

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 947
HOUSE BILL 1836

AN ACT TO CREATE THE HENDERSON COUNTY FIRE COMMISSION AND TO
DEFINE ITS DUTIES AND RESPONSIBILITIES.

The General Assembly of North Carolina enacts:

Section 1. There shall be created in the County of Henderson a Fire Commission consisting of three members whose duties shall be:

(a) Advising the Board of County Commissioners on improvements in the fire-fighting or fire prevention activities under the County's supervision or control.

(b) Assisting incorporated volunteer fire departments in developing and improving their fire-fighting or fire prevention capabilities.

(c) To insure that all fire prevention inspections required by North Carolina law are made by the various Fire Departments in Henderson County.

(d) To inspect incorporated volunteer Fire Departments having contracts with the County, or proposing to enter into contracts with the County to determine whether or not these Departments are in compliance with the standards required by the North Carolina Fire Insurance Rating Bureau.

Sec. 2. The Fire Commission shall be appointed by the Board of Commissioners of Henderson County. The term of office of the initial Fire Commissioners shall expire December 31, 1975, or thereafter when their successors are appointed. Each succeeding term of office shall be for a period of two years, expiring on the 31st day of December of each odd-numbered year, or thereafter upon the appointment of their successors. The Fire Commissioners shall serve without compensation, but may be reimbursed for actual expenses incurred. Any Commissioner shall be eligible to succeed himself.

Sec. 3. The Henderson County Volunteer Firemen's Association will submit to the Board of County Commissioners nominations of not less than five nor more than nine qualified persons for appointment as Fire Commissioners. Such nominations should be submitted immediately for the initial appointment, and thereafter not later than December 1st of each odd-numbered year for the term beginning the following January 1st. (The Board of County Commissioners reserves the right to appoint as Fire Commissioners persons who have not been nominated by the Henderson County Volunteer Firemen's Association.)

Sec. 4. The Fire Commission may accept, in behalf of Henderson County, any gift, grant, bequest or donation of money or personal property offered or made for fire protection purposes to the County. Any money or property so accepted shall be owned by Henderson County and shall be held, used and finally disposed of in accordance with

the terms or conditions under which such gift, grant or bequest was made. Any proposed grant or devise of real estate for fire protection purposes shall be reported by the Fire Commission to the Board of County Commissioners for acceptance or rejection as the Board may see fit, provided that nothing in this clause shall in any way act to prevent any Volunteer Fire Department in Henderson County from accepting any gift, grant, bequest or donation made to the Department and holding, using and disposing of it in accordance with the terms or conditions of such gift, grant or bequest.

Sec. 5. The Fire Commission shall elect each year a Chairman, Vice-Chairman and a Secretary. One member of the Commission shall be designated Communications Supervisor for the Fire Commission. The duties of the Communications Supervisor shall be:

(a) To assume responsibility for the maintenance of all fire communication radio and alarm equipment owned by Henderson County or volunteer fire departments within Henderson County. The Communications Supervisor shall advise the Commission of the sum of money necessary each year to be entered in the proposed budget of the Commission for the maintenance, repair, replacement and expansion of the fire communication radio and alarm equipment in Henderson County. Expenditures for communication equipment are to be made by the majority vote of the Commission.

(b) To insure that all communication equipment used by volunteer fire departments in Henderson County is licensed and operated in accordance with Federal Communications Commission directives and all federal statutes.

(c) To provide for the installation and maintenance of fire alarm telephone lines into any office or area designated by the Fire Commission as the Henderson County Fire Alarm office.

Sec. 6. The Fire Commission shall annually submit to the Board of County Commissioners a budget request at the same time as other County offices and agencies. Funds appropriated by the County Board of Commissioners for expenditure by the Fire Commission shall be disbursed by the fiscal disbursing officer of Henderson County upon vouchers issued by the Fire Commission and within the budget appropriations made. Funds received by the Fire Commission from sources other than budget appropriations shall be deposited by the County to the credit of and for the use of the Fire Commission and disbursed as budget funds are disbursed, except that funds received by gift, grant or bequest shall be disposed of in accordance with the terms of such gift, grant or bequest. The Fire Commission shall have no authority to incur any obligation binding Henderson County except to the extent of funds available to them within the fiscal year as shown by the books of the Henderson County accountant.

Sec. 7. After July 1, 1974, no fire protection tax funds collected by Henderson County within any special Fire Protection District shall be paid to any volunteer fire department unless said department has entered into a contract with Henderson County.

Sec. 8. Appeals from any action or decision of the Fire Commission may be made to the Board of County Commissioners of Henderson County.

Sec. 9. Any and all meetings of the Henderson County Fire Commission shall be open to the public, and interested persons may be heard by request. Meetings may be held in any fire department building in Henderson County or in such other place as may be designated by the Commission.

Sec. 10. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1974.