



HOUSE BILL 1110: Ten-Ten Fire District Governance.

2017-2018 General Assembly

Committee:	House State and Local Government I. If favorable, re-refer to Finance	Date:	December 2, 2018
Introduced by:	Rep. Dollar	Prepared by:	Jeff Cherry
Analysis of:	PCS to First Edition H1110-CSMHxf-9		Staff Attorney

OVERVIEW: *House Bill 1110 is a local act that would change the governance structure for the Ten-Ten (also known as Fairview) Fire Protection District, and direct the Wake County board of commissioners to reimpose a previously authorized tax within the borders of the District to be administered by a newly created District Commission. The PCS also directs the Wake County Board to contract with the existing Fairview Rural Fire Department to furnish fire protection services within the District, and transfers firefighting apparatus and equipment located at stations operated by the Fairview Rural Fire Department to the Department.*

CURRENT LAW: Firefighting services in Wake County are currently funded through a county service district established under Article 16 of Chapter 153A of the General Statutes. Wake County Fire Services Department manages the service tax district in cooperation with the Wake County Fire Commission, which is appointed by the Board of County Commissioners. Prior to the establishment of the county service district in 1998, fire protection in certain areas of the county (including the area now served by the Fairview Rural Fire Department) were funded by rural fire protection districts created under an older, parallel statute, Article 3A of Chapter 69 of the General Statutes. Taxes in these districts were levied via a referendum of "resident freeholders" living in the district. Once approved, a Chapter 69 tax district remains in effect until abolished in the manner set forth in G.S. 69-25.10. Under G.S. 69-25.7, the proceeds of these rural fire protection district taxes are to be administered either by the board of county commissioners, or by a Fire Protection district commission appointed by the Board of County Commissioners.

G.S. 153A-304.2 provides that the county is no longer authorized to levy the county service district tax in territory that is removed from a county service district under Chapter 153A and annexed into a fire protection district created under Chapter 69. There is no corresponding statute that removes the authorization to levy a tax under Chapter 69 when that area becomes subject to a Chapter 153A service district.

BILL ANALYSIS: The PCS directs the Board of County Commissioners to do the following:

- Remove the Ten-Ten (Fairview) fire protection district from the Wake County fire protection service district, and reestablish the previous tax levied under Article 3A of Chapter 69 within the district.
- Contract with the Fairview Rural Fire Department to furnish fire protection within this district.

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- Transfer firefighting apparatus and equipment located at either station of the Fairview Rural Fire Department to the Department (other than equipment stationed at the stations pursuant to a contract with the Department for services other than firefighting).

The PCS also clarifies that funds collected by the Department from its own fundraising efforts and held by the County shall remain available for use and under the control of the Board of Directors of the Department and makes a local modification to G.S. 69-25.7 applicable only to that portion of Wake County lying within the Ten-Ten (Fairview) fire protection district providing that the special fund receiving the proceeds of the tax is to be administered by District Commission consisting of two members appointed by the Fairview Rural Fire Department and one member appointed by the Board of County Commissioners.

EFFECTIVE DATE: Effective when it becomes law.