

Proposed Fire District
Village of Hebron and Union Township
Meeting Notes
17 March 2019

Mayor Mike McFarland, Council Members Jim Layton and Annelle Porter, Fire Chief Clifford L. Mason, Trustees Charles Prince and Randy Weekly, Township Administrator Paula Greene and Hebron resident Rich Moore were present. Others present as indicated on attendance sheet (attached).

The meeting began at 1900 in the Council Chambers at the Hebron Municipal Complex. Chief Mason introduced the guest speaker, David C. "Chip" Comstock. He has been a trial attorney for 30 years and a fire chief for 21. Chief Mason highlighted his bio which includes, "He represents over 100 fire districts, townships, villages, private fire companies and chief officers. He has published more than 30 articles and has presented more than 75 lectures on fire service and government law. Chip has also assisted in the creation of more joint fire districts than any other lawyer in Ohio."

Chief Comstock outlined some of the problems facing fire departments today: limited funds, inadequate EMS reimbursement, difficulty in finding volunteers/part-timers, and increasing demands for service with a "tsunami" of EMS on the way due to an aging population. Ohio's first fire district was formed in Holmes County in 1970. Fire districts are created by a joint resolution of at least two political subdivisions that want to jointly provide fire and/or EMS services. Early resolutions were minimal.

His own district was created in 1984 consisting of a village and a township. The district board was made up of two township trustees, two village council members and one member of the public. Chief Comstock said having two elected officials from each subdivision was a "terrible idea;" he prefers one elected official from each participating entity. He explained that a township having two trustees on the district board makes it impossible to make a decision on any business between the township and the district because the two trustee members of the district board would have to reclus themselves on any vote. In a response to a question from Trustee Prince, Chief Comstock agreed that any potential conflicts over leases etc. could be resolved up front, reducing the chance of future conflicts to one to three percent.

Chief Comstock also said the best district board members are not elected officials but qualified public members because they aren't involved in politics, aren't distracted by other issues and have more time to focus on fire and EMS.

Most two-entity district boards have five members – two elected representatives and three public members. The largest board he has seen had seven members. Chief Comstock said contracts should outline the relationship between the district and the owners of the equipment/buildings. Mayor McFarland said he wants to turn over everything Hebron has to the district. Trustee Prince said the township would do the same. Chief Comstock said the resolution could include a provision that returns the equipment/buildings to the original owner should the district be unable to approve a levy or otherwise operate after a set period of time, typically three to five years. "You get back what you put in," he explained. "Treat it like a divorce." Chief Comstock said the Ohio statue gives the county auditor the authority to divide up the district property if the district is dissolving.

His preferred district board (for a two political subdivision district) would have five members consisting of one elected official from each political subdivision and three public members with each political subdivision picking one public member and the final member being picked by the other four. He suggested two-year terms with some terms starting out as one-year terms to maintain some continuity on the board. The district board selects the fire chief and the district fiscal officer. Chief Comstock recommended not to require the fiscal officer to live in the district.

He also discussed some of the disadvantages of a district. Elected officials lose control if each political subdivision is limited to one elected official on the district board. However, townships without a fire department gain more control. Another disadvantage is the uncertainty of a district while stating, "Change provides opportunity."

Chief Comstock presented a time line for action. Start now working on a joint resolution that he estimated would take three to four months. The details are in the resolution which he said typically are 25 pages long. "Think of it as the constitution." The levy millage is NOT in the resolution; it's the district board's

responsibility to set the millage. Once the political subdivisions approve the resolution, they have a paper fire district. Next, he suggested, appoint/select the board members who will serve as a joint committee until the district becomes operational January 1, 2020. The “joint committee” focuses on the “nuts & bolts” from the date the resolution is approved until January 1, which includes hiring the fire chief and fiscal officer (September-October). Subcommittees can be created to help with these organizational efforts.

Chief Comstock said the district doesn’t have to seek its own levy; some districts have operated on contributions from their member political subdivisions for years. He recommended not seeking a levy until November 2020 with the funds first becoming available in March/April 2021. Hebron has a two-mill levy expiring at the end of 2020. Chief Comstock recommended putting its renewal/replacement on the November 2019 ballot so there won’t be two levies on the November 2020 ballot. Once the district approves a levy, the local levies are cancelled.

Chief Comstock encouraged questions during his presentation. Most of his answers have been incorporated in the above notes.

Compiled by Charles Prince, Trustee