

## Avery County Fire Association releases Statement

Written by

Wednesday, 22 August 2007 12:55

---

Executive officers of the Avery County Fire Association have released the following statement to the media, addressing contract concerns.

The statement was released under the authorization of Avery County Fire Association President Junior Sluder.

The statement appears in its entirety, exactly as it was received by Aisling Broadcasting. It does not necessarily reflect the opinions of Aisling Broadcasting.

-----

The purpose of this document is to correct misconceptions about the disagreement between the fire departments and the Fire Commission and suggest some things that need to be considered by the County Commissioners and the new Fire Commission members when making decisions concerning the fire departments of Avery County.

Here are some facts that need to be kept in mind:

- Most residents save more on homeowners insurance than they pay in fire tax. I say most because there are some homeowners whose land value far exceeds the value of the structures on the land. And since the fire insurance is based on the value of the structures and the fire tax is based on the value of the combination of land and structures there could be some who pay more tax than they save on insurance. But they are few in number.

## Avery County Fire Association releases Statement

Written by

Wednesday, 22 August 2007 12:55

---

· In order to get the above savings on your fire insurance you must live within 6 miles of a rated fire station. If a department has been able to secure a lower rating you must be within 5 miles of the rated station to get an additional savings in fire insurance. There is a fair amount of the county that is out side these limits now( the county has maps showing the areas covered). If we take someones suggestion to &quot;CLOSE ALL THE VOLNTEER STATIONS AND LOCATE ABOUT 3 PROFESSIONAL PAID STATIONS AROUND THE COUNTY &quot; more than two thirds of the county would be outside a rated fire district.

· The cost of running paid department is 4 times cost of volunteer department. This mainly comes from the cost of the paid firefighters and officers. The state requires a department (paid or volunteer) to respond to every structure fire or alarm with the minimum of an engine and 4 firefighters. In order to have 4 firefighters available 24 hours a day seven days a week it takes 12 personnel. Cost for 12 personnel \$30,000.00 X 12 = \$360,000.00 per year.

· Volunteers are worth more than the equipment. Avery County fire departments get less than \$120,000.00 each, so the volunteers provide about 3 times the value of the funds the county provides for equipment.

· It is getting harder to attract and retain good volunteer firefighters. The state requires that a department must have roster with a minimum of 20 volunteers to be rated. And an additional 8 volunteers is required for each additional station in the rated district.

· Requirements on fire departments are getting harder to comply with and increase the cost of operation as well as increase the work required by the volunteers

· The state requires each volunteer fire fighter to get 36 hours of training and drills per year. This is in addition to attendance at fires, related emergency incidents and work sessions. If a member does not get the required 36 hours they cannot be counted in roster sent to the state for rating.

· It takes 336 hours to train a volunteer to the Firefighter Level 2 and several years to get the practical knowledge of the job. The time for a volunteer to attain the Firefighter Level 2 training

## Avery County Fire Association releases Statement

Written by

Wednesday, 22 August 2007 12:55

---

can be as short as a few years, but some never attain that level of training. If departments made this a requirement for membership they would not have the required membership to keep their rating.

- Even though some departments do not have a contract they still continued to provide service.

The Avery County Fire Commission has taken the position that all equipment and buildings purchased by volunteer fire departments in the county using county funds or with state or federal grants belongs to Avery County. This is not true. The volunteer fire departments in Avery County are not part of the county but are independent non-profit corporations established to provide fire protection in their fire district.

Since Avery County could not afford to supply its residents with adequate fire protection the residents in seven sections of the county formed non-profit corporations to provide fire protection to their area. Later the volunteer fire departments in the county helped to get a fire tax (of up to \$0.10 per \$100.00 of assessed property valuation) to help pay the cost of running the volunteer fire departments. When a county assesses a fire tax it is required to provide fire protection. Here is part of North Carolina statute 69-25.5:

## Avery County Fire Association releases Statement

Written by  
Wednesday, 22 August 2007 12:55

---

*Methods of providing fire protection:*

*Upon the levy of such tax, the board of county commissioners shall, to the extent of the taxes collected hereunder, provide fire protection for the district -*

*(1) By contracting with any incorporated city or town, with any incorporated nonprofit volunteer or community fire department, or with the Department of Environment and Natural Resources to furnish fire protection, or*

*(2) By furnishing fire protection itself if the county maintains an organized fire department, or*

*(3) By establishing a fire department within the district, or*

*(4) By utilizing any two or more of the above listed methods of furnishing fire protection.*

As a result Avery County contracts with the incorporated nonprofit volunteer departments in the county for fire protection. Avery County does not own the incorporated nonprofit volunteer departments. And although Avery County paid for the departments' buildings and equipment it does not own the buildings and equipment. This is, as far as I can tell, the same in all other North Carolina counties who have chosen to contract with incorporated nonprofit volunteer departments for fire protection.

## Avery County Fire Association releases Statement

Written by

Wednesday, 22 August 2007 12:55

---

The Fire Commission and County's position that anything bought with county funds belongs to the county is wrong. The county contracted with the volunteer fire departments to provide fire protection in the department's fire district. When they pay for the service the funds are no longer county money. Any control the county retains over the funds is controlled by the contract between the county and the volunteer fire department. In a sense the men and women who provide manpower for the volunteer fire department earn the funds for their community by their hard work. According to David Lawrence, a lawyer with the Institute of Government in Chapel Hill:

*The relationship between any county and its volunteer fire departments is one of contract. The parties contract, under which the county provides funds and the department agrees to provide fire protection. It's true of any contract between separate entities that one party may use the funds from the contract to acquire capital assets with which to perform the contract. That doesn't make those assets the property of the entity providing the funding, and I am aware of no statute that provides otherwise for counties and fire protection.*

*The county has no control over sale of corporation assets unless the contract between the county and the department gives it some sort of control.*

According to David Lawrence the contract is considered to be an "arms-length document" "presumed to be the result of negotiation between the parties". The Fire Commission wants to unilaterally change the contract between Volunteer Fire Departments of Avery County and the county. The departments do not owe the county the equipment purchased with the county funds. County does not have an inherent right to the equipment. The county fire tax pays less than 25% of what it would cost run the departments if it was not for the volunteers doing the job without pay. The volunteers have earned the funds from the county by their hard work.

## Avery County Fire Association releases Statement

Written by

Wednesday, 22 August 2007 12:55

---

The Fire Commission is worrying about what happens to the equipment if a department fails. If a department fails the Fire Commission could not replace it. The cost of the equipment is the least of the problem. Finding and training 20 new volunteers is going to be a bigger problem. Even if they could get a neighboring department to take over the operation they would need to find 8 new volunteers. And converting to a paid department would cost four times the cost of a volunteer department. The Fire commission should not allow a department to fail.

In this and other dealings with the Fire Commission, I find that the Fire Commission is forgetting the most important element in the county's fire service. The volunteers who maintain the department readiness, put out the fires, respond to medical emergencies, help in automobile wrecks, and are there to help in disasters like floods and snowstorms. The volunteer fire departments for the most part manage their budgets very well. The Fire Commission needs to deal with the exception when a department does not manage its business in a reasonable manner instead of punishing all the departments. The Fire Commission should concentrate on finding ways to increase the number of volunteers and improving the firefighting skills of the existing volunteers instead of trying to pinch the last penny out of every budget. We need to get this disagreement behind us and get back to providing the best possible service to people of Avery County. Improved cooperation between Fire Departments and Fire Commission is essential to improved service and cost effectiveness of the fire service.