

## Avery Fire Commission: Letter in defense of contract

Written by Lauren Ohnesorge  
Monday, 09 July 2007 11:36

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The following letter from Fire Commission member Danny Clark addresses contract conflicts with fire departments in Avery County.

It is published in its entirety, exactly as faxed to Aisling Broadcasting. The letter does not necessarily reflect the opinions of Aisling Broadcasting.

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In July 2003 the Avery County Fire Commission was formed by special legislation of the North Carolina General Assembly. Avery County Commissioners saw a need to have a Fire Commission which would advise them on the true needs of the Fire Departments. Prior to the formation of the Fire Commission, the fire tax was set by the County Commissioners and the tax monies was divided between the departments as follows: Banner Elk, Crossnore, Elk Park, Fall Creek, Frank, Linville, Newland, and Green Valley received a full share and Beech Mountain, Seven Devils and the Ladder Company received a half share. So the total fire tax that was collected was divided by 9.5 and given to the fire departments to do with as they pleased.

There were several flaws with this system. First, is the fact that it takes more to operate some departments than others. It takes more to operate a department that is responding to 400 calls a year than a department responding to 40 calls a year. Second, because the County Commissioners did not have the time or resources to determine the true needs of the Fire Departments, they just gave them the same amount of money that they received the year before, with little to no increases from year to year. This caused the Fire Departments to borrow money over long terms to acquire needed equipment or not to purchase the equipment at all.

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One of the greatest issues identified by the Fire Commission was the purchase of large Fire Apparatus. We were faced with County Fire Departments being in debt to the tune of \$2,800,00. Eight fire engines located through-out the county over 25 years of age, and no standards developed for the purchase of equipment. Not all of the fire hose and fittings were compatible through-out the county.

Another issue the Fire Commission addressed was the fact that if a fire department closed their doors and stopped providing fire protection service to the county then all of the assets of that department were to be divided up according to that departments Article of Incorporation. Every department in the County has their assets going to another non profit organization such as the school system or a private organization. If your fire department ceases to operate, for whatever reason, their assets go to another non-fire organization and not to provide you with fire protection.

To address these issues the Fire Commission, with the help of the County Attorney, developed a lease agreement for fire apparatus purchased with tax money. The Fire Commission would own the equipment and lease it back to the Fire Departments for a period of 15 years with the Fire Commission paying for all repairs over \$2,500. Some Fire departments disagreed with the lease option and a committee was formed by the Avery County Fire Association to work with the Fire Commission to solve the disagreements over the lease.

The Fire Commission met with Fire Association Committee Members Kenny McFee, Jack Wiseman, Jr. Sluder and Boyd Biggerstaff. After some discussion it was decided that a lease option would be taken off the table and the concerns of the Fire Commission would be

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addressed in the yearly contract between the Fire Commission and the Fire Departments.

The Fire Commission took the present contract that had been in use by Avery County and made the following changes to it.

First, requiring that all equipment purchased with federal, state or local tax money be numbered and cataloged. If the Fire Department stopped providing fire protection or sold the equipment then the money would come back to the Fire Commission to be used to continue to provide fire protection.

**Second, that the Fire Department will have two years from July 2007 to submit to an inspection by the North Carolina Fire Marshall's Office to lower the department's fire rating in their district, thereby saving property owners on fire insurance premiums.**

**The third change was to insure that any equipment purchased with the intent to be used county wide would be available to use by all fire departments (i.e. Ladder Truck and Equipment truck).**

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A draft contract with these changes was presented to the Fire Association Committee Members stated above, and they unanimously approved the changes. The new contract was also brought before the entire Avery County Fire Association at their Elk Park meeting and approved.

**It was only after the contracts were mailed out to be signed and the lease issue dropped that the Fire Departments starting having problems with the contract.**

**It is also important to note that in 2003, before the Fire Commission, County Fire Departments were receiving \$660,000 from Avery County for operations. In the 2007/2008 budget the County Fire Departments will receive over \$1,400,000 to fund paid employees, debt reduction, and operational expense. This is an increase of over 110% in four years or 30% each year.**

As you can see the changes to the contract were made to help the Fire Departments become accountable for the tax money that they receive and not to manage the Fire Departments day to day operations. Over the past four years the Fire Commission has strived not only to increase funding for the County Fire Departments but also to increase accountability and long range capital planning for future purchases of fire apparatus and buildings.

Danny Clark

Fire Commission Member

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