



Tooele County Fire Department

DANIEL B. WALTON

Fire Chief

LLOYD EVANS JR.

Fire Marshal

Tooele County Fire District Proposal

PHASE 1 – FEASIBILITY STUDY

With financial contributions from the potentially affected territories in support of exploring the feasibility of creating a Tooele County Fire District; Tooele County hired Public Consulting Group to perform a fire department funding and governance analysis on behalf of the towns of Rush Valley, Stockton, Vernon, and the inhabitants of the unincorporated county lands outside of the North Tooele Fire District.

The final report produced by Public Consulting Group states that the formation of a fire district is not only feasible, but would be a crucial step in securing future stability and reliability for the future of fire service in Tooele County. This report can be found here: https://tooelewildfire.org/wp-content/uploads/2021/01/Fire-Department-Funding-and-Governance-Analysis_-Tooele-County-01142021-FINAL.pdf

Overall cost for the feasibility study came out to \$12,500.00

PHASE 2 – COUNTY ANALYSIS AND RECOMMENDATION

Why Create a Fire District?

- State code 11-7-1 requires Tooele County to provide fire protection within our territorial limits.
- Our current model of relying on municipal volunteer fire departments under mutual aid agreements to provide fire protection has been creating contention. The amount of fire responses to unincorporated lands outweigh the amount of fire responses to incorporated lands in the proposed district area. Analysis has shown that 80% of call are to unincorporated areas.
- These municipal volunteer fire departments are operating on very limited budgets primarily with equipment that does not meet NFPA standards for safety and a very low number of personnel.
- Volunteerism is decreasing as call volume is increasing. Those who remain committed can only provide so much and their dedication impacts their families and careers.
- The residents and commercial entities within the proposed district boundary deserve stability and reliability when it comes to fire service. Relying on a mutual aid system created over 30 years ago is proving to be insufficient and inadequate and future development will only compound the issue unless we get ahead of the growth by unifying into a fire district.
- Allowing a lack of adherence to state and national standards for safe and reliable equipment and numbers of initial responders is an injustice to those who literally put their lives on the line as volunteer firefighters. However, without a revised system to provide increased funding, support, recruitment and management, the amount of time it will take to achieve these improved safety



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standards is unacceptable. We believe this leaves firefighters vulnerable for injury or even worse death in the line of duty.

- This liability will be passed along to the agency responsible for the responders, not the authority having jurisdiction over the territory; for these municipalities to bear such risk by sending their volunteers to a majority of county calls is far too much to ask.
- By creating a county fire district that includes our municipal partners, those responders then become county volunteers and their wellbeing in the line of duty would ultimately be the responsibility of the county. With the majority of the fire calls transitioning to where municipalities are providing more service to county jurisdiction than they are to their own jurisdiction, the proper and fair thing to do would be for Tooele County to take ownership of being the primary fire service provider.
- With the creation of a fire district utilizing the current county fire department budget, Tooele county would be far better positioned to manage the personnel needs and the very expensive task of replacing or altering equipment to meet safety standards. Also, a unified fire district would rate much higher on grant applications to seek outside funding to solve these compounding issues.

Unified Efforts:

Fire Marshal, Code Enforcement, Cost Recovery, etc.

Should a municipality be absorbed into the new fire district; the Tooele County Fire District would be responsible for the enforcement of fire related state, county and municipal codes in that jurisdiction. Examples include the International Fire Code, the Tooele County Wildland Urban Interface Code, and the Tooele County Code on emergency response cost recovery. Tooele county currently has a Fire Marshal position assigned to the area of the proposed district and this county position would roll over into a fire district position. In essence, the primary fire service over a jurisdiction is obligated to provide fire code enforcement.

Consolidation of Agreements

Under the current operating standard, the county and each municipality maintain numerous agreements and reporting standards such as: County Special Operations Agreement, County Mutual Aid Agreement, State MOU, State CA, jurisdictional Community Wildfire Preparedness Plans, segregated fire billing (county and state), and segregated response reporting. By forming a Fire District these multiple agency agreements and processes can be consolidated into single agency agreements and processes significantly reducing the amount of administrative efforts exercised each year.

Additionally; under the state cooperative wildfire system; each of these agencies will benefit by being included in the fire districts annual participation commitment. This relates to the Wildfire Prevention, Wildfire Preparedness, and Wildfire Mitigation funding that is identified in the Initial Proposed Budget on page 7 of this report. Based on the management decisions of how these funds will be utilized, each of



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the affected municipalities could greatly benefit from the annual expenditure of PC funds and would no longer be held to the annual reporting that is currently required from each individual agency.

County Departments and Resources

By forming this organization as a 17D special service district with Tooele County as the parent organization, the Tooele County Fire District will be a county entity and will have access to assistance, guidance and representation from county departments such as:

1. County Council
2. County Attorney's Office
3. County Auditor
4. County GIS Department
5. County IT Department
6. County Facilities Department
7. County Assessor
8. Community Development
9. County Clerk
10. County Sheriff
11. County Emergency Management

Impact Fees:

Impact fees are imposed for various land use categories within a political jurisdiction and can only be used for system improvement. Impact fees are typically, a one-time fee at time of county permitting.

As it stands, Tooele County already has a public safety impact fee. The proceeds from this fee are committed to paying off the loan for the county jail and are not available for anything else. In order for a separate impact fee to be considered, a fire district must first be formed. Without impact fees from the increasing rate of growth in the associated unincorporated areas; our local fire departments cannot benefit from this commonly relied on source of income.

What Would the District Boundary Look Like?

The initial proposed district boundary includes these areas (Note that Wendover was initially included in the proposal, but after review and feedback, their information has been redacted from this report):

- Towns:
 - Stockton, Rush Valley, Vernon
- Unincorporated Areas (total of 2,076,918.6 acres):
 - South Rim, Ophir, Soldier Canyon, Big Hollow, Lofgren, Last Chance Resort, Terra, Skull Valley, I-80 Corridor from Wendover to Mile Marker 33.5, Ibapah, Gold Hill
- Tribal Lands (tax exempt)

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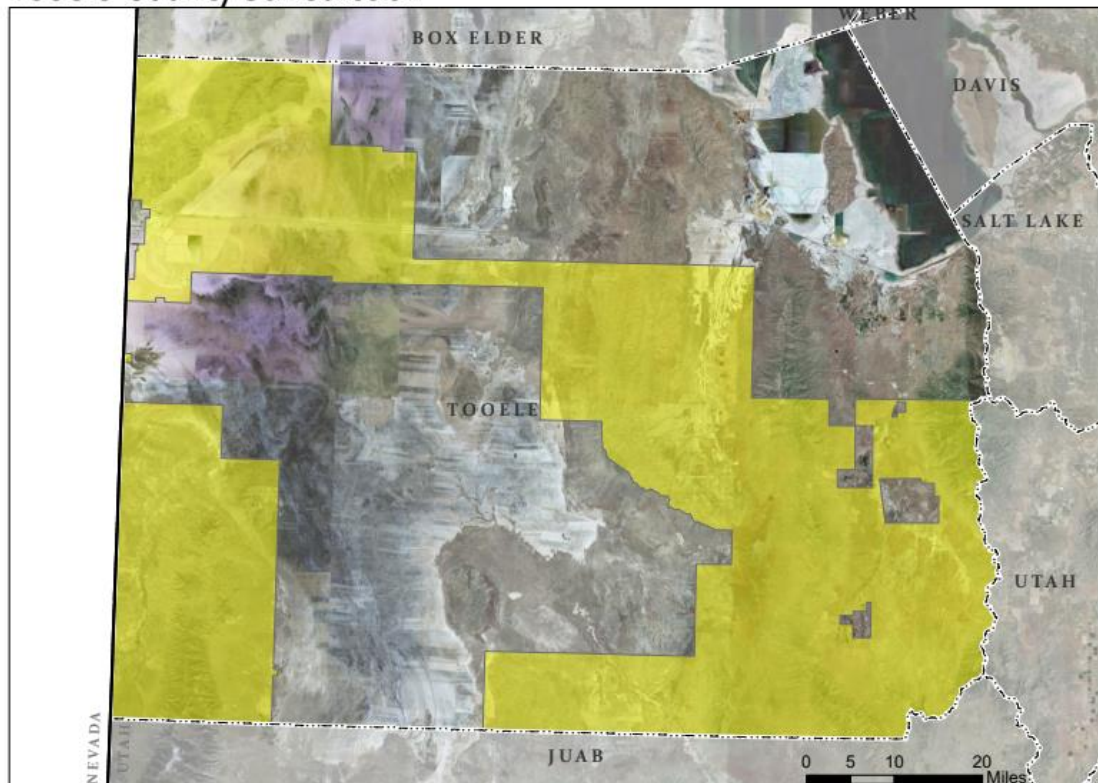
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- Skull Valley Band of Goshutes
- Confederated Tribe of Goshutes (only a small portion of this reservation is in Tooele County)

Tooele County Jurisdiction



What is the process to form a fire district?

Special Service District (Dependent of Tooele County)

Following recommendations from the consultant's report (phase 1); it is proposed that the formation of the Tooele County Fire District will follow 17D of Utah state code:

https://le.utah.gov/xcode/Title17D/Chapter1/C17D-1-P2_1800010118000101.pdf This will essentially be a special service district with Tooele County as the parent organization.

Summarized steps to district creation:

The formation of a special service fire district under 17D does not require a ballot measure and does not immediately impose a tax levy. For the intents and purposes of this document, here is a simplified summary of the associated steps:

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1. A municipality would adopt a resolution or ordinance consenting to their jurisdiction being included in the proposed fire district boundary.
2. The county would adopt a resolution indicating their intent to create a special service district including the why, the proposed boundary, the service, and the name of the proposed district.
3. The county would advertise their intent to create a district, including detailed information, once a week for 4 weeks for at least 35 days before the date of a public hearing, and at least once in the local newspaper.
4. The county would hold a public hearing. Any protests to the formation of the service district would need to be submitted in writing no later than 60 days after the public hearing. If adequate protests are filed the county would not be able to form the district.
5. 60 days after the public hearing Tooele County could adopt a resolution approving the creation of the district and would need to file notice of an impending boundary action and an approved final local entity plat to the Lt. Governor's office within 30 days of adopting the resolution.

Imposing a tax levy after the district is formed (only if a tax levy is pursued);

1. Once the district is formed; Tooele County could then pass a resolution submitting the question of the issuance of a tax levy impacting the taxable properties located within the boundary of the newly formed district. The resolution must be passed at least 75 days before the date of the election. A copy of this resolution would also be sent to the Lt. Governor.
2. The tax levy election is held adhering to state codes and standards associated with an election; Code 59-1-16 https://le.utah.gov/xcode/Title59/Chapter1/59-1-P16.html?v=C59-1-P16_2014040320140513

Under state code 17D; The ballot process for a service district tax levy is held in the same manner as for an election for the issuance of bonds: https://le.utah.gov/xcode/Title11/Chapter14/11-14.html?v=C11-14_1800010118000101 reference Utah Tax Code 11-14-201 (1)(a)

The state code affecting a tax levy for a special service district can be found here:
https://le.utah.gov/xcode/Title17D/Chapter1/C17D-1-S105_1800010118000101.pdf

Associated hard deadlines to have a tax levy on the 2021 ballot:

April 23rd, 2021 – Deadline to announce counties intent to form a service agency/announcement of associated public hearing. +35 days;

May 21st, 2021 – Deadline to hold a public hearing on the formation of a service district. +60 days;

July 21st, 2021 – Deadline to pass a resolution forming the district and submit to Lt. Governor. +30 days;

August 20th, 2021 – District Formed / Deadline to pass resolution posing the question of a tax levy for ballot approval. +75 days;

November 2nd, 2021 – Election Day – Potential district wide vote on tax levy.

These are absolute deadlines, and if there is a consensus to pursue a tax levy, it is recommended to begin the process much earlier. It would be ideal to pass the first county resolution (intent to form a service

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district) at the first county council meeting in March (03/09/2021). It is recommended that municipalities officially decide whether or not to include their jurisdiction in the proposed district boundary by the end of February 2021.

Municipal Support:

As stated above, in order for the Tooele County Council to move forward with passing a resolution creating a special service district that includes municipal jurisdiction, each of the involved municipalities will need to pass a resolution for their jurisdiction to be included in the proposed special service district boundary. Any municipality in the county that decided to opt out of the initial creation of the district would be able to be annexed in at a later date utilizing the same process that was used to create the district (i.e. municipal and county resolutions plus a public hearing, etc. – State Code 17D-1-401-2). A municipality could also be removed from a created special service district by request as long as the county is willing to pass a resolution approving the withdrawal (State Code 17D-1-601).

Note on District Formation Tax Levy:

As stated earlier, the formation of a special service district does not automatically impose a tax levy and any tax added in the future would have to be approved by a majority vote. While a tax levy is not imperative to the existence and sustainability of this proposed district the overall costs of operating a fire district are rarely completely satisfied and a tax levy would be an excellent supplement to achieving a state of a fully balanced budget.

Anticipated Financials:

Should Tooele County officials see value in this venture and agree to utilizing the dedicated existing county fire department funds it has been determined that enough funding does not exist to entertain a rapid and major overhaul of current equipment and buildings. However, the increased revenue has a potential to greatly improve each department's annual operating budget and capabilities as depicted in the following tables.

First, we will look at the existing 2020 Fire Department Budgets as reported by the PCG analysis:

Agency	2020 Budget
Tooele County FD (Under the Sheriff's Office)	\$860,043 + \$33,700 for Terra FD & Ibapah FD = \$893,743
Stockton FD (Town Funding)	\$24,750
Rush Valley FD (Town Funding)	\$12,500
Vernon FD (Town Funding)	\$10,700



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Building off of the current county fire department budget as well as current county contributions to each fire department (special operations funding), here is a glimpse into a potential budget proposal:

Initial Proposed Budget Based off of Current County FD Budget (Funds Going to the District):

LINE ITEM	ACTUAL 2021	SAMPLE 2022 REQUEST	NOTES
110 - Salaries and Wages	42,000	42,000	Part Time Chief & Marshal
130 - Employee Benefits	3,587	3,587	Workers Comp / Social Security
TBD - Battalion Chief Stipend's	N/A	48,000	\$800/Month Each for Five (5) Battalion (station) Chiefs
200 - Wildfire Prevention	113,532	99,226	PC** – State Agreement (Public Education)
205 - Wildfire Preparedness	133,532	119,226	PC** – State Agreement (Wildfire Equipment)
204 - Wildfire Mitigation	267,064	238,452	PC** – State Agreement (Vegetation Management, etc.)
202 - Ibapah Fire Station	7,000	15,000	Ibapah Station Operational Budget
202 - Terra Fire Station	30,070	50,388	Terra Station Operational Budget
TBD - Rush Valley Fire Station	N/A	50,388	Rush Valley Station Operational Budget
TBD - Vernon Fire Station	N/A	50,388	Vernon Station Operational Budget
TBD - Stockton Fire Station	N/A	50,388	Stockton Station Operational Budget
230 - County Initial Attack	50,000	50,000	County Wide Initial Attack Reimbursements
201 - State Interagency Suppression	185,258	75,000	County Wide Interagency I.A. Suppression Costs (State Invoice)
310 - Fire Warden	50,700	50,700	Shared State/County Position (State Invoice)
740 - Warden Program Support	10,000	10,000	Per State Wardens Agreement
203 - Fire Chief's M.S.&S.	1,000	1,000	County Chief's Association
Total with all Agencies	893,743	*953,743	

* \$60,000 budget increase for 2022 from existing Special Operations funding that is already slated to annually be paid to the affected fire stations. This would be a permanent funds transfer from the County Council budget. (Note that Tooele City, Grantsville, North Tooele, and Wendover all receive \$20,000/year in special operations funding as well, separate from this budget, from the County Council).

** PC = Participation Commitment (State Cooperative Wildfire System). These figures include the participation commitment figures from the unincorporated county area plus the three (3) towns.

This budget plan shows that a tax levy is not imperative to the existence and sustainability of the fire district. Compared to the chart on page 6, this plan also shows that a county funded fire district would be a major improvement in funding for the existing fire departments.



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What would a tax levy look like?

If elected officials decide to pose the question of a tax levy to support the district, here are some tables to show potential district revenue and estimated costs to tax payers:

Tax Rate Breakdown by area:

Area	Properties	Taxable Values*	Max Tax Under 17D .0008	Middle Tax Rate .000654	Average Fire District Tax in UT .000589
Unincorporated	2,103	\$120,101,514	\$96,081.00	\$78,546.39	\$70,740.00
Rush Valley	414	\$24,421,952	\$19,538.00	\$15,971.96	\$14,358.00
Stockton	372	\$30,789,064	\$24,631.00	\$20,136.05	\$18,135.00
Vernon	227	\$10,175,837	\$8,140.00	\$6,655.00	\$5,995.00
TOTALS:	3,116	\$185,488,367	\$148,390.69	\$121,309.39	\$109,252.65
COMPARISON	Properties	Values			
Total Unincorporated:	2,103	\$120,101,514			
Total Municipal:	1,013	\$65,386,853			

*Taxable value figures provided by the State Tax Commission to Public Consulting Group.

The above comparison shows that the number of properties in the unincorporated area more than double the amount of properties in the municipal areas. Also, Taxable Values in the unincorporated area almost double the amount of taxable values in the municipal areas.

Impact to Tax Payer:

Looking at the middle tax rate of .000654, here are some examples of how this would increase a land owners annual property tax:

Property Value	New District Tax Rate	Monthly Tax Increase	Annual Tax Increase*
\$125,000	.000654	\$6.81	\$81.75
\$150,000	.000654	\$8.18	\$98.10
\$200,000	.000654	\$10.90	\$130.00
\$250,000	.000654	\$13.63	\$163.50
\$300,000	.000654	\$16.35	\$196.20

*Note that under the Utah Farmland Assessment Act; qualifying agricultural property is assessed and taxed based upon its productive capability instead of the prevailing market value.

A comprehensive list of statewide tax rates for 2018 can be found here: <https://propertytax.utah.gov/tax-rates/area-rates/taxarearates2018.pdf>

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Existing Assets

With the formation of a local fire district regarding existing municipal and county assets it is proposed:

Existing ownership of municipal buildings, apparatus, and equipment is retained with that municipality. Long-term lease agreements or interlocal agreements will be drawn up between the Tooele County Fire District and that municipality. Those agreements will outline that; the use, maintenance, replacement, and operating costs for those items will be the responsibility of the district. In the event that any of the aforementioned items exceed their useful service life, the municipality will be consulted for disposal. Each municipality will have a say in the terms of the agreements that affect their property.

County buildings and assets will be retained as county property managed by the county fire district.

Newly acquired property and assets acquired by the service district will be considered fire district property.

District Policies

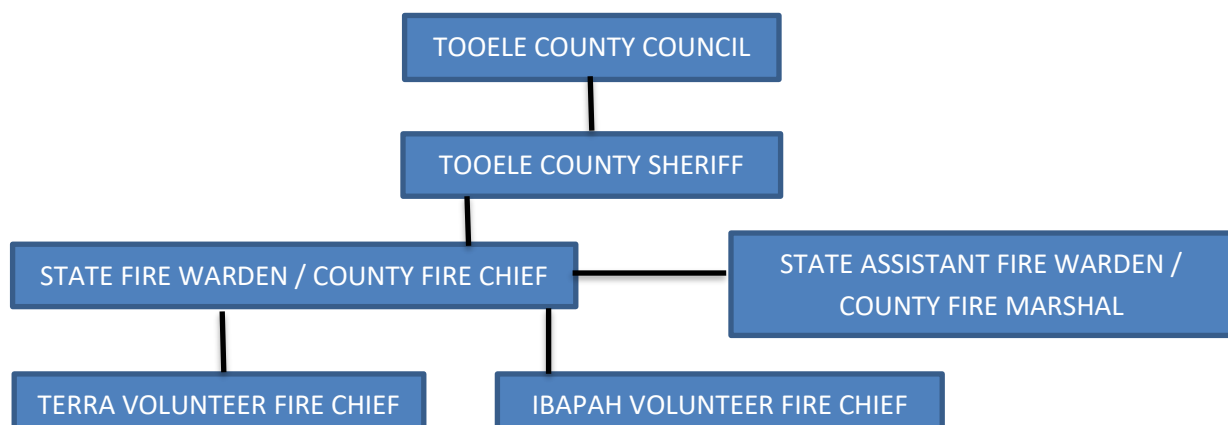
Once the Tooele County Fire District Board of Directors is formed they will be responsible for developing by-laws. The Tooele County Council will approve the proposed by-laws.

Other immediate District Board priorities would include:

1. Transition to county policies including purchasing, recruiting, and personal conduct.
2. 5-year plan for anticipated increase in residential and commercial properties.
3. Interfacing with Tooele County Community Development for Fire Marshal / Code Enforcement responsibilities.
4. Formation of Fire District Standard Operating Guidelines.

Organizational Charts:

Current County Fire Department Organizational Chart:



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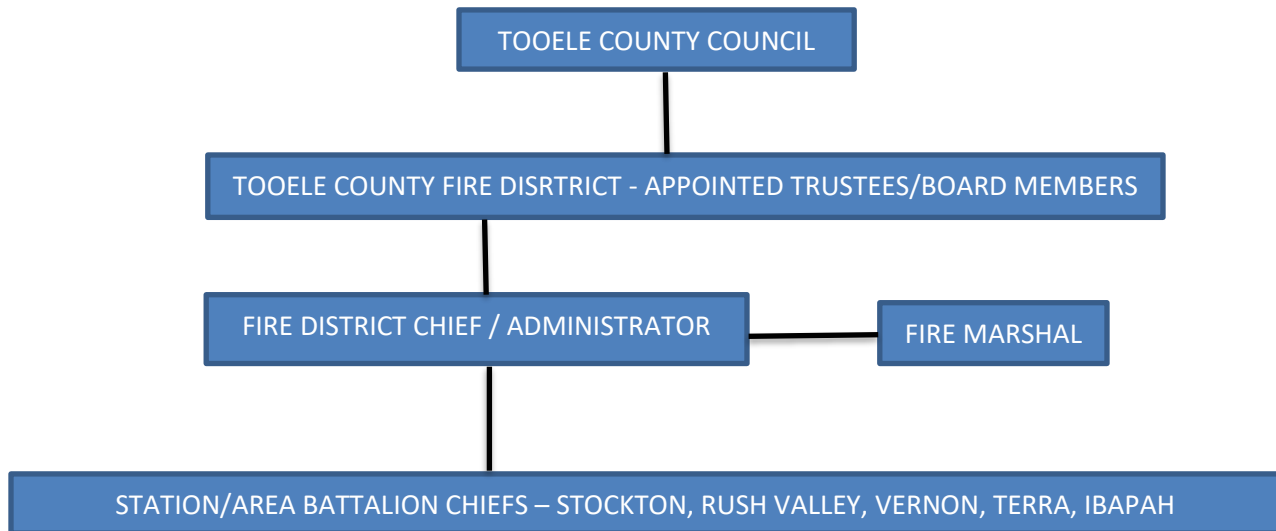
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Proposed District Organizational Chart and Initial Chain of Command:



Board Members:

The Tooele County Council would determine whether the service district board of trustees will be elected or appointed officials and whether they will be paid or volunteer. This is proposed as a 5-member board with representatives from each of the three (3) involved municipalities plus two (2) from the affected unincorporated portions of Tooele County. The board members will convene once each month (more as needed) to analyze reports and make official decisions on Fire District operations.

Chiefs

Following the model of the Uintah Fire District – it is proposed that the Tooele County Fire District will have a Chief Administrator and each of the involved fire stations will retain their current Chief Officers and response areas. Chief Officers of individual stations will handle day to day operations – the Chief Administrator will provide overall guidance and support for each of the departments as needed. This is proposed as initial structure/chain of command and is subject to change at the will of the board members.



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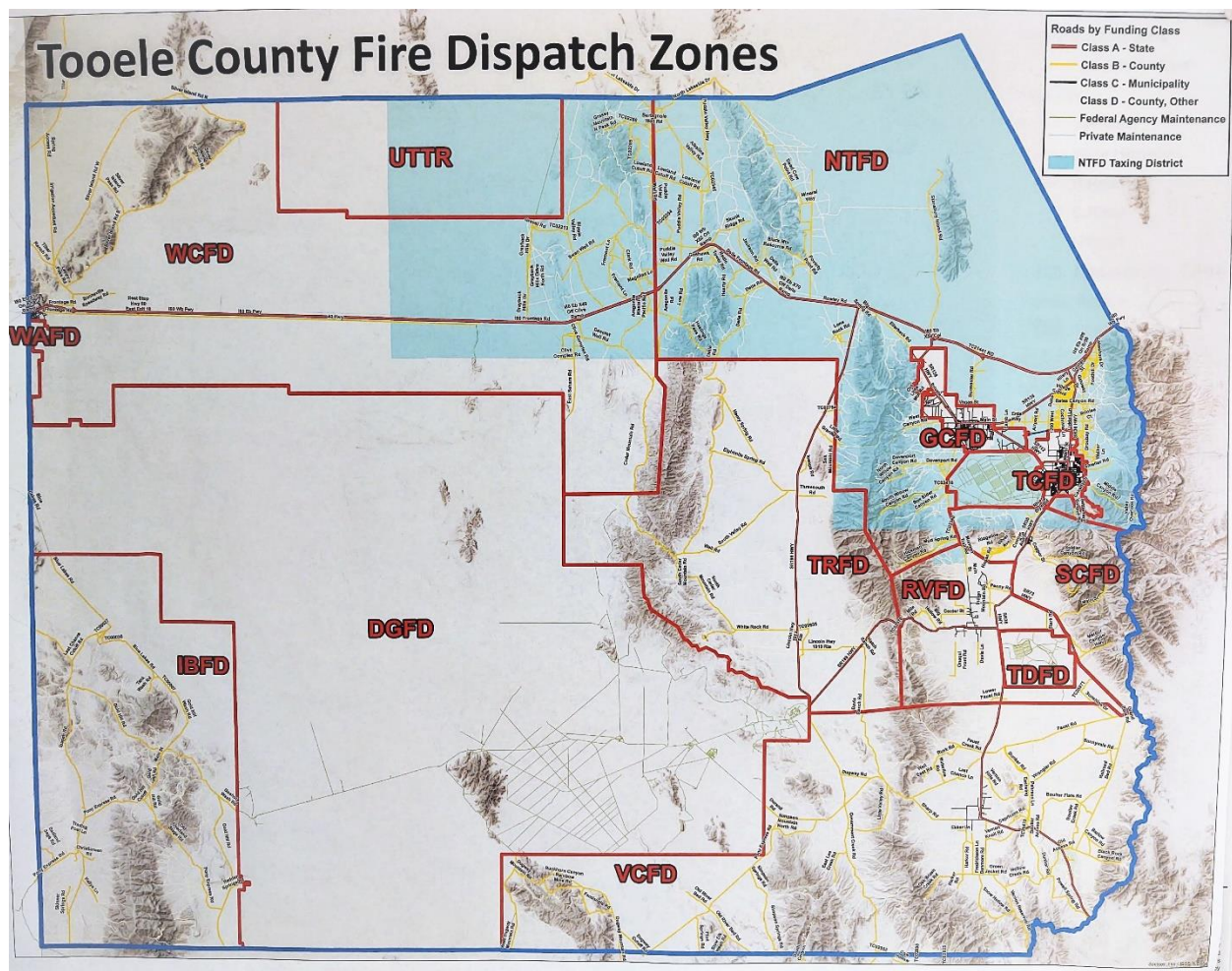
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Current Designated Fire Department Response Zones

Under the initial district organization; it is proposed that each fire department or station retain their current operational response zones and procedures. Should any of the agencies decide to opt out of the district boundary they would still retain their current response area under existing response agreements.

Map with response zones and the current North Tooele Fire Taxing District (blue shaded area)



Applicable State Code and Statutes

1. Special Service District Act. 17D-1 https://le.utah.gov/xcode/Title17D/Chapter1/17D-1.html?v=C17D-1_1800010118000101
2. The imposition or increase of an impact fee. Title 11-36a https://le.utah.gov/xcode/Title11/Chapter36A/11-36a.html?v=C11-36a_1800010118000101

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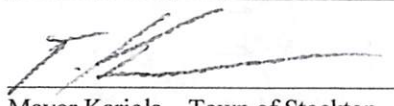
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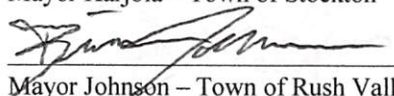
3. Term of board of trustee members - Oath of Office – Bond. Title 17B-1-303
https://le.utah.gov/xcode/Title17B/Chapter1/17B-1-S303.html?v=C17B-1-S303_2019051420190514
4. Ballot process for a special service district tax levy
https://le.utah.gov/xcode/Title11/Chapter14/11-14.html?v=C11-14_1800010118000101
5. State code affecting a tax levy for a special service district
https://le.utah.gov/xcode/Title17D/Chapter1/C17D-1-S105_1800010118000101.pdf

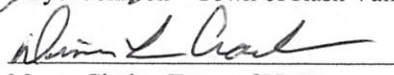
Question of Support

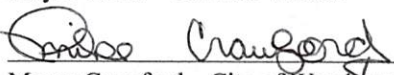
Mayoral Opinion:

Affected Agencies	Do you anticipate your jurisdiction passing a resolution to be included in the fire district? (circle one)	Are you supportive of Tooele County forming a Fire District? (circle one)
Stockton Town Mayor	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Rush Valley Town Mayor	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Vernon Town Mayor	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Wendover City Mayor	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No


Mayor Karjola – Town of Stockton

 - Undecided until further discussion
Mayor Johnson – Town of Rush Valley


Mayor Clark – Town of Vernon


Mayor Crawford – City of Wendover

4 Feb 21
Date

4 Feb 2021
Date

2 Feb 2021
Date

Date

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Other Officials

Are you supportive of Tooele County creating a new Fire District?

	<u>In Favor</u>	<u>Opposed</u>	
 Sheriff Paul Wimmer	<input checked="" type="radio"/> Yes	No	<u>2/4/21</u> Date
 Fire Warden Daniel Walton	<input checked="" type="radio"/> Yes	No	<u>2-3-2021</u> Date
 Fire Marshal Lloyd Evans	<input checked="" type="radio"/> Yes	No	<u>2/3/21</u> Date
 Emergency Manager Bucky Whitehouse	<input checked="" type="radio"/> Yes	No	<u>2/4/21</u> Date
 Terra Fire Chief Gerald Neil	<input checked="" type="radio"/> Yes	No	<u>3 Feb 21</u> Date
 Stockton Fire Chief Justin Huffman	<input checked="" type="radio"/> Yes	No	 Date
 Rush Valley Fire Chief Jason Bolinder	<input checked="" type="radio"/> Yes <i>undecided until further discussion</i>	No	<u>2-3-21</u> Date
 Vernon Fire Chief Joe Mannino	<input checked="" type="radio"/> Yes	No	 Date
 Wendover Public Safety Director Ken Quirk	Yes	<input checked="" type="radio"/> No	<u>2/4/21</u> Date
 North Tooele Fire District Chief Randy Willden	<input checked="" type="radio"/> Yes	No	<u>2/5/2021</u> Date
 Grantsville Fire Chief Travis Daniels	<input checked="" type="radio"/> Yes	No	<u>2/4/21</u> Date
 Tooele City Fire Chief Chris Shubert	<input checked="" type="radio"/> Yes	No	<u>2/4/21</u> Date

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PHASE 3 – CHECKLIST FOR THE DISTRICT CREATION PROCESS, AND OTHER CONSIDERATIONS

- ☐ Municipal resolutions to include town jurisdictions into the formation of a county fire district:
 - ☐ Town of Stockton:
 - Decision: Ratified and Signed 02/11/2021
 - ☐ Town of Rush Valley:
 - Decision: _____
 - ☐ Town of Vernon:
 - Decision: _____
- ☐ County resolution of intent to form a fire district (17D-1-203), that:
 - ☐ Describes the boundaries of the proposed special service district.
 - ☐ Specifies each service that the special service district is proposed to provide.
 - Fire protection, including:
 - Emergency medical services.
 - Firewise Communities programs and the development of community wildfire protection plans.
 - The receipt of federal secure rural school funds as provided under 51-9-603 for the purposes of carrying out Firewise Communities programs, developing community wildfire protection plans, and performing emergency services, including firefighting on federal land.
 - ☐ Designates a name for the proposed service district: _____
 - ☐ Decision: _____
- ☐ Written notice by Tooele County Clerk
 - ☐ Content adheres to State Code 17D-1-205
 - ☐ Published:
 - Once a week for four (4) consecutive weeks.
 - Not fewer than five days and no more than 20 days before the date of the public hearing required under Subsection 17D-1-204(2); and
 - In accordance with section 45-1-101 for 35 days before the date of the public hearing required under Subsection 17D-1-201(2).
- ☐ Public hearing 17D-1-207
 - ☐ Held on date: _____
- ☐ Protests
 - ☐ Protests must be submitted, in writing, no later than 60 days after the public hearing.
 - ☐ The county may not adopt a resolution or ordinance creating a special service district if adequate protests are filed with respect to the creation of the special service district.



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- ☐ Adoption of a resolution or ordinance approving the creation of a special service district. 17D-1-208
 - Decision: _____
- ☐ Notice and plat to lieutenant governor – recording requirements – effective date. 17D-1-209
 - Upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5, the special service district is created and incorporated.
- ☐ OTHER CONSIDERATIONS
 - County council to designate a fire district board of directors
 - Elected or Appointed
 - Paid or Volunteer
 - Term Limits
 - Members:
 - Stockton: _____
 - Rush Valley: _____
 - Vernon: _____
 - Unincorporated 1: _____
 - Unincorporated 2: _____
 - Budget creation / funds transfer.
 - Interlocal/Long-Term Lease Agreements concerning municipal fire department property.