



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Jim Evans, Acting Fire Chief

**DATE:** October 17, 2008

**SUBJECT:** Council Agenda Item Number 8 (Expansion of Automatic Aid Agreement)

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The Austin Firefighters' Association/Local 975, is raising concerns about the proposed expansion of the existing automatic aid agreement between the City of Austin and Emergency Services District 9 ("ESD 9" also known as the Westlake Fire Department). The City of Austin has been providing compensation in exchange for fire protection services with ESD 9 since the mid-1980s. In 2007, this agreement was expanded into an automatic aid agreement, whereby, the closest unit between the two departments—AFD and ESD 9—would dispatch to an emergency. On October 23, 2008, Council will vote to further expand this agreement to include new areas currently serviced by ESD 9, but will be annexed by the City of Austin effective January 1, 2009. These areas are Peninsula, Las Cimas, and Lost Creek Commercial. The potential increase in cost to the City of Austin pertaining to this agreement is between \$400,000 and \$500,000. The staff recommendation is to enter into this agreement as an interim step until an AFD fire station or stations are put in place to provide the services.

While the Austin Firefighters' Association is concerned about this proposed expansion of the automatic aid agreement with ESD 9, it did not oppose the previous automatic aid agreement with ESD 9 or previous uncompensated agreements.

The Firefighters' Association is arguing that it is illegal for the City to contract with an outside entity, ESD 9, and thereby allow non-civil service firefighters to provide fire protection services within the City of Austin, a city which is governed by the Civil Service Act. The City does not agree with this position. Both the City's legal staff and outside counsel have reviewed this issue and come to the conclusion that expanding the automatic aid agreement with ESD 9 is within the law. These automatic aid agreements are not unique to Austin; throughout the state, municipalities contract with each other to provide fire protection services.

If you have questions, or require further detail, please contact me or Assistant City Manager Mike McDonald.

Cc:

Marc A. Ott, City Manager

Michael McDonald, Assistant City Manager