

**ROCKVILLE/SPRINGDALE FIRE PROTECTION DISTRICT  
SPECIAL MEETING  
P.O. Box 159  
Springdale, UT 84767  
August 20, 2014  
Rockville Community Center**

1. **CALL TO ORDER AND ROLL CALL** – Chair Michael Plyler called the meeting to order at 6:30 p.m. with the following members of the Rockville/Springdale Fire Protection District Board present: Luci Francis, John Callahan and Barry Rhodes. Luci Francis recording.

Chair Plyler stated that the Board will not be taking public comment during this special meeting. In review of minutes from special meetings of the Town of Springdale for the last six months, public comment has not been allowed in their special meetings. The Board will not be taking public comment at the upcoming August 27 meeting relative to the Standby Fee Schedule with the exception of a statement that will be read into the records submitted by Mr. Ferber on the Standby Fee Schedule because that public comment period has ended as well. The Board will take public comments on all other fire board business at that time.

2. **APPROVAL OF AGENDA** – John Callahan moved the agenda be approved as presented. Barry Rhodes seconded the motion and a roll call vote indicated all those present voted in favor of the motion.
3. **ADDRESS THE PUBLIC COMMENTS RECEIVED THROUGH AUGUST 11, 2014 RELATIVE TO THE PROPOSED INCREASE IN THE ANNUAL STANDBY FEE** – This item is to address the comments received during the extended comment period which was from the July 21 public hearing through August 11, 2014.

Nine comments were received by email of which five were positive and four were opposed to the Standby Fee increase. A couple of the comments in opposition were relative to transparency. The Board feels strongly that they have been transparent during this process.

Chair Plyler made an appearance before the Springdale Town Council in their May 14 regular meeting. At that time, the Chair had laid out numerous things, one of which was that there would be a standby increase. Their minutes do not reflect that when he indicated there would be an increase, he also utilized the adjective dramatic, or something similar. Frequently, minutes are not verbatim and the Chair was not casting aspersion on that, although he felt that would have helped people understand the impact of what is being proposed. It was also announced at that time that there would be a public information meeting regarding the proposed increases in June, which meeting did take place. By State law, we are only required to have a public hearing and required to advertise in the newspaper. This was done as required. The public information meeting was announced by way of emails, announced at the public meeting in Springdale and the Springdale clerk forwarded the announcement to her email list.

There were more people at the public information meeting in June than at the public hearing in July. In the public information meeting, it was announced that the public hearing would be in July and comment from the public would be received at that time relative to the proposed increase. The public information meeting was above and beyond what is required by State law in terms of transparency.

At the regular meeting following the public hearing, it was requested there be more time for public comment and the comment period was extended.

One of the transparency issue comments was actually brought up by a former member of the Board. The Board regular meetings have been occurring on the fourth Wednesday of every month for at least 15 years. For this person to not know when the meetings were and not attend them is not a valid point, in the opinion of the Chair.

One opposition comment wanted to opt out of the fire service, but didn't identify them self. It makes it difficult to not respond to a house if we don't know where it is. Secondly, we cannot choose to respond to an emergency situation and choose not to respond to another. As the emergency services provider for these communities, we have an obligation to respond to all emergencies that we receive through the 911 system and even if someone were to report an incident by another means. The District cannot pick and choose where they respond.

In the same comment, the question was whether or not we needed drug testing which is an expense in the budget. There are two points relative to drug testing. 1. If we do not have a drug testing policy in place, we cannot apply for any federal grants. That may also apply to state grants. 2. If an operator of one of our apparatus were to be involved in an accident, whether it was an emergency call or they were just driving from the station to the Chevron to get gas, as an operator of an emergency vehicle they would be drug tested whether the accident was actually their fault or not. If that drug test were to be positive, as board members we would all be liable for not having a drug testing policy in place. We are the only department in Washington County that does not have a policy in place. The initial estimate was \$13,000 to \$18,000 but that has been revisited and the first year will be approximately \$2,250 for every person to be tested and then random checks will be performed on a quarterly basis for approximately \$700 to \$1,000. We also have to budget for new employees coming on. For the subsequent years, it is approximated to be a cost of \$1,000.

Also in the same comment was the question "Why do we need a Fire Chief?" It is obvious someone is needed to be in charge; someone to schedule personnel, etc. The Board's opinion is that we need to hire a full-time Fire Chief because since October 2013 we are on our third set of Chief's. We need hired a person that works full time for the District who is focused on our department. All the chiefs in the last ten months have other full-time employment and work part time for the District. We want someone that works for the District and does not have another financial loyalty that supersedes their loyalty to the District.

Another opposing comment was from a commercial property owner who has signed a five-year lease and was concerned because the lease locks in her rent and the concern is she will not be able to raise the rent to recover the increase in the fees.

Three of the comments that opposed to the increase drastically over-estimated what they thought their new fee would be. The Chair spoke with one of them and when they were informed their fee was \$1,100 less than their calculations, they were pleased and seemed satisfied. Another person had also over-calculated their fee and their fee is significantly less. Chair Plyler could not recall the third comment.

When comment is received, neither the Chair nor the Board is obligated to respond to each, individual comment before we have a public forum. But, in the case of three of the four negative comments, the Chair had a conversation with one and addressed the others by email and has had several email exchanges with Mr. Ferber. The Board has gone above the call of duty to address the concerns of the citizens during this extended comment period.

4. **ADDRESS CHANGES TO THE STANDBY FEE CALCULATIONS IN SOME**

**CATEGORIES** – Between the public hearing and now, the Board has learned that any category in the previous proposal that had a fee calculation that was based on a percentage of the taxable value needed to be changed. Most of those categories are residential or a combination of residential and short-term transient lodging on the same property; there were no commercial calculations based on property tax value. If we do a fee based on a percentage of a taxable value, initiate the Standby Fee this year and everybody pays a fee based on whatever that calculation is this year, which is the County Assessor's value (55% of market value), in 2016 the Washington County Assessor is going to reassess all the properties in Rockville and Springdale. For any values that go up, the Standby Fee rate will go up because it is based on a percentage of the taxable value. We would have to have a public hearing to increase the fees. The cost for the publication for a hearing to increase fees is approximately \$1,600.

Many of the comments we heard between the public information hearing and the public hearing were that we are proposing this increase now and then are we going to want more money in two years.

The formulas that are being proposed at this meeting, which are comprised of 11 categories, are available to the public for review. If the Board implements this new formula, when the assessor's rate goes up our rates will not go up.

If the process of utilizing the taxable value were implemented and the assessed value of your property went down, your fee rate would not correspondingly drop. However, the compromise for the Board is we are not raising your rates at the assessor's determination, but we have a steady stream of income based on these new formulas. We can reduce rates without a public hearing.

This new formula stabilizes the District's revenue stream and, due to future development in the District, we will see an increase in our fees as this new development is completed. The District will, hopefully, be able to begin putting funds aside in reserve accounts to possibly pay off the ambulance sooner and have a reserve to enable us to not have to raise fees in the near future.

The new formulas are based on square footage, not value.

5. **INFORMATION RELATIVE TO THE BOARD'S INTENT TO APPROVE THE NEW STANDBY FEE AT THEIR REGULAR MEETING ON AUGUST 27, 2014**

– During a conversation with a public official on this day, the Chair was informed that Mr. Ferber has requested a meeting and have the Hurricane Fire Chief present to discuss some ideas to mitigate some of our costs. The Board is not opposed to such a meeting; however, it was learned from this public official that if the numbers were such that the citizens decided they would rather have Hurricane provide the service (if it was an equal service for less money, or more service for the same money), the public has the right to dissolve the Board and engage another entity. There is a legal process to accomplish this and it would take a fair amount of time. The proposal that Hurricane would develop to compare apples to apples with our budget and level of service would take approximately three months.

If the Board does not send out billings by mid to late September, we would basically be bankrupt. If that were to happen, and we had not instituted fees to fund the District before it was dissolved by Washington County, we would be criminally liable for charges for financial malfeasance. Charges

can be brought on individuals as members of the board for not meeting our fiduciary responsibility as board members. Therefore, an ordinance will be passed at the next meeting to implement the Standby Fee and as soon all the associated legalities of that process is completed, the Board will be willing to sit down and have a discussion relative to any proposal received from Hurricane. In the meantime, the billings will be mailed.

If it was decided that Hurricane was the most feasible thing to do, the process would begin to dissolve the District, which would also involve a decision relative to all the capital assets that property owners have paid for – property and apparatus (all of which are paid for, except the ambulance). There would also be the funds on hand.

Hurricane could offer to provide the service at a less cost, but they would want the property, equipment and existing funds on hand.

Comments were made by Mr. Ferber that there is no desire to see the District go away; it is doing a good job. The issue is getting the same service for less cost. Other comments by Mr. Ferber were not discernable from the audio recording. The Chair was only stating the citizens need to be compensated for all the assets they have paid for, rather than just giving them to another provider.

**MICHAEL - JUST FOR YOUR INFORMATION, THE FIREHOUSE WAS NOT A GRANT, WE BORROWED MONEY FROM THE COMMUNITY IMPACT BOARD AT A LOW INTEREST RATE AND PAID IT OFF**

The Board will proceed with the process to implement the Standby Fee increase and will then be happy to schedule discussions with concerned motel owners, etc. and receive some apples to apples comparisons and see where we are.

Adrian Player, member of the Springdale Town Council, thanked the Board and stated that Springdale is in support and doesn't want the District to go away. He understands other options. He has attended all the meetings since November and realizes what the Board has been going through. His observations have been reported to Springdale's Mayor and Council.

- 6. ADJOURN** – Barry Rhodes moved the meeting be adjourned. John Callahan seconded the motion and a roll call vote indicated all those present voted in favor of the motion.

Meeting adjourned at 7:00 p.m.

Minutes typed by:

Elaine M. Harris  
District Clerk

APPROVED:

Michael Plyler  
Michael Plyler, Chairman