

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: JULY 2, 2020

AGENDA ITEM NUMBER: 7

SUBJECT: RESOLUTION AUTHORIZING GRIFFITH VOLUNTEER FIRE DEPARTMENT, INC., TO SUBCONTRACT WITH THE CLEMMONS FIRE DEPARTMENT, INC., TO PROVIDE FIRE SERVICES IN A PORTION OF THE GRIFFITH TAX DISTRICT THAT IS WITHIN THE FIRE INSURANCE DISTRICT PRIMARILY SERVED BY THE CLEMMONS FIRE DEPARTMENT, INC.

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr. /AMS*
COUNTY MANAGER

DATE: June 30, 2020

RESOLUTION AUTHORIZING GRIFFITH VOLUNTEER FIRE DEPARTMENT, INC., TO SUBCONTRACT WITH THE CLEMMONS FIRE DEPARTMENT, INC., TO PROVIDE FIRE SERVICES IN A PORTION OF THE GRIFFITH FIRE TAX DISTRICT THAT IS WITHIN THE FIRE INSURANCE DISTRICT PRIMARILY SERVED BY THE CLEMMONS FIRE DEPARTMENT, INC.

WHEREAS Section 5 of the fire service contracts between Forsyth County and the Griffith Volunteer Fire Department, Inc., and The Clemmons Fire Department, Inc., allows for one fire department to subcontract with another department to provide services when there is an area (the "Subcontracted Area") within the District which is in a fire insurance district served by another fire department;

WHEREAS there is a portion of the Griffith Tax District that is within the fire insurance district served primarily by The Clemmons Fire Department, Inc.;

WHEREAS both Griffith Volunteer Fire Department, Inc., and The Clemmons Fire Department, Inc., have agreed in writing that they desire to enter a subcontracting agreement whereby The Clemmons Fire Department, Inc., will serve a portion of the Griffith Fire Tax District that is within the fire insurance district primarily served by The Clemmons Fire Department, Inc.; and

WHEREAS approval or disapproval of subcontracting arrangements is at the sole discretion of the Forsyth County Board of Commissioners and the written agreement between the two departments has been submitted to the Board of Commissioners for its consideration, which agreement is attached hereto and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED, that the Forsyth County Board of Commissioners hereby authorizes Griffith Volunteer Fire Department, Inc., to subcontract with the The Clemmons Fire Department, Inc., to serve a portion of the Griffith Fire Tax District that is within the fire insurance district primarily served by The Clemmons Fire Department, Inc.

Adopted this 2nd day of July, 2020

NORTH CAROLINA)
)
FORSYTH COUNTY)

AGREEMENT

THIS AGREEMENT, made and entered into this the 14 day of June, 2020, by and between THE CLEMMONS FIRE DEPARTMENT, INC., hereinafter referred to as "Clemmons" and GRIFFITH VOLUNTEER FIRE DEPARTMENT, INC., hereinafter referred to as "Griffith";

WITNESSETH:

WHEREAS North Carolina General Statutes 153A-233 provides that counties may provide for Fire Protection in a fire protection district by contracting with any incorporated fire department; and

WHEREAS The Clemmons Fire Department, Inc. and Griffith Volunteer Fire Department, Inc. are both incorporated volunteer departments as defined by the general statutes; and

WHEREAS both Clemmons and Griffith have agreed to provide fire protection services to rural fire protection districts with the County by entering into separate Agreements with the County; and

WHEREAS paragraph 5 of the Agreements permits the subcontracting of Fire Services; and

WHEREAS an area of the Griffith Rural Fire Protection District as established as of the date of this Agreement is currently in Clemmons' insurance district primarily served by Clemmons ("Subcontracted Area"); and

WHEREAS Griffith agrees to subcontract with Clemmons to provide fire protection service In the Subcontracted Area, and Clemmons is willing and able to furnish fire services within the Subcontracted Area in exchange for the for district tax proceeds collected from the Rural Fire Protection District Tax for the Subcontracted Area; and

WHEREAS this written proposal for the subcontracting of such service has been approved by the Governing Boards of Clemmons and Griffith, and has been submitted to the County Manager in a timely manner; and

WHEREAS the County Board of Commissioners, in its sole discretion may approve or deny the said proposal.

NOW, THEREFORE, in consideration of the premises, mutual promises, and of other good and valuable consideration, the parties hereto contract and agree as follows:

1. Griffith hereby agrees that it will provide the funds collected from the Subcontracted Area of the Griffith Rural Fire Protection District, which is located in the Clemmons Fire Insurance District. The Subcontracted Area funding to be paid to Clemmons will be generated by the tax yield of the properties in the Subcontracted Area. The tax yield estimate will be annually determined by the County Tax Assessor and Collector's Office no later than May 31st of the preceding fiscal year in which the services are being rendered.

2. This agreement shall become effective July 1, 2020, and subject to the continued legal existence of the District, shall continue from fiscal year to fiscal year in accordance with the annual Budget adopted by the Forsyth County Board of Commissioners for providing fire services within the Districts to the extent that funds are appropriated to continue this agreement.

3. This agreement may not be transferred or assigned by any party hereto without the written consent of each party, which may be granted or denied within the sole discretion of each party.

IN TESTIMONY WHEREOF, the Fire Departments have caused this instrument to be signed in its name by its President, attested by its Secretary, and its corporate seal hereto affixed, all by authorization of its Board of Directors duly given.

The Clemmons Fire Department, Inc.

The Griffith Volunteer Fire Department, Inc.

By: Charles Stovall
President, Charles Stovall

By: Edgar Miller
President, Edgar Miller

Attest:

Attest:

Darlene H. Armstrong
Secretary, Darlene H. Armstrong

Quint Z. Brann
Secretary, Quint Z. Brann

(Seal)

