

Steps to Create a Fire Marshal Office

- 1) The court must place on Regular Court Agenda to create the County Fire Marshal Office.
- 2) Once the office has been approved and individual has been sworn in per Local Government Code Chapter 352 Subchapter B. County Fire Marshal Sec. 352.011 Creation of Office; Term.
 - A. The commissioner's court of a county may establish the office of county fire marshal and provide office facilities, etc.
 - B. The commissioner's court shall establish the term of office for a county fire marshal for a period not to exceed two years.
 - C. Sec. 352.012 Qualifications.
 - a. To qualify for office, the county fire marshal must take the oath prescribed by the constitution of this state and post a bond as required by the commissioners court conditioned that the marshal will faithfully and strictly perform the duties of the office.
 - b. The county fire marshal may not be directly or indirectly interested in the sale of fire-fighting equipment and may not be engaged in any type of fire business.
- 3) The paperwork for the creation of a TCOLE organization can be created. See definition of Code of Criminal Procedure Title 1. Code of Criminal Procedure, Chapter 2. General Duties of Officers, Art. 2.12 Who are Peace Officers, Section 36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.
- 4) With this then we can fill out the application to create a new TCOLE group with the Fire Marshal being the Administrative Chief (if non-commissioned Peace Officer is OK per the above Code of Criminal Procedure.
- 5) Before submission the application needs:
 - A. The entity shall submit to the commission on creation of the law enforcement agency or police department information regarding:
 - a. The need for the law enforcement agency or police department in the community; This will be covered by the Court documents
 - b. The funding sources for the law enforcement agency or police department; again will be noted by the general fund for the 542 Budget.
 - c. The physical resources available to officers; this is the auto, computer, uniform, etc.

- d. The physical facilities that the law enforcement agency or police department will operate, including descriptions of the evidence room, dispatch area, and public area; We have the public area and dispatch area, I am working with Harris county on getting a viable Storage Cabinet and procedure that they use.
- e. Law enforcement policies of the law enforcement agency or police department, including policies on:
 - i. Use of Force; will use Harris Counties or Texas State Fire Marshal Office Policies.
 - ii. Vehicle Pursuit; will use Harris Counties or Texas State Fire Marshal Office Policies.
 - iii. Professional Conduct of officers; will use Harris Counties or Texas State Fire Marshal Office Policies.
 - iv. Domestic abuse protocols; will use Harris Counties or Texas State Fire Marshal Office Policies.
 - v. Response to missing persons; will use Harris Counties or Texas State Fire Marshal Office Policies.
 - vi. Supervision of part-time officers; will use Harris Counties or Texas State Fire Marshal Office Policies.
 - vii. Impartial Policing; will use Harris Counties or Texas State Fire Marshal Office Policies.
 - viii. Evidence Collection will use Harris Counties or Texas State Fire Marshal Office Policies.
 - ix. Eyewitness identification will use Harris Counties or Texas State Fire Marshal Office Policies.
- a. The administrative structure of the law enforcement agency or police department; We will just need to create a Org Chart
- b. Liability insurance; will see if the insurance I carry now is enough or do we need to adjust
- c. Documents from the governing body authorizing creation of agency: Example(s): Municipal Code/Ordinance, School District
- d. Minutes approving ordinance. Copy of the Court Minutes

As you can see I have at least a start for all these document requirements. The County Fire Marshal of Harris County is not a Peace Officer so he will help me get through this process along with Sgt. Connella from TCOLE. NOTE: We will have to submit a \$1000 fee for Application of proposed Agency.

Next we will convert our Texas Commission on Fire Protection Fire Department Identification Designation (Haz Mat to Fire Marshal).

We will then work with the Commissioners Court on what fires should be investigated.

This should carry us through the first year and we will work on plan for next year with no added employees.