



FREQUENT QUESTIONS ABOUT FIRE DEPARTMENTS

2007 Town Officials Workshops
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Type of Fire Department

- Town Department
- Joint Fire Department
- Contract with private fire company
- Contract with a municipal fire department
- All fire departments must meet requirements of COMM 30 (Attachment A)



Open Meetings and Open Records

- All municipal fire boards, whether a town fire board or a joint board
- Private companies are not subject to open meetings law
- Private companies may be subject to open records law if over half of funding from public
- Fire fighter associations are not subject to open meetings law



Terms of Agreement Joint Fire Board

- See Attachment B
- Board's membership, terms of office
- Authority and powers of board
- A quorum of members
- Super majority votes
- Board's meeting schedule and compensation
- Officers
- Services provided by department



Terms of Agreement Joint Fire Board

- Creation of a fire commission
- Appointment of fiscal agent
- Budget process, reporting requirements, schedule, payment procedure
- Handling of assets and ownership
- Allocation of costs
- Process for withdrawal, expulsion and expansion



Terms of Agreement Joint Fire Board

- Process to amend bylaws
- Liability of fire department
- Provisions to transition into a fire district



Budget Process

- Town fire departments are part of town's annual budget process
- Contracts with municipalities or private fire companies are figured into the town's budget (payment schedule)
- North Shore Joint Department requires budget to municipalities by October 1st and 5 of 7 must approve budget



Approval and Payment of Bills

- Budget document and appropriations
- Town or joint fire board policy of delegation to purchase (North Shore fire chief needs approval for over \$25,000)
- Use existing claims and payment procedure
- Standard reporting procedure before fire board (claims report)



Purchase Equipment

- Budget appropriation
- Fire board policy, whether delegate purchases under a certain amount
- Follow claims procedure
- Reporting requirements
- Replacement of equipment follows this same policy, unless specified otherwise in by-laws



Fire Fighters Association Fund

- Can have own fund if own legal entity and federal identification number
- If not, the fund is part of the fire department
- s. 66.0608 allows municipalities to authorize a separate account for association funds: (1) type and amount, (2) expenditures, (3) reporting/auditing (Attachment C)



Standard Operating Procedures

- Fire departments must comply with COMM 30 – safety and health standards for depts. and employees
- Fire chief can be designated to draft procedures based on board approval
- Attachment D shows the operating procedures for New Glarus Fire Department



State Rules Governing Fire Departments

- COMM 30 – Health and Safety
- COMM 14 – Inspection of public buildings
- Authorizing statutes: Ch. 62 for cities, Ch. 61 for villages, Ch. 60 for towns
- Other statutes governing first responders and emergency medical service
- Ch. 893 on fire department liability



Selection of Chief

- By-laws will indicate process of selecting a chief, assistants and new recruits
- Volunteer departments that select a chief do so subject to board approvals, if it is in the bylaws
- The bylaws should lay out the organizational procedures
- Fire commissions fill this role in cities and some villages



Removal of Fire Fighters

- Fire department procedures include work rules and criteria for termination and disciplinary action
- With a fire commission, the board hears complaints, holds hearings, and renders decisions on disciplinary action
- The by-laws will show the role of the board in the procedures, including approval of work rules and guidelines
- Due process must be provided to fire fighters
- With alcohol/drug addiction, referrals and suspension may be warranted



Benefits/Compensation

- Full-time fire fighters have contracts that lay out the pay/benefits
- Volunteer fire fighters often receive a minimal amount of compensation by:
 - Per diem policy
 - Minimal hourly wage
 - Reimbursement for expenses



Compensation Taxable?

- If a fire fighter is provided compensation, then he/she is not considered a “volunteer” under the IRS definition for tax exemption
- Per diems and reimbursements for expenses not under an accountable plan are taxable
- Subject to social security and medicare taxes



Reimbursement of Expenses

- Reimbursement of expenses not under an *accountable plan* are taxable
- An accountable plan must:
 - Show a business connection to the expense reimbursed
 - The fire fighter is required to substantiate the expenditure
 - Require any excess amounts paid to be returned.



Reimbursement of Expenses

- Should be in the by-laws or a written policy
- Expenses should be enumerated on a voucher
- Appropriate receipts included
- Signed by fire fighter
- Tax exempt, reimbursable expenses can be found in IRS Publication 15-B at <http://www.irs.gov/govts/>



Death/Disability Benefits

- Workers compensation provides a disability benefit with a presumptive weekly benefit of \$777 (weekly wage of \$1165.50).
- Insurance companies can rebut this and if so, use the full-time weekly wage of fire fighters in the geographic region.



Death Benefits

- Workers compensation provides two death benefits:
 - A death benefit of \$3,367 per month over 5 years and 10 months
 - A lump sum death benefit of \$174,825
- There is a federal program that provides a death benefit of \$295,194.
 - This benefit is available for total and permanent disability



Retirement Benefits

- Usually benefit of full-time employment
- Private companies may provide this, but state is not allowed to establish pension funds for private entities
- Under IRS rules, volunteer fire fighters not compensated by a wage cannot have a pension provided to them.



Longevity of Service Award Program

- See Attachment E
- Municipalities would like to provide some type of remuneration for volunteer fire fighters years of service
- The state has established a program that matches municipal contributions up to \$283.65 per year
 - Vesting period is 10 years
 - Full award at 60 years of age and 20 years of service



Annual Charge for Service

- Municipalities and private fire companies that contract for services can charge a fee the market will command
- Annual increases in fee and the fee itself is not subject to statutory limit or guidelines.
- Provisions in the contract can call for annual approval, signature or negotiation.



Fire Calls on Highways

- Section 60.557(1) and (2) authorizes towns to seek reimbursement for county, state and interstate fire calls
- Reimbursement rate is \$200 from the county and \$500 from the state
- Town must make an effort to collect from the owner(s) of the vehicle(s)
- For county reimbursement, there must be an actual fire on county roads; on state and interstate, the threat of fire is sufficient.



Property Owner Charge

- Attachment F provides a WTA sample ordinance to charge property owners for fire protection services
- May be when excess time, equipment are required
- Ordinance specifies that nonpayment becomes a special charge on the property tax bill



Fire Districts

- Boundaries are made by agreement and where fire protection service is provided
- Fire districts are *not* special tax districts with the authority to levy a general property tax
- Municipalities may decide to levy a certain mill rate to cover fire protection, but it is the decision/authority of the municipal boards



Allocation of Costs

- Many ways to slice the pie (Attachment G): per capita, charges based on service, equalized value, charges for specific services, equal amounts.

Sample fire district:

- Fixed costs allocated based on relative percentage of equalized value.
- Variable costs are allocated on the average number of fire calls to the municipality over the last 5 years.



2% Fire Dues

- Are from 2% of fire insurance premiums written in the state
- Municipalities receive distribution based on percentage of equalized value, but must be in substantial compliance with Comm 30 and 14 (Attachment H)
- Dues can be used for purchase of fire equipment, fire inspection and public education, fire fighter and inspector training, funding fire fighter pension or other special funds for disabled fire fighters.



2% Fire Dues

- Distributed to municipality
- Restricted by law in purpose
- If board by-laws or contract is silent on use of 2% dues, municipality can determine how to use the funds within the limits of the law



Other Authorities

- Citation ordinance (Attachment I)
- Driveway ordinance (Attachment J)
- Land use planning and zoning
- Mutual aid agreements (Attachment K)
- Fire fighter training, supervision
- Other ordinances (burning, explosives) and dry hydrants
- Capital improvement planning