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December 17, 2013

Jason Browning
Collin County Fire Marshal
4690 Community Ave., Suite 200
McKinney, TX 75071

RE: City of Parker Resolution No. 2013-430
Parker Fire District Interlocal Agreement

Dear Fire Marshal Browning:

We have received your message on the interlocal agreement that we sent to you recently, amended to fit Parker's situation. It appears a written explanation is appropriate.

The original draft of the agreement contemplated that the volunteer fire department "agency" would be the only party to the agreement with the county, and the agency would own the equipment used on a county run. While I am sure that is accurate for a number of the fire departments serving the various districts in the county, it does not quite fit the Parker situation.

In Parker, the City of Parker, rather than the volunteer fire department (which operates its own 501(c)3 corporation), owns the equipment, the fire house, and all motorized vehicles.

Fortunately the Local Government Code contemplates such situations (L.G.C. 352.001(b)). The Code simply requires the county and the city, as the owner of the fire equipment, to enter into an agreement. Consequently I added the short \$1 per year agreement to comply with the Code, allowing the city equipment to be used outside the city limits, and potentially outside the city's ETJ. The city was added to the agreement for that purpose only.

The second issue was insurance. While the city maintains insurance on the vehicles and equipment used within the municipality, the city insurance does not extend to coverage for the fire department personnel on runs on behalf of the county beyond the city limits. Fortunately state law again contemplates the situation, and allows, in fact appears to require, that such runs be made by the volunteers as agents of the county (L.G.C. 352.004(b) and (c)).

The Parker Fire Department does not maintain its own insurance, and therefore is not in a position to make the county an "also insured" under the policy.

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For all these reasons we modified the contract to reflect the correct ownership of the equipment, and comply with the statute on making it available to the county.

Please do not hesitate to contact me for any additional clarification.

Sincerely yours,

James E. Shepherd

cc: Z Marshall
Jeff Flanigan
Mike Sheff