GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 1110
Committee Substitute Favorable 12/3/18

Short Title: Ten-Ten Fire District Governance. (Local)

Sponsors:

Referred to:

November 29, 2018

A BILL TO BE ENTITLED

AN ACT REGARDING THE GOVERNANCE OF THE TEN-TEN (FAIRVIEW) FIRE PROTECTION DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Wake County Board of Commissioners shall do all of the following:

(1) Reestablish the tax previously levied under Article 3A of Chapter 69 of the General Statutes within the boundaries of the Ten-Ten (Fairview) fire protection district at the same rate as that currently levied in the Wake County fire protection service district. Proceeds of this tax collected by Wake County within the boundaries of the Ten-Ten (Fairview) fire protection district, less the cost of administering and collecting the tax, not to exceed two percent (2%) of the amount collected each year shall be remitted to the special fund described in G.S. 69-25.7, as modified by Section 2 of this act.

(2) Remove the Ten-Ten (Fairview) fire protection district from the Wake County fire protection service district and from the jurisdiction of the Wake County Fire Commission. Nothing in this act is intended to prevent the Wake County Fire Commission from contracting with the Fire Protection District Commission established by Section 2 of this act regarding fire protection in areas outside the boundary of the Ten-Ten (Fairview) fire protection district for the provision of services other than fire protection.

(3) Contract with the Fairview Rural Fire Department to furnish fire protection for the Ten-Ten (Fairview) fire protection district.

SECTION 1.(b) All firefighting apparatus and equipment located at either station of the Fairview Rural Fire Department shall become the property of the Fairview Rural Fire Department. This subsection shall not apply to any vehicle and associated equipment located at a station of the Fairview Rural Fire Department under a contract for the provision of services other than fire protection.

SECTION 1.(c) Funds collected by the Fairview Rural Fire Department from donors and fundraising events and held administratively by Wake County shall remain the property of the Department, shall not be used for any general fund or fund balance requirements, and shall remain available for use at the direction of the Board of Directors of the Fairview Rural Fire Department.

SECTION 2. G.S. 69-25.7 reads as rewritten:

"**§ 69-25.7. Administration of special fund; fire protection district commission.**

(1) The special fund provided by the tax herein authorized shall be administered to provide fire protection in portions of Wake County not described by subdivision (2) of this subsection as provided in G.S. 69-25.5 by the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, or by a fire protection district commission of three qualified voters of the area, to be known as_____

(Here insert name)

Fire Protection District Commission, said board to be appointed by the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, for a term of two years, said commission to serve at the discretion of and under the supervision of the board of county commissioners or boards of county commissioners if the area lies in more than one county.

(2) The special fund provided by the tax herein authorized shall be administered to provide fire protection as provided in G.S. 69-25.5 within the Ten-Ten (Fairview) fire protection district by a fire protection district commission of three qualified voters of the district to be known as the Fairview Fire Protection District Commission. One district commissioner shall be appointed by the board of county commissioners, and the other two commissioners shall be selected by the Board of Directors or by open meeting of the membership of the Fairview Rural Fire Department. The member of the initial commission appointed by the board of county commissioners shall be appointed for a one-year term, and, of the two members appointed by the Fairview Rural Fire Department, one member shall be appointed for a three-year term and one member for a two-year term. As the terms of the initial members expire, their successors shall be appointed for three-year terms. The Fairview Fire Protection District Commission shall select its own chairman."

SECTION 3. Section 2 of this act applies to the portion of Wake County designated as of the effective date of this act within the boundaries of the Ten-Ten (Fairview) fire protection district only.

SECTION 4. This act is effective when it becomes law.