



TYLER COUNTY COMMISSIONERS COURT

100 West Bluff Street, County Courtroom, Room 101

Tyler County Volunteer Fire Department Policy

I. Purpose

The purpose of this policy is to maintain the integrity, professionalism, and reliability of emergency fire services within the County, protect the citizens of Tyler County and reduce potential liability and risk to Tyler County and its residents.

Tyler County recognizes the important role that volunteer fire departments play in providing emergency services to the community. Because volunteer firefighters are entrusted with responding to emergency incidents and interacting with members of the public, the County requires reasonable screening and oversight to ensure that individuals serving in these positions meet minimum eligibility requirements.

II. Scope

This policy applies to all volunteer firefighters serving with a volunteer fire department or fire protection organization operating within Tyler County and receiving, utilizing, or participating in County-supported emergency services, dispatch services, funding, equipment, software, programs, or other County resources.

III. Firefighter Vetting and Background Check Requirements

A. Tyler County Fire Marshal Review

All volunteer firefighters must be vetted and approved by the **Tyler County Fire Marshal** (hereinafter referred to as "The Fire Marshal") prior to responding to emergency calls on behalf of a volunteer fire department. Membership acceptance of a volunteer fire department is subject to the approval of the Fire Marshal as stated in this policy.

The vetting process shall include a review of the individual's eligibility to serve as a volunteer firefighter under this policy and any other applicable County requirements.

B. Background Check

Every volunteer firefighter, recruit, officer or member of a volunteer fire department shall successfully complete a criminal background check as required by the Tyler County Fire Marshal.

The background check must be completed and approved before the individual is authorized to respond to

emergency calls as a volunteer firefighter. Eligibility to serve will be approved or disapproved in writing by the fire marshal, according to the attached eligibility schedule.

The Fire Marshal can request a recheck of any person's background or eligibility status at any time based on information relayed to the Fire Marshal that could affect or change a member's eligibility.

C. Training

All volunteer firefighters, recruits, officers or members of a volunteer fire department must remain a member in good standing and maintain training requirements as determined by the fire department for which they are a member.

The requirements for training and members in good standing are to be determined by the head of each volunteer fire department. The head of each department shall notify the Fire Marshal of the appropriate requirements and the status of each member in regards to these requirements.

D. Disqualifying Factors

An individual who meets any of the disqualifying criteria identified in the **Volunteer Firefighter Disqualifiers** attached to this policy shall not be eligible to serve as a volunteer firefighter for purposes of receiving or utilizing County-supported emergency services or resources.

The attached disqualifiers are incorporated into and made a part of this policy.

E. Documentation

Each volunteer fire department shall maintain accurate records demonstrating that its members have completed the required training, vetting and background check process.

Each department shall maintain a current roster of members, volunteers and officers. This roster must be given to the Fire Marshal at the implementation of this policy. An updated roster must be provided to the Fire Marshal at the beginning of each calendar year (no later than January 15th). If a member applies, leaves, changes status, or is arrested, the Department must notify the Tyler County Fire Marshal within 72 hours.

The Tyler County Fire Marshal may require documentation from a volunteer fire department to verify compliance with this policy at any time.

F. Existing Firefighter Compliance Period

All volunteer firefighters who are actively serving with a Tyler County volunteer fire department at the adoption of this policy shall be required to come into full compliance with all requirements of this policy within **thirty (30) calendar days** of the policy's effective date.

Each volunteer fire department shall be responsible for ensuring that all existing members complete the required vetting and background check process within the thirty-day compliance period.

Any firefighter who has not completed the required process, or who is determined to be disqualified under this policy, shall not be permitted to respond to emergency calls on behalf of the agency following expiration of the thirty-day compliance period.

If an agency has any firefighters or members who remain out of compliance after thirty calendar days from the adoption of this policy, the entire agency will be considered **noncompliant** and shall be subject to the consequences set forth in Section V, including suspension of County dispatch services, County

funding, equipment, software, and other County-provided support.

The Tyler County Fire Marshal may establish procedures and deadlines necessary to facilitate completion of the required vetting and background checks during the thirty-day compliance period.

IV. Department Responsibility

Each volunteer fire department is responsible for ensuring that every individual representing the department as a volunteer firefighter complies with this policy.

An agency shall not knowingly permit an individual who has been determined to be disqualified under this policy to respond to emergency calls or otherwise represent the agency as an eligible volunteer firefighter, board member, officer or any other representative.

The responsibility for maintaining compliance applies to both existing members and newly recruited volunteer firefighters. If any member of a department observes noncompliance. They must report it to the Tyler County Fire Marshal.

V. Failure to Comply

Compliance with this policy is a condition of an agency's eligibility to receive or utilize County-supported emergency services and resources.

If a volunteer fire department is determined to be **out of compliance with this policy, including when only one firefighter within the agency is determined to be disqualified**, the agency shall be subject to suspension of County-supported services and resources until the agency is brought into compliance.

During a period of noncompliance, the agency:

1. **Shall not be dispatched to emergency calls through County-supported dispatch services;**
2. **Shall not be permitted to utilize the dispatch services of the Tyler County Sheriff's Office;**
3. **Shall not receive additional County funds or financial assistance;**
4. **Shall not receive County-provided equipment;**
5. **Shall not receive or utilize County-provided software; and**
6. **Shall not receive other County-provided support or resources.**

These restrictions shall remain in effect until the agency demonstrates to the satisfaction of the Tyler County Fire Marshal that it has returned to full compliance with this policy. The Fire Marshal will notify a department of any change in their compliance status.

VI. Response by Noncompliant Agencies at Emergency Scenes

A volunteer fire department that has been determined to be **noncompliant with this policy** and is prohibited from receiving or utilizing County-supported dispatch services shall not respond to or operate at emergency scenes.

If a known noncompliant agency or its personnel arrive at an emergency scene, the agency and/or its personnel shall be advised that the agency is not authorized to operate at the scene and shall be **requested to leave the scene**.

If the agency or its personnel refuse to leave after being directed to do so by the appropriate incident commander, law enforcement officer, or other person having lawful authority over the scene, **all appropriate lawful actions may be taken to address the refusal and maintain the safety, security, and orderly operation of the emergency scene.**

If a compliant volunteer fire department knowingly permits, assists, or allows a known noncompliant agency or its personnel to operate at or remain on an emergency scene, the compliant agency shall be deemed **noncompliant with this policy** and shall be subject to all consequences and restrictions applicable to a noncompliant agency.

Nothing in this provision shall be construed to prevent any person from taking action that is otherwise authorized or required by law to protect life, preserve evidence, maintain public safety, or address an emergency.

VII. Restoration of Eligibility

An agency whose County-supported services or resources have been suspended due to noncompliance may request restoration of eligibility once the agency has corrected the violation of this policy resulting in noncompliance.

The Tyler County Fire Marshal shall verify that the agency has satisfied all applicable requirements before notifying the appropriate County officials that the agency is eligible to resume receiving County-supported services and resources.

Restoration of eligibility does not prohibit the County from taking additional action when otherwise authorized by law, County policy, contract, or other applicable authority.

VIII. Administration and Enforcement

The **Tyler County Fire Marshal** shall be responsible for administering and monitoring compliance with this policy. In the event the Tyler County Fire Marshal is unable to perform duties under this policy, the responsibility to administer and monitor compliance with this policy shall fall to the designee of the Fire Marshal, subject to approval by the County Judge.

The Fire Marshal may establish reasonable procedures and documentation requirements necessary to implement this policy, provided those procedures are consistent with this policy and applicable law.

Nothing in this policy shall be construed to limit any authority otherwise granted to Tyler County, the Tyler County Fire Marshal, the Tyler County Sheriff's Office, or any other governmental entity by state or federal law.

IX. Severability

If any provision of this policy is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect to the extent permitted by law.

X. Policy Amendments and Revisions

This policy may be reviewed, revised, amended, supplemented, or otherwise modified at the discretion of the **Tyler County Commissioners Court**. The Commissioners Court may adopt additional provisions, requirements, procedures, or amendments as deemed necessary to maintain the integrity of emergency services, protect the citizens of Tyler County, promote public safety, and limit liability to Tyler County.

Any amendment adopted by the Tyler County Commissioners Court shall become effective in accordance with the terms established by the Commissioners Court and shall be incorporated into this policy upon adoption.

Signed on this _____ day of _____, 2026

Milton Powers, Tyler County Judge

Joe Blacksher, Commissioner, Precinct 1

Doug Hughes, Commissioner Precinct 2

Mike Marshall, Commissioner, Precinct 3

Donna Hudson, Commissioner, Precinct 4

Attested by:

Janet Brown, Tyler County Clerk

Attachment A

Volunteer Firefighter Disqualifiers

The following disqualifiers shall be attached to and incorporated into the Tyler County Volunteer Firefighter Eligibility and Agency Compliance Policy. If any of the following disqualifiers are found the member or potential member is ineligible to participate in a Volunteer Fire Department receiving services, funding or equipment from the County.

A. Background Check

1. **Any Person Currently on Probation or Parole for ANY Felony Offense.**
2. **Any Conviction (or plea of guilt) for Theft.**
 - a. This includes any offense related to Fraud, Forgery, Burglary, Robbery, or Crimes of Deception.
 - b. **Felony Theft:** Any conviction within ten years from the date of conviction is deemed to disqualify a person from service on the Volunteer Fire Department. After ten years from the date of conviction the person is deemed eligible for service.
 - c. **Misdemeanor Theft:** If Five years has elapsed from the date of conviction the offense is not deemed to disqualify a person from service on the Volunteer Fire Department.
 - d. **Two or more convictions for theft:** regardless of the time elapsed from the date of conviction, two or more convictions or pleas of guilt for a theft related offense disqualifies someone from service on a Volunteer Fire Department.
 - e. Any person under indictment for a theft related offense is ineligible for service until the disposition of the case.
3. **Any Conviction (or plea of guilt) on all Sexually Based Offenses.**
 - a. Regardless of the amount of time since the offense and regardless of whether the offense was a misdemeanor or felony.
 - b. Any person who is required to register as a sex offender is disqualified from service.
 - c. Any person who has plead guilty to a sexually based offense which does not require registration is disqualified from service.
 - d. Any person under indictment or investigation for a sexually based offense is ineligible for service until the disposition of the case.
4. **Any Conviction (or plea of guilt) for any Violent Felony or Misdemeanor.**
 - a. Violent offenses shall include but are not limited to:
 1. Assault
 2. Sexual Assault
 3. Aggravated Assault
 4. Aggravated Sexual Assault
 5. Continuous Violence Against the Family
 6. Stalking
 7. Murder
 8. Trafficking/Aggravated Trafficking
 9. Robbery/Aggravated Robbery
 10. Kidnapping/Aggravated Kidnapping
 11. Injury to a Child/Elderly/Disabled Individual

B. Training

- 1. Any person deemed to be out of compliance with training or who is no longer a member in good standing.**

C. Miscellaneous

- 1. Any Behavior, Conduct, Actions or Failure to Act that is Determined by the Fire Marshal to present a substantial risk to public safety, the integrity of emergency services, the safety of other emergency personnel, or the potential liability of Tyler County or of any Volunteer Fire Department.**
 - Any volunteer fire fighter who is determined under this section to be out of compliance with this policy has the ability to appeal within 30 calendar days to determine whether the determination of the Fire Marshal was reasonable.
 - The Appeal Board shall consist of the Tyler County Judge, the Tyler County Sheriff and a representative of the County Fire Chiefs Association, as appointed by the Association.
 - The representative of the association cannot be a member of the department from which the fire fighter was suspended from.

The disqualifying criteria shall be applied consistently to all volunteer firefighters subject to this policy and shall be administered in accordance with applicable federal and Texas law.