

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING ORDINANCE NO. 5586, AS IT RELATES TO FUND 31 – FIRE REPLACEMENT FUND; CLARIFYING AND EXPANDING AUTHORIZED USES OF FUND 31 RESOURCES; REVISING THE DISPOSITION OF FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICES REVENUES; AUTHORIZING TRANSFERS AND REIMBURSEMENTS FOR ELIGIBLE FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICES EXPENDITURES; AUTHORIZING THE USE AND TRANSFER OF AVAILABLE FUND 31 RESOURCES; AMENDING ORDINANCE NO. 5710, AS AMENDED, TO THE EXTENT NECESSARY TO IMPLEMENT SUCH ACTIONS; AUTHORIZING ADMINISTRATIVE CLOSURE OF FUND 31; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council previously adopted Ordinance No. 5586 establishing Fund 31 for Fire Department and Emergency Medical Services purposes; and

WHEREAS, Fund 31 is maintained by the City as the Fire Replacement Fund; and

WHEREAS, the City Council desires to clarify and expand the lawful uses of Fund 31 resources and authorize reimbursement or transfer of such resources for eligible Fire Department and Emergency Medical Services expenditures; and

WHEREAS, the City Council desires to discontinue the prior automatic revenue contribution formula applicable to Fund 31 and provide that Fire Department and Emergency Medical Services revenues be accounted for through the City's adopted budget and other lawful City action; and

WHEREAS, the City Council further desires to authorize the use and transfer of available Fund 31 resources and provide for administrative closure of Fund 31 when appropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

SECTION 1. FUND 31 – FIRE REPLACEMENT FUND

Fund 31 shall continue to be identified and maintained as the Fire Replacement Fund.

Nothing in this Ordinance creates a new fund or affects any revenue, expenditure, cash, asset, liability, receivable, encumbrance, obligation, fund balance, or other financial activity previously recorded or attributable to Fund 31.

SECTION 2. PURPOSE AND AUTHORIZED USES

Fund 31 resources may be used for any lawful Fire Department or Emergency Medical Services purpose, including eligible operating and capital expenditures.

Authorized uses may include, but are not limited to, fire and emergency medical vehicles; apparatus; equipment; machinery; tools; personal protective equipment; communications and technology equipment; computers; radios; repairs; maintenance; parts; supplies; contractual services; training; capital improvements; financing or lease-purchase costs; replacement of Fire Department or Emergency Medical Services assets; and other lawful expenditures properly attributable to Fire Department or Emergency Medical Services operations.

All expenditures shall remain subject to applicable purchasing requirements, budgetary controls, City policies, and law.

SECTION 3. REVISION OF REVENUE CONTRIBUTION REQUIREMENT

The provision of Ordinance No. 5586 providing for the deposit into Fund 31 of Fire Department or Emergency Medical Services collections exceeding \$1,500,000 is hereby repealed.

Effective upon adoption of this Ordinance, no automatic or mandatory annual contribution to Fund 31 shall be required.

Fire Department and Emergency Medical Services revenues shall be deposited, budgeted, appropriated, transferred, or otherwise accounted for in accordance with the City's adopted budget, applicable accounting requirements, and other lawful City action.

Any revenues, reimbursements, interest earnings, or other resources received by or properly attributable to Fund 31 prior to its administrative closure shall remain available for use, transfer, or reimbursement in accordance with this Ordinance.

SECTION 4. TRANSFERS AND REIMBURSEMENTS

Available Fund 31 resources may be used directly for eligible Fire Department or Emergency Medical Services expenditures or may be transferred to or used to reimburse the General Fund, Capital Asset Replacement Fund, or another City fund for documented eligible expenditures attributable to Fire Department or Emergency Medical Services purposes.

Such reimbursement may include eligible expenditures incurred during Fiscal Year 2025-2026.

Transfers or reimbursements authorized by this Ordinance may occur in one or more transactions and may include resources available on the effective date of this Ordinance and additional resources subsequently received or credited to Fund 31.

The City Manager or Finance Director is authorized to make the interfund transfers, reimbursements, expenditure and revenue reclassifications, accounting entries, and conforming budget adjustments necessary to implement this Ordinance.

SECTION 5. AMOUNT AND TIMING OF TRANSFERS

The City Manager or Finance Director is authorized to determine, from time to time, the amount of legally available Fund 31 resources and to make one or more expenditures, transfers, or reimbursements authorized by this Ordinance.

Such amounts may include resources available as of the effective date of this Ordinance and additional revenues, reimbursements, interest earnings, or other resources subsequently received or credited to Fund 31.

Sufficient resources shall be retained to satisfy known obligations and encumbrances of Fund 31.

The aggregate amount expended, transferred, or reimbursed shall not exceed the legally available resources of Fund 31.

Nothing herein authorizes the use of resources in violation of an applicable legal, contractual, grant, debt, financing, or other enforceable restriction.

SECTION 6. AMENDMENT OF FISCAL YEAR 2025-2026 BUDGET

Ordinance No. 5710, as amended, adopting the Fiscal Year 2025-2026 Budget, is hereby amended to the extent necessary to implement the expenditures, transfers, reimbursements, use of fund balance, revenue adjustments, expenditure adjustments, and other financial actions authorized by this Ordinance.

The City Manager or Finance Director is authorized to make all conforming amendments and accounting entries to the City's budget schedules, fund summaries, transfer schedules, revenue accounts, expenditure accounts, and financial records necessary to implement this Ordinance.

SECTION 7. ADMINISTRATIVE CLOSURE OF FUND 31

The City Manager or Finance Director may administratively close Fund 31 without further action of the City Council after:

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- A.** all resources intended to be expended, transferred, reimbursed, or otherwise utilized have been properly accounted for;
- B.** all outstanding obligations, liabilities, commitments, and encumbrances have been satisfied, discharged, transferred, or otherwise properly accounted for;
- C.** all revenues, receivables, refunds, reimbursements, interest earnings, expenditures, transfers, and other transactions have been properly recorded;
- D.** final accounting and reconciliation of Fund 31 have been completed; and
- E.** the remaining balance of Fund 31 is zero.

No additional ordinance, resolution, appropriation, or other City Council action shall be required to complete an administrative closure authorized by this Section.

Nothing in this Section requires Fund 31 to be closed merely because the conditions for administrative closure have been satisfied.

SECTION 8. REPEALER

All provisions of Ordinance No. 5586 or any other ordinance inconsistent with this Ordinance are hereby amended or repealed only to the extent of such inconsistency.

Except as expressly amended herein, Ordinance No. 5586 and Ordinance No. 5710, as amended, shall remain in full force and effect.

SECTION 9. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and approval as provided by law.

PASSED AND APPROVED this 22nd day of September, 2026.

CITY OF MISSION, TEXAS

Norie Gonzalez Garza, Mayor

ATTEST:

APPROVED AS TO FORM:

Anna Carrillo, City Secretary

City Attorney