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TO: The Honorable Jeff Horton, Chairman, Spartanburg County Council

The Honorable Doug Smith, Speaker Pro Tem, South Carolina House of Representatives and Chairman, Spartanburg County Legislative Delegation

FROM: The Spartanburg County Fire Service Task Force 

VIA: David Jones, Director, Emergency Services, Spartanburg County Government and Chair, Spartanburg County Fire Service Task Force

DATE: May 25, 2006

RE: ***Final Report – Analysis of Fire Service throughout Spartanburg County***

In May of 2005, Representative Doug Smith and Council Chairman Jeff Horton directed the creation of the Spartanburg County Fire Service Task Force through an appointment of David Jones as Chair. This short-term task force was charged with a comprehensive review of the county's fire service that would result in recommendations for improvement that would focus on accountability and efficiency. Working to ensure fair representation of the fire service throughout Spartanburg County, the following individuals agreed to serve on the task force:

Luther Black, Commissioner, Hilltop Fire District
Larry Brady, Chief, North Spartanburg Fire District
Jamie Caggiano, Chief, Cowpens Fire Service Area
Philip Caruso, Chief, Spartanburg Fire Department
Ken Crenshaw, Commissioner, Una Fire Service Area
Dale Culbreth, Commissioner, Inman Community Fire Service Area
Bill Hall, Fire Marshal, Spartanburg County
Brian Harvey, Chief, Roebuck Fire District
Lewis Hayes, Chief, Croft Fire District
Phill Jolley, Chief, Pelham-Batesville Fire District
David Jones, Director, Emergency Services, Spartanburg County [Chair]
James Mabry, Commissioner, Converse Fire District
Earl Melton, Commissioner, Arkwright Fire District
Ron Nordenbrock, Chief, Poplar Springs Fire Service Area

Leroy Searcey, Chief, Boiling Springs Fire District
Mitchell Shook, Commissioner, Drayton Fire District
Evans Starnes, Commissioner, Cross Anchor Fire Service Area
Frank Vaughn, Commissioner, Reidville Fire District
Mike West, Commissioner, Cooley Springs-Fingerville Fire Service Area
Dale Worthy, Chief, Pacolet Fire District

Once the task force was organized, it began (in June 2005) holding regularly scheduled twice-monthly meetings. Each of the participants committed to the following ground rules for the task force and its meetings:

- **Logo's are to be left at the door.** The only constituents to be represented by the members of this task force are the citizens of Spartanburg County. No individual fire district or fire department shall take precedence over such a commitment.
- **General respect and courtesy.** All members and participants shall treat one another with respect and courtesy – even in times of disagreement.
- **What is said in the meetings stays in the meetings.** This is to ensure that all participants feel free to actively engage in wide-ranging discussion without the fear that such discussion will lead to wild rumors and outside recriminations. No one should feel any such intimidation.
- **Robert's Rules of Order will be used to govern the meetings.**
- **Nothing is off the table.** Subject to the mission of the task force, any idea or concept shall be heard. Nothing is too controversial or too unrealistic, at least for initial discussion.

The first several meetings of the group were designed as brain-storming sessions. Topics of discussions included what is perceived as right with the fire service as well as what is perceived may be wrong. Recognizing what is done well within the fire service is just as important as the willingness to evaluate and change what is not done well.

This final report contains several recommendations and supporting information; this report should be reviewed and assessed in its entirety. To take parts of the report out of context would be a disservice to the overall work product.

Based upon the initial discussions, several work groups were then formed to further the respective concept(s) and to generate a slate of pertinent and reasonable recommendations. The workgroups are entitled as follows:

1. Audit Requirements
2. Chief Officer Minimum Requirements
3. Commission By-Laws Guidelines
4. Coordination and Collaboration
5. Funding Models
6. Governance Review Board
7. Major Expenditures

1. **Audit Requirements** – After much research, the following is a summary of the audit procedures required or recommended by the State of South Carolina and/or Spartanburg County:

- 1.1 **Special Purpose Districts** – Audits are performed for a variety of reasons. For Special Purpose Districts (SPD’s), it is a matter of state law. Title 6, Chapter 11 of the South Carolina Code of Laws states the following:

Section 6-11-1650 – Annual Financial Audit

Each special district shall provide an annual financial audit performed by a certified public accountant to the County Auditor in which the district resides. Where the boundaries of the district lie in more than one county, the audit must be provided to each county auditor in which the district is located. The type of audit required for SPD’s is called the GASB 34 Audit. In June 1999, the Government Accounting Standards Board (GASB) issued a new financial reporting model, GASB Statement 34, Basic Financial Statements [for management discussions and analysis] for State and Local Governments. This new reporting model was to be implemented within a certain time frame. As of June 30, 2004, all governmental entities must use the GASB 34 financial reporting model.

- 1.2 **Eleemosynary Units (Nonprofit Organizations or County Formed Fire Departments)** – A Standard Audit for Nonprofit Organizations should be performed for these eleemosynary units. Audits used for these types of organizations use the financial reporting model for nonprofit organizations instead of GASB 34.

- 1.3 **Fire Departments Receiving More than, or having \$500,000 a Year in Federal Debt** – The Single Audit Act Amendment(s) of 1996 require governmental units that expend more than \$500,000 a year in Federal awards, or have more than \$500,000 in Federal debt, to obtain an independent “Single Audit”, which goes beyond audits performed in accordance with generally accepted auditing standards to include the Government Auditing Standards or “Yellow Book”.

- 1.4 **Other Reasons to Conduct an Audit** – Other reasons for an audit may include requirements imposed by agencies providing grant funds, lending institutions, or bond issue requirements, and county contract requirements.

For purposes of conclusion (of this section) and recommendations for this document, the following Auditing, Review, and Compilation definitions will be used:

- 1.5 **Audit Engagement** – This is an audit completed by a certified public accountant meeting the Generally Accepted Auditing Standards (GAAS). *Audits provide the greatest level of assurance as to Generally Accepted Accounting Principles (GAAP).*
- 1.6 **Review Engagement** – This Review must be completed by a certified public accountant in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. *A Review offers limited assurance as to Generally Accepted Accounting Principles (GAAP).*
- 1.7 **Compilation Engagement** – A compilation must be completed by a certified public accountant in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. *A compilation offers no assurance as to Generally Accepted Accounting Principles (GAAP).*

Due to the inability of a Compilation Engagement to offer any type of assurance as to Generally Accepted Accounting Principles (GAAP), a Compilation Engagement will not be accepted for the purpose of policy compliance.

It is recommended that the following guidelines be adopted by Spartanburg County to be used in the auditing process for all fire districts and fire service areas in Spartanburg County:

- 1.8 **Fire Districts, Fire Service Areas, and Fire Districts within an Incorporated Municipality who receive less than \$50,000 from Ad Valorem taxes per year.**

For those Fire Districts and Fire Service Areas receiving less than \$50,000 from ad valorem taxes, a certified public accountant must prepare an audit for the most recent operating year after this audit standard is adopted. After the initial audit, a Review must be prepared by a certified public accountant each year and presented to the proper authority no later than nine months from the end of the departments' fiscal operating year.

- 1.9 **Fire Districts, Fire Service Areas, and Fire Districts within an Incorporated Municipality who receive more than \$50,000 from Ad Valorem taxes per year.**

For those Fire Districts and Fire Service Areas receiving more than \$50,000 from ad valorem taxes, an audit prepared by a certified public accountant must be completed and presented to the proper authority no later than nine months from the end of the departments' fiscal operating year.

1.10 Fire Districts, Fire Service Areas, and Fire Districts within an Incorporated Municipality receiving more than, or having \$500,000 a year in Federal Debt.

For those Fire Districts and Fire Service Areas who receive or expend more than \$500,000 in Federal awards (to include grants, loans, and/or leases), or have more than \$500,000 in Federal debt, an Audit prepared by a certified public accountant must be completed and presented to the proper authority no later than nine months from the end of the departments' fiscal operating year. Entities may be required to meet other specific auditing guidelines as determined by the specific Federal agency.

Any Fire District or Fire Service Area that does not meet these auditing guidelines within thirty days (following the nine month deadline) will be notified by certified letter (to the Commission Board.) The Commission Board will then have thirty days in which to reply in writing as to reasons for non-compliance and path forward to compliance with auditing guidelines. If there has been no contact with the respective Commission Board within ninety days (following the nine month deadline), the matter will be referred to the proper authority for appropriate action.

Further, and directed to special purpose tax districts, there are requirements of the Secretary of State pertaining to reporting and auditing. The SPD's shall certify their compliance with all applicable state laws and submit same to the proper authority within Spartanburg County.

As applicable, each fire district or fire service area shall comply with all other reporting and auditing guidelines as set forth by State and Federal agencies.

2. **Chief Officer Minimum Requirements** – Spartanburg County has many different types of fire service. Accordingly, a minimum set of requirements is difficult to quantify. However, it is noted that the same basic service should be provided to all of the citizens of Spartanburg County. These minimum requirements listed below are designed to ensure a professional and safe service to Spartanburg County. These are *minimum* requirements for chief officers. Each commission board should determine within their respective district the specific requirements needed for a chief officer. The minimum requirements below should be adhered to with only equivalent or greater items serving as substitutes. All new chief officers should adhere to these requirements and all existing chief officers should have five years from the date of adoption in which to comply. All chief officers should be hired and/or appointed by the respective governing authority with the following minimum requirements:

2.1 Successful completion of a criminal background check

2.2 Ten (10) years in the fire service

2.3 Five (5) years of management experience

2.4 High School diploma (college degree preferred) or any equivalent to a college degree of work experience, education, and training

2.5 Valid South Carolina Class E Driver's License

2.6 NIMS Required Courses (successful completion)

2.7 Fire Officer I (successful completion) or any equivalent work experience, education, and training

2.8 Fifty (50) hours of leadership courses (successful completion)

2.9 Fifty (50) hours of management courses (successful completion)

3. **Commission Board By-laws Guidelines** – It is believed that the following items should be mandatory in the Bylaws document of any fire commission board:
 - 3.1 Each board shall establish a written set of bylaws for their respective jurisdiction with an approval of two thirds of the entire board.
 - 3.2 One article of the bylaws shall include the procedure for changing the bylaws as set forth by the board but shall also include a requirement for a two thirds vote for approval of changes.
 - 3.3 The bylaws shall include a section defining the objective of the board and its relationship to the enabling legislation or ordinance.
 - 3.4 The bylaws shall require the members of the board to conduct themselves in a manner considered appropriate for a public official and according to the laws of the state.
 - 3.5 The bylaws shall include the conduct of the meetings, appropriate record-keeping responsibilities, and the use of Roberts Rules of Order.
 - 3.6 The bylaws shall include a section dedicated to the fiscal year definition for the jurisdiction. This section shall include the appropriate timing and manner in which budgets are established and approved and shall include the procedures for annual audits as defined and/or required by law.
 - 3.7 The bylaws shall have a section defining the officers of the commission board, their election procedures, terms, and duties of each officer.
 - 3.8 The bylaws shall define the attendance policy of the board members at meetings according to state law and/or county ordinance.
 - 3.9 The bylaws shall define the meeting times, policies on meeting notices, and procedures for special called meetings. This section shall also define the quorum.
 - 3.10 The bylaws shall define the management structure of the fire department based on type of department (paid, volunteer, combination) and define all relevant and pertinent policies.

3.11 The by-laws shall define a nepotism policy. Section 8-13-750 of the South Carolina Code of Laws states the following:

“No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages.”

Any policy statement pertaining to nepotism shall be consistent with state law.

Such a policy should not be construed to mean that members of the same family cannot participate in the operation of a paid or volunteer fire department. However, it could limit the position(s) in which family members may serve.

3.11.1 Relatives of members of commission boards shall not be employed by the department. Relatives may serve in the same department as volunteer members subject to the application of other sections.

3.11.2 Relatives of board members shall not simultaneously and/or jointly serve on the Board.

3.11.3 Relatives of board members shall not serve in any chief officer's role within the department.

3.11.4 No public official, supervisor, or board member shall be allowed to participate in an action of discipline, or influence an action of discipline, of the official's, supervisor's, or board member's relative(s).

3.11.5 No relative shall be an immediate supervisor of another relative.

3.12 The by-laws shall define the respective board's policy on hiring and termination of any and all personnel (paid, volunteer, or combination.)

4. **Coordination and Collaboration** – This section is so entitled because of the desire to avoid the negative perception of consolidation. The intent of this section is *not* to identify potential entities for consolidation, but rather to discuss the merits of such. However, the intent of this section will be to identify ways that cooperation and collaboration may be beneficial to the fire service in Spartanburg County.

The goal of this discussion is to ensure that all fire departments have the resources available through better coordination, collaboration, and, potentially, consolidation to provide the safest possible work environment for our firefighters and to provide efficient, professional, and adequate service to the citizens of Spartanburg County. This will be accomplished by use of applicable standards such as NFPA with particular attention given to compliance with NFPA 1500, 1710, and 1720. Additionally, recommendations and models will be provided that may be available and used in our area. It is our goal to reduce or eliminate wasteful and/or unneeded duplication of physical plant, manpower, equipment, political, and fiscal resources.

4.1 Types of and reasons for the coordination and collaboration discussion:

4.1.1 **Mutual Aid** – Departments provide reciprocal assistance for emergency management, fire, rescue, emergency medical, hazardous materials, and other disaster response services. Such an agreement may specify joint response to all incidents in a given geographical area or automatic response by closest unit (to the incident), regardless of jurisdiction.

4.1.2 **Reason(s)** – Districts exist immediately adjacent to one another, each with a complete but often duplicated set of resources. Duplication of apparatus, manpower, and equipment while at the same time working closely together through automatic, mutual, and contractual aid agreements at incident scenes.

4.1.3 **Reason(s) for Intergovernmental Service Contracts to Provide Fire Services:**

4.1.3.1 To make use of qualified personnel.

4.1.3.2 To make use of existing facilities.

4.1.3.3 To achieve economies of scale.

4.1.3.4 To eliminate service duplication.

4.1.3.5 To organize services in the most logical way, rather than have them constrained by jurisdictional or area limits.

4.1.3.6 To meet citizens demands.

4.1.3.7 To take politics out of service delivery.

4.1.4 **Funding Issues** – Ever increasing demands by schools, federal and state requirements, funding for water, streets, law enforcement, parks, libraries, sewers, and a multitude of other necessities have made the task of the governing bodies more difficult. Additionally, annexations are a real threat to many fire districts and thus make fire protection a potential political issue.

4.1.5 **Functional Consolidation** – Leave each department whole, yet allow for use of equipment, facilities, and manpower interchangeably throughout all departments. The merged resources would remain the property of the parent organization yet are used by the “functionally consolidated” departments as though they were property or functions of a single department.

4.1.6 **Partial Consolidation** – Separate fire departments are retained, but a special agreement is reached to address specific challenges. An example is shared staffing of a fire station that effectively serves more than one jurisdiction.

4.1.7 **Operational Consolidation** – Separate fire jurisdictions that have similar staffing levels and generally respond to the same type of incidents combine into one unified department.

4.1.8 **Merger** – A larger department absorbs a smaller department, resulting in a single entity.

4.2 General comments about coordination, collaboration, and consolidation.

4.2.1 The primary disadvantage of consolidation is the perceived loss of local control. This has been the reason why consolidation is frequently opposed by individual jurisdictions as well as local elected officials.

4.2.2 Consolidation is a growing trend throughout the country. In 1990, there were approximately 20-30 consolidation efforts. By 2000, the number of such efforts had grown to approximately 500.

- 4.2.3 Fire districts often look to consolidate via contract or annexation. The annexation of high value property by neighboring cities has many districts searching for ways to remain economically and operationally viable by joining forces with others experiencing the same or similar pressures.
- 4.2.4 Joint purchasing, support services or operations – station placement and management is one of the better examples of such cooperation. In some cases, this results in jointly funded or staffed facilities.
- 4.2.5 A cooperative arrangement should begin with some form of short-term (two or three year) contract. This allows each party the opportunity to enjoy the benefits of the relationship, while at the same time considering any loss of autonomy and local control. Following this short term, the parties are in a position to effectively evaluate the arrangement and determine if it's in their best interest to stay the course and make it a long-term arrangement. Unfortunately, most failures are the result of some form of personal sabotage.
- 4.2.6 Firefighters who have been trained consistently by one organized training staff will provide a more unified effort at fire scenes. Contrast this to mutual aid companies acting independently of each other on the fireground.
- 4.2.7 One central repair facility for vehicles and apparatus is also possible under a consolidation plan. Again, specialized tools, equipment, and staff are among the benefits.
- 4.2.8 Public sector collaboration is a voluntary, strategic alliance of organizations to enhance one another's capacity to achieve a common purpose by sharing risks, responsibilities, resources, and rewards.
- 4.2.9 Where deep concessions are required to reach agreement, cooperation will be more difficult. Similarly, the magnitude of potential gain will affect cooperation; the greater the potential gain, the more likely cooperation becomes.
- 4.2.10 Regional cooperation is politically fragile and best promoted by positive incentives and a long-term perspective. Cooperation generally best occurs where autonomy is least threatened and where direct fiscal benefit may be derived.

4.2.11 If the responsibility for service delivery is divided, policy makers are more helpless to respond to public demands.

4.3 Specific Recommendations – Near Term

4.3.1 **Assign the coordination and management responsibility for all special response teams to the Spartanburg County Fire Marshal's Office.** This office currently coordinates the Hazardous Materials/COBRA Emergency Response Team as well as the Fire Investigations Team. As it's determined that other special response teams (such as confined space rescue, high angle rescue, water rescue, etc.) are needed, they should be coordinated by the Fire Marshal's Office. This allows individual departments to assign manpower and equipment, but provides for a central coordinating authority. As previously noted, this model is already in place with the existing county-wide teams, and works well.

During the course of this study, it has become obvious that the needs for specialized and/or technical emergency response teams (such as confined space rescue, high angle rescue, water rescue, etc.) are evident, but are virtually non-existent. There are uncoordinated efforts to provide this service, some that are better than others, but with no direct funding to provide the expensive equipment and no organized response criteria to provide county-wide response, this task force must conclude that these necessary services do not exist in Spartanburg County. It is our recommendation that due to the need for such emergency response services, and the need for additional response personnel (as stated in 4.3.3), and due to the cost that is greater than any single fire department can sustain, that a plan be devised by the Fire Marshal's Office and a committee of five members of the Fire Chiefs Association to draft a short—and long term plan for four regional response units. The specific response and operational guidelines are outstanding, but would be part of this yet-to-be-devised plan.

Such a short term plan could include four two-man response units strategically located in existing fire stations, one in each quadrant of the county. The purpose of these units would be to provide specialized equipment and manpower for the aforementioned special response teams, but also to provide additional responders to fire departments to help address inadequate staffing levels throughout the county. Other tasks and objectives should be explored for these units. A long term goal would be the 24/7/365 staffing of such units, perhaps within five years.

The funding for such specialized emergency response teams perhaps could be provided by an adjusted County Wide Fire Protection Tax to an appropriate amount. It is noted that Spartanburg County area fire departments collect approximately thirteen million dollars for the operation of the County's fire service; Greenville County collects approximately thirty eight million dollars for the same purpose.

- 4.3.2 A noted lack of coordination exists within the fire service as to support service outside of the emergency service discipline. Examples of such are sand bags, bulldozers, etc. **Such coordination and support needs should be addressed in Spartanburg County Emergency Management.** The Emergency Management Coordinator should have the necessary tools and support to assist in such logistics management.
- 4.3.3 **Countywide Automatic Aid protocols should be immediately encouraged.** These are plans to provide for the automatic response of two or more departments based on geographic location and incident type. All fire departments in Spartanburg County should make every effort to comply with local, state, and Federal standards to provide adequate service to the community at the lowest risk to firefighters. Automatic mutual aid protocols can assist with such compliance. These plans should be worked within the Fire Chief's Association.
- 4.3.4 **Automatic station-to-station "fill-in" plans should be encouraged.** These are plans to provide for manpower/equipment placement in stations where resources are being used for other purposes, such as an emergency incident. These plans should be worked within the Fire Chiefs Association.
- 4.3.5 **Where annexations occur, cooperation is encouraged between fire districts and municipalities.** Current examples of such cooperation are the Croft Fire District and the City of Spartanburg as well as the Pelham-Batesville Fire District and the City of Greer.

4.4 Specific Recommendations – Long Term

- 4.4.1 **All forms of cooperation, collaboration, and consolidation should be reviewed for applicability within the county.** Such review should be objective, open-minded, and without parochial biases. Further, such review should focus on positive results that can be evaluated for success (or failure). Individual jurisdictional perspectives should not outweigh the greater good of providing quality fire protection and rescue services to all citizens in all areas of the county.

5. Funding Models

5.1 Current Methods

- 5.1.1 Municipal taxes - Usually a combination of property taxes, license and permit fees, personal property taxes, franchise fees, use tax, fines and penalties. Most of our municipalities use some combination of these. Many of them also have contracts with the County to provide service outside their municipal boundaries for a negotiated fee or millage.

The municipal tax is the system currently used by municipalities in the county at this time. This method consists of a tax mill amount established by the municipal government and used to offset services provided by the municipality. Each department within the municipality submits requests to the proper governing authority and the council establishes an appropriate tax rate. Most municipalities derive additional revenue from numerous other sources, such as state or federal grants, license and permit fees, user fees, etc. Some municipalities also derive revenue from providing services outside of their corporate limits, i.e. water and sewer fees, fire service contracts. Several municipalities in Spartanburg County contract with special purpose districts to provide fire protection services within the corporate limits of the municipality. All of the contracts in place at present seem to be working well. Most municipalities appear to be quite comfortable with this structure.

- 5.1.2 District taxes - For the most part these are ad valorem (in proportion to the value) taxes on real and personal property. The rates for tax have been determined over the years by legislation and/or public referendum. Most SPD's and FSA's operate on this basic taxing authority. The only difference is with the former authority coming from the State and the latter coming from the County. Most districts supplement these fees with fund raisers, contracts for service, and/or other general contributions from the public.

Fire districts currently utilize an ad-valorem property tax in order to provide funding for services. This is a property tax amount that has either been established by legislation, referendum, or county ordinance. Most special purpose districts that are created by the state use the legislated or referendum method, and under current state law, referendum is basically the only way to increase taxes.

Fire districts created after home rule by the county utilize a budget process where they present a budget to county council and council determines if they wish to fund the budget, and once approved the county council levies a tax millage to collect. This is the primary reason that there exists such a wide range of tax rates for fire protection within all the districts. The obvious reason for the disparity is that in rural parts of the county, it takes a higher millage rate to even provide basic services. And yet in a more urban setting better service can be provided with a lower millage rate due to the larger amount of taxable property. Some fire districts also conduct fund-raisers in order to fulfill their needs when public funds fall short. There are also limited grants for equipment, manpower, and apparatus available to fire districts on a competitive basis through the U.S. Department of Homeland Security (and other federal agencies.)

5.2 Potential Methods

- 5.2.1 Countywide flat tax rate - This would also assume the use of property taxes, but would assume an equal millage amount charged on all the public and then distributed by some method (to be determined) to the individual fire departments.

A common question then becomes one of why can't everyone just pay the same amount and have the county split the money up. It seems simple, but in actuality it is not.

The argument of the larger districts is that they do provide a greater level of service and should be allowed to do so as long as the people in the district approve of the rates paid. Most of the urban districts provide fulltime personnel, medical response services, fire prevention and other services that are not always provided in the more rural districts.

One might argue that the rural districts should be providing the same level of service as the urban districts. The reality is that all of us choose where we live and should be responsible to look at all of these issues before we decide to live in a certain part of the county. Under the current organization of the fire service in Spartanburg County, it is certainly not realistic for every fire department in the county to provide the exact same level of service and the people who live in the varying communities should be encouraged to be more involved in the local provision of service, thereby helping to determine just what levels they wish to afford.

The idea of a county-wide millage is a plausible idea for taxing for fire protection but, as can be seen, still has some inherent difficulties.

If it were as simple as using a cookie cutter approach to create fire departments, it would be an easier task. But communities in the county are different and it is difficult to place all districts in the same box and have service maintained for individual communities.

- 5.2.2 A mixed rate - based on the type area served, rural, urban, and/or suburban. This thought would establish a minimum and possibly maximum tax rate depending on the composition and population of each individual community.

This could encompass a number of possibilities including the possibility of a tax rate maximum amount that could be based on the composition of the individual fire district, i.e.- rural fire departments could have one specific rate, suburban another, and urban would be yet another. The amounts of these would have to be determined after studying the composition and make-up of each fire district. It also allows the thought of having some levels of services that could be provided or coordinated by the County, such as hazmat, rescue, trench and others. This type system, properly supported by the county, could eliminate the need for all districts to maintain all of these same services. As previously noted, the county currently conducts business to a degree in this fashion with the HazMat and Fire Investigation units operated by the County. This idea should certainly be expanded on, but with the requirement that all districts utilize the services provided and not be allowed to duplicate services.

- 5.2.3 User Fees - This method is where charges are made to individual recipients of the service. The best local example of this is our EMS system, where all residents pay a portion of tax for the general operation of the system, but actual users of the service pay on a per use basis in addition.

User fees are not well suited for fire protection services, for what is a very simple reason. We do not want the public to hesitate in calling for the fire department to respond to a fire for fear of having to pay a bill for service. This would be disastrous as can be verified by those among us who remember subscription fees for service. The cost of providing fire protection services is certainly one that should be shared as equally as possible by all of the public.

- 5.2.4 Impact fees - These are generally one-time fees charged to owners and/or developers of new properties. These fees would allow agencies to accrue revenues for facilities and equipment required to serve newly developed properties.

Impact fees are used quite efficiently in many parts of the country. They have not caught on in SC due to the political dislike for them in our state. Properly used Impact fees could be a very good way to deal with growth in a particular part of the county, especially where high growth rates are occurring. Impact fees simply place more of the burden for providing the infrastructure needs of development, including fire stations, equipment and personnel, on the developer and occupants of the specific area. However, until the political climate in our state changes, use of these fees is probably not feasible.

- 5.2.5 Fire Tax - This is a tax that would be imposed by the fire district. Similar to a property tax but could be structured based on varying factors like; size of the property, fire threat, hazardous materials, income of the owner, fixed fire protection in place.

A Fire Tax is, as just stated, a variable rate tax placed on development based on the particular hazards involved with the type of construction and occupancy of the building. The idea here is that the rate would be less for a single family one story home as opposed to an apartment or condominium complex. In a similar fashion, a manufacturing company that utilized hazardous chemicals processes would be charged more than a company that had no chemical process. The same thought could be used for giving tax reductions for sprinklered building as opposed to non-sprinklered.

- 5.3 Taxing Authority - When you look at the current taxing authority of fire departments in the county, it is quite evident that there is great disparity in the rates charged and in services rendered. For example, actual millage rates range from a low of 2.9 and a high of 37.5. When you examine the per capita cost ratio (cost per person), the figures range from a low of \$15 per person to a high of \$169 per person. Going one step further, comparing two county fire departments, both with an ISO rating of 4/9, department "A" charges \$29 per capita while department "B" charges \$169 per capita.

Herein lays the problem: How can we achieve a more equitable system?

When undertaking a study of the validity of a taxing method or system, you must first evaluate the benefits versus the governmental service provided. The beneficiaries of the service should play a large factor in determining the funding source for the particular service. The term “service” or “benefit” can be viewed as the “good or goods” that are provided. In the example of a manufacturing company “goods” normally refer to the product that is made and sold. In terms of a service agency, the “goods” are less tangible but can still be identified in three areas: the public good, private good, and/or merit.

5.3.1 To define “Public Good” one would ask the question: “What is the primary benefit to the community as a whole?” On the local level it is easily understood that streets, water lines, sewer systems, roads and bridges are all examples of goods that benefit virtually all members of the community.

5.3.2 To define “Merit Good” both individuals and the community as a whole should benefit from the service being provided. An example of this would be prenatal care to low-income mothers. While the mother and child are direct beneficiaries of the service, the community benefits by avoiding the greater costs of providing health care for infants born with preventable deficiencies.

5.3.3 To define “Private Good” the benefit is primarily for a specific user. The best examples of these are public golf courses, swimming pools and ball fields.

So where does the fire service fall?

The simple answer is all of the above. From each of the three areas the fire service provides some of each:

5.3.4 Public Good

5.3.4.1 The availability of fire protection services that prevent conflagration from fires.

5.3.4.2 The ability to manage a large incident affecting a large part of the County.

5.3.4.3 The ability to conduct public education programs.

5.3.5 Merit Good

5.3.5.1 Inspection services that benefit not only the property owner, but the public that visits or conducts business on the premises of the owner.

5.3.5.2 Protects jobs by helping keep businesses in business.

5.3.5.3 Protects the tax base by protecting homes and businesses.

5.3.6 Private Good

5.3.6.1 Provides services to individuals, individual homes and businesses.

5.3.6.2 Provides medical response to the same.

5.3.6.3 Provides services to the traveling public.

5.4 Discussion

So how does one place a dollar value on the services provided by public fire departments?

This is where the product gets far less tangible than the manufacturer of a particular product. In terms of tangible monetary benefit, the most direct method is in the reduced cost of personal and property insurance for residential and commercial residents. The numbers vary widely in how much is actually saved, but any way you look at the numbers most fire departments save residents much more in reduced insurance premiums than the resident pays in taxes for services. This makes the fire service unique among all types of government service agencies in that business and homeowners receive a direct monetary benefit as well as the benefit of the prevention and reduced fire and personal loss created by a proactive fire service.

That leads the discussion to one of how and which type of tax is best suited for the type of service to be provided. For a service that is directly related to a perceived benefit it would make sense to charge a direct fee for the service provided. But when there are intangible benefits, as there are with numerous services that government provides, this is much more difficult to determine.

As for funding for fire services, there is arguably no more fair basic taxing structure than the property tax. Fire protection services are rated by an independent insurance service, namely Insurance Services Office (ISO), based on the areas including property types covered, square miles, water supply available and equipment and personnel available to fight fires within the respective districts. The more improved property the fire district has to cover, the more the department needs to protect the area. So as an areas tax base grows, the ability to fund the equipment, manpower and facilities grow proportionately with the area.

Of course in our time this system has been hampered by several State laws that have reduced the ability of all local governments to facilitate this growth. Those being reduction of personal property taxes and the creation of FILOT (fees in lieu of taxes) agreements intended to attract business to the State. These tax agreements have done some good at attracting business to the state, but because of the reduced tax assessments, from 10% for manufacturing companies to as low as 4% assessment ratios, this has shifted the burden for much of these services to residential taxpayers. All of this has reduced the ability of local governments to provide service.

This process without question complicates any attempt to develop a “fair” taxing structure.

There is the occasional perception that tax reduction schemes are used to curry votes irrespective of the fact that people not only want and need services provided locally, but in many cases demand those services. It should be generally agreed that the very first duty of government is to provide basic public services that are needed by the general public. At the same time, the general public must understand that if these essential services, like police, fire, 9-1-1, emergency medical, hospital, and other services are to be provided, someone has to pay for them. That “someone” is each taxpayer whether they are a resident, business owner, manufacturer, or other social group.

Many times fire departments are forced to make purchases of additional expensive apparatus and equipment by the growth of colleges, schools, and churches within their respective districts, all examples of organizations that many times are not taxable. This also adds to the tax burden on the local fire department and the community as a whole.

When considering tax structures for fire protection there are several possibilities, most of which would utilize a property tax of some type. Those mentioned here are: Municipal tax, district taxes, a county-wide flat tax rate, some type of variable rate based on type of district (rural, urban, or suburban), user fees, impact fees, or a fire tax.

To conclude this particular discussion, the questions are easy to identify yet difficult to answer. Our intent is to continue to look for more ways of working together, becoming more accountable, and finding creative ways to provide service. No options should be left off the table. The fire service recognizes the need to embrace regionalism, as there is strength in numbers.

5.4 Specific Recommendations and/or Observations

- 5.4.1 Funding ability and authority for all fire departments needs to remain within the county and continue to be based on assessed property values (property tax).
- 5.4.2 The County should increase the level of funding with the current supplemental fund budget to allow better funding for the essential needs of all fire departments such as, but not limited to, special teams, training, testing and qualifying, audits, and physicals.
- 5.4.3 For the three lowest funded fire departments, consideration should be given to a merging or combination of the tax rates to a level that would properly fund all three departments.

6. **Governance Review Board (perhaps known as the Spartanburg County Fire Commission)**

6.1 Discussion

Upon the creation of this fire service task force, it quickly became apparent that a major action item before this body was to develop strategy to increase the accountability and credibility of the county's fire service. Obviously, such is expected from the citizens, County Council, the County Legislative Delegation, and the county's municipalities. Unfortunately, it is apparent to all that such accountability and credibility are not meeting expectations.

After considerable discussion, consensus was achieved with the belief that a Delegation/Council-appointed Fire Service Governance Review Board with fiscal authority would provide great strength in achieving this goal of accountability.

A diverse Fire Service Governance Review Board with members from a variety of backgrounds and fire service experiences could give strategic issues discussed in this white paper the careful study and attention they deserve on an ongoing basis. Quite simply, with the depth and volume of issues requiring the direct attention of the Legislative Delegation and County Council, it would be unreasonable to expect that either body could give these important issues the ideal amount of time and study over the long term. Further, such a governance review board can bring to the table a wider variety of viewpoints and can provide a more thorough examination of the issues than a Delegation or a Council may be able to provide.

We have no doubt that the increased attention and oversight of a Delegation/Council appointed board will result in an improved strategic approach and better service to the county over the long term. All of this goes towards improvement of the accountability and credibility of the fire service.

6.2 Objective

The objective of this Fire Service Governance Board would be to provide strategic and fiscal oversight of the county's fire service. It is believed that one body should have such oversight responsibilities, not the numerous boards and/or commissions that currently oversee fire departments. While we convey the sincerest of respect and appreciation to the existing boards and/or commissions, we see a weakness in our governance of the fire service in that there is no one countywide governance board that has the responsibility for strategic direction and fiscal accountability.

The individual boards and/or commissions are rightfully concerned only with their own jurisdiction and don't necessarily look at the strategic issues from a countywide perspective. We respect the continued need for these individual boards and/or commissions, but we emphasize the need for a countywide governance board that is assigned the responsibility for oversight of strategic direction and fiscal accountability. Fiscal authority is defined as budget authority; it is not envisioned that this governance board would have appropriation authority.

6.3 Membership

- 6.3.1 The Board should be composed of eleven members. Five should be appointed by the County Legislative Delegation, five appointed by the County Council, and the Board Chair jointly appointed by the Delegation Chair and the County Council Chair.
- 6.3.2 Potential board members should have a broad perspective on the community and its fire service needs. Potential board members should not be solely focused on one aspect of the fire service nor a specific community population. Further, potential board members should express a sincere desire for the continued improvement of the fire service within Spartanburg County.
- 6.3.3 Potential board members should be respected and trusted community leaders experienced in dealing with complex community issues. It is imperative that the Fire Service Governance Review Board be able to gain the attention and trust of business and government leaders, as well as members of the fire service.

- 6.3.4 Potential board members should have the time and interest necessary to effectively participate. This will likely include a number of long meetings (particularly at the outset), occasional participation in various fire service events and activities, and periodic visits to facilities and programs throughout the region and county.
 - 6.3.5 Potential board members should be registered voters residing in Spartanburg County.
 - 6.3.6 Potential board members should pass mandatory SLED background checks.
 - 6.3.7 Potential members should be cognizant of the fire service of Spartanburg County. Excluding the chairman, half of these members should be currently active within the fire service in Spartanburg County.
 - 6.3.8 The County Administrator should designate a staff representative to the board to assist with duties and responsibilities.
- 6.4 Duties and Responsibilities
- 6.4.1 The Board should coordinate the efforts of all concerned agencies, organizations, and officials to implement the County Fire Master Plan and to meet the countywide operational guidelines (once so determined.)
 - 6.4.2 The Board should be a guidance, review, and oversight entity with fiscal authority. Each Spartanburg County fire department should have an individual board and/or commission to govern its respective jurisdiction.
 - 6.4.3 Each fire department board and/or commission should present an annual proposed budget that accurately represents the operational and long term needs of their respective jurisdiction. Further, each fire department board and/or commission has the responsibility to demonstrate their ability to meet or exceed countywide operational guidelines (once so determined.)
 - 6.4.3.1 The Board should review and consider for approval all fire department budgets and annual reports.
 - 6.4.3.2 The Board should establish guidelines for said budget approval or modification.

6.4.3.3 The Board should establish guidelines as to matters of non-compliance with its directives. As previously stated, it is believed that the Board should have budget approval authority. Further, it is strongly believed that the Board should have the sufficient authority to enforce its directives.

6.4.4 The Board should assist the fire departments in the development of long range capital budgets to establish effective and efficient replacement schedules for equipment and facilities.

6.4.5 The Board should annually review and/or update the minimum operating guidelines under which the county's fire departments operate.

6.4.6 The Board should annually review the County Fire Master Plan and recommend necessary amendments.

6.4.7 The Board should develop a method of fair and equitable funding for countywide fire service needs such as (but not limited to) annual physicals, SCBA fit tests, audits, apparatus preventive maintenance, etc. Further such funding should be in place for countywide response teams.

6.4.7.1 Currently, an annual general fund tax levy in an amount determined by County Council is utilized to provide supplemental funding for countywide needs and/or projects.

6.4.7.1.1 The supplemental funding should be administered by the Board.

6.5 Accountability

6.5.1 To ensure that the citizens of Spartanburg County, Spartanburg County Council, and the County Legislative Delegation are aware of the status of the fire services throughout the county and to have the opportunity to provide input, the Board and/or Board Chair should annually meet with the aforementioned parties and provide said status reports.

6.6 Specific Recommendations

- 6.6.1 **Immediately begin the necessary steps to form such a Fire Service Governance Review Board.** The previous discussion points should be helpful in such an effort.
- 6.6.2 **Be prepared to make the long term commitment to this Board.** Results will not come quickly; this Board must be allowed sufficient time to achieve its objectives.
- 6.6.3 **Avoid any perception that this Board is just another layer of bureaucracy.** This is certainly not the intent. The intent here is the delegation of such oversight responsibility from County Legislative Delegation and County Council to this governance board, NOT an additional layer of bureaucracy.
- 6.6.4 **The duties and responsibilities of the existing Spartanburg County Fire Advisory Committee should be merged with this Fire Service Governance Board.**
- 6.6.5 **The aforementioned Spartanburg County Fire Advisory Committee should be disbanded.**

7. Major Expenditures

One of the most oft-mentioned concerns and criticisms of the fire service from state and local government(s) has been the purchase and/or duplication of apparatus and equipment as well as the placement and construction of fire stations.

Procedures should be enacted to have these expenditures properly planned (within an over-arching and comprehensive strategic plan), budgeted, and approved by an entity such as the previously mentioned Fire Service Governance Board.

7.1 Stations

7.1.1 Standards

7.1.1.1 Recommendations of ISO

7.1.1.2 Local, State, and Federal Building Codes

7.1.1.3 NFPA 1710 and 1720: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career (1710) and Volunteer (1720) Fire Departments

7.1.2 Location (NFPA 1710 and 1720)

7.1.2.1 Can station be shared with another fire or emergency service entity?

7.1.2.2 How far into the future will this station provide service at this specific location?

7.1.2.3 How close is the nearest fire station (regardless of jurisdiction)?

7.1.2.4 What kind of impact will this location have in emergency response to the immediate area(s)?

7.1.3 Use and Construction

7.1.3.1 Emergency use for the community?

7.1.3.2 Backup power?

7.1.3.3 Enough parking for community emergency use?

7.1.3.4 Reasonable facilities to accommodate the public during an emergency?

7.2 Apparatus

7.2.1 Standards

7.2.1.1 NFPA 1901 Standard for Automotive Fire Apparatus. (This includes Recommended Specifications and Procurement Procedures.)

7.2.1.2 Recommendations of ISO

7.2.1.3 Local, State, and Federal Laws

7.2.2 Use and Construction

7.2.2.1 NFPA 1901 Standard for Automotive Fire Apparatus

7.2.2.2 NFPA 1912 Standard for Apparatus Refurbishing

7.2.3 Safety

7.2.3.1 NFPA 1912 Standard for Automotive Fire Apparatus

7.2.3.2 NFPA 1912 Standard for Apparatus Refurbishing

7.2.4 Weight

7.2.4.1 NFPA 1912 Standard for Automotive Fire Apparatus

7.2.4.2 NFPA 1912 Standard for Apparatus Refurbishing

7.2.5 Size

7.2.5.1 NFPA 1912 Standard for Automotive Fire Apparatus

7.2.5.2 NFPA 1912 Standard for Apparatus Refurbishing

7.2.6 Designed for Special Purpose

7.2.6.1 NFPA 1912 Standard for Automotive Fire Apparatus

7.2.6.2 NFPA 1912 Standard for Apparatus Refurbishing

7.3 Specific Recommendations

Procedures should be enacted to have these expenditures properly planned (within an over-arching and comprehensive strategic plan), budgeted, and approved by an entity such as the previously mentioned Fire Service Governance Board. Said entity should use the aforementioned standards as a basis for such policy.

To conclude, this is the final report of this task force. We trust you will find that we have honored the original charge of this task force by focusing on issues that can positively impact the county's fire service and its accountability, efficiency, and governance.

We sincerely thank you for the opportunity to participate in this endeavor.

Please do not hesitate to contact any member of this task force for any necessary assistance.

DFJ