Directors for the City of Corinth Fire

Control, Prevention, and Emergency Medical Services District is formed in accordance with the Act. The Temporary Board shall have all duties imposed and powers afforded to it pursuant to Chapter 344 of the Act.

**Section 4. Dissolution of Temporary Board.** Pursuant to Section 344.060 of the Act, the Temporary Board shall automatically dissolve without further action of the City Council if the District is not created before the 5th anniversary of the date of this Resolution or on the date the City Council appoints a permanent board of directors of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District, whichever occurs first.

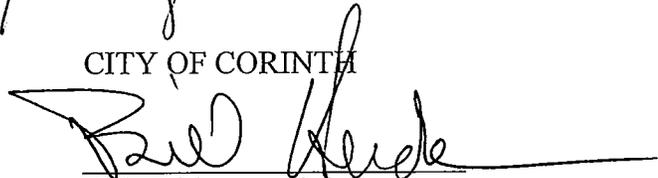
**Section 5. Cumulative Repealer.** This Resolution shall be cumulative of all other resolutions and shall not repeal any of the provisions of such resolutions except for those instances where there are direct conflicts with the provisions of this Resolution. Resolutions, or parts thereof, in force at the time this Resolution shall take effect and that are inconsistent with this Resolution are hereby repealed to the extent that they are inconsistent with this Resolution.

**Section 6. Severability.** If any section, article, paragraph, sentence, clause, phrase or word in this Resolution or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Resolution, and the City Council hereby declares it would have passed such remaining portions of this Resolution despite such invalidity, which remaining portions shall remain in full force and effect.

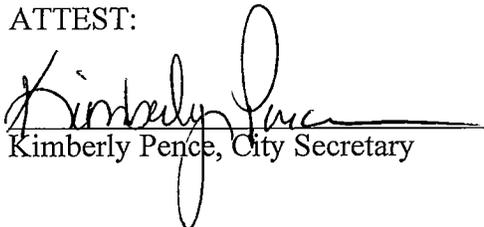
**Section 7. Effective Date.** This Resolution shall be effective upon its adoption.

PASSED AND APPROVED this 23<sup>rd</sup> day of January, 2020.

CITY OF CORINTH

  
Bill Heidemann, Mayor

ATTEST:

  
Kimberly Pence, City Secretary

APPROVED AS TO FORM:

  
Patricia A. Adams, City Attorney