

COUNTY COUNCIL OF BEAUFORT COUNTY

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COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA GOVERNMENTAL COMMITTEE (Includes Public Safety Division) Thursday, November 8, 2012 4:00 p.m. Executive Conference Room Administration Building

Governmental Committee Members:

Jerry Stewart, Chairman
Laura Von Harten, Vice Chairman
Rick Caporale
Gerald Dawson
Brian Flewelling
Herbert Glaze

Staff Support:

Phil Foot, Division Director

1. CALL TO ORDER – 4:00 P.M.
2. DISCUSSION / REGARDING THE VARIOUS FIRE DISTRICTS WITHIN BEAUFORT COUNTY
3. TEXT AMENDMENTS TO THE BLUFFTON FIRE DISTRICT CHARTER ([backup](#))
4. DISCUSSION / ISO REGULATIONS RELEVANT TO THE BLUFFTON FIRE DISTRICT
5. A RESOLUTION CONFIRMING THAT BEAUFORT COUNTY COUNCIL SHALL HAVE THREE APPOINTMENTS TO THE BOARD OF THE LOWCOUNTRY ECONOMIC ALLIANCE, THAT THE THREE SEATS SHALL BE OPEN FOR APPOINTMENT TO ANY CITIZEN OF BEAUFORT COUNTY AS MAY BE NOMINATED AND APPROVED BY COUNTY COUNCIL, AND TO REMOVE GARY KUBIC AS ONE OF THE COUNTY'S CURRENT APPOINTEES THEREBY OPENING SAID SEAT FOR NOMINATION ([backup](#))
6. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Lowcountry Economic Alliance
7. ADJOURNMENT



COUNTY COUNCIL OF BEAUFORT COUNTY

CHARTER

BLUFFTON TOWNSHIP FIRE DISTRICT

ARTICLE II. FIRE DISTRICTS

DIVISION 1. GENERALLY

TO CREATE THE BLUFFTON TOWNSHIP FIRE DISTRICT

Section 42-51. Creation Boundaries:

There is created a Bluffton Township Fire District in the County, which shall include all the properties in the County South of the Broad River with the exception of the Town of Hilton Head Island and Daufuskie Island.

Section 42-51.1. Fire District Board:

- (a) *Membership.* There is hereby established a Bluffton Township Fire District Commission, composed of a seven (7) member Commission appointed by the Beaufort County Council. The Commission shall include one (1) member of/or appointed by the Bluffton Town Council; one (1) member who resides in each of Beaufort County Council Districts 5, 6, 7, 8, and 9; and the seventh (7th) member shall be at large from one of the five (5) County Council Districts making up the Fire District.
- (b) *Terms.* Terms of the office shall be four (4) years or reappointed until successors are appointed and qualify. Provided, however, that of those first appointed, three shall serve for four years and two shall serve for two years, the respective terms of office being designated by County Council in its appointments. The members of the Commission shall serve without pay and shall file an annual report with the Beaufort County Council and the county legislative delegation, not later than the first of November of each year, showing all activities and disbursements made by the District during the fiscal year.

Section 42-51.2. Powers, Duties and Responsibilities:

- (a) *Bluffton Township Fire District Commission.* The Commission shall have the following powers, duties and responsibilities:
 - 1) To approve and adopt an Annual Budget subject to the approval by the County Council.
 - 2) To implement the Annual Budget for the operation of the District and approve the expenditure of all funds.

- 3) To provide managerial controls to ensure the effective oversight of the Bluffton Township Fire District's annual budget.
- 4) To approve and adopt plans for the purchase of such firefighting, medical and rescue equipment as the Commission deems necessary for the purpose of controlling fires and effecting medical and rescue response within the money allocated or made available to the District for such purpose.
- 5) To approve and adopt plans for the selection, procurement of land and construction of buildings and fire stations within the area where firefighting apparatus, medical and rescue equipment shall be kept and maintained subject to the approval by the County Council.
- 6) Subject to the approval by the County Council to approve and adopt plans for borrowing money on such terms and for such a period as the Bluffton Township Fire District Commission may deem most beneficial for the Fire District in anticipation of taxes. The indebtedness shall be evidenced by a note issued by the members of the Commission and the County Treasurer. The full faith and taxing power of the Fire District is hereby irrevocably pledged for the payment of the indebtedness.
- 7) To hire, discipline and terminate with due cause the Bluffton Township Fire District Fire Chief
- 8) To manage fire, medical and rescue resources and services for the Beaufort County citizenry residing within the Bluffton Township Fire District.
- 9) To approve and adopt annual performance standards to effectively evaluate the salaried Fire Chief's official management performance.
- 10) To approve and adopt policies to ensure that firefighting, rescue and medical equipment is properly utilized to the best advantage of the Fire District.
- 11) To adopt and approve a "Hiring and Retention" policy that will comply with established Beaufort County Council goals and objectives and provide the District with qualified salaried personnel to effectively provide fire suppression and medical services.
- 12) Consistent with the Beaufort County Code Sec. 2-194, the Commission shall be responsible for the development of a Fire District strategic plan, including goals and objectives congruent with the comprehensive plan formulated and written by the council, which shall have a scope of five years and shall contain specific, measurable and time-phased goals for the current budget year and four out-years. In addition, the Commission shall present the strategic plan to the council annually as scheduled by the county administrator. The time period for compliance with the ordinance in this respect is six months after formulation, finalization and approval of the county's strategic plan.
- 13) To provide a forum for public opinion concerning the Bluffton Township Fire District's Strategic Plan.
- 14) All Commission Board Members and staff will adhere to policy set forth in the BTFD Fire Commission Administrative Policy Manual adopted

April 2009 in conducting administrative and managerial functions of the Fire District.

SECTION 42-51.3. FIRE CHIEF RESPONSIBILITIES:

- (a) *Bluffton Township Fire District Fire Chief.* The Bluffton Township Fire Chief shall have certain responsibilities related to the operation of the Bluffton Township Fire Department. These responsibilities include, but are not limited to, the responsibilities outlined below:
- 1) To prepare and submit an Annual Budget to the Bluffton Township Fire District Commission for all expenditures of the Bluffton Township Fire District.
 - 2) To provide managerial controls to ensure the effective oversight of the Bluffton Township Fire District's Annual Budget.
 - 3) To prepare and submit plans to the Bluffton Township Fire District Commission for the purchase of such firefighting, medical and rescue equipment and procurement of land and construction of buildings and fire stations as the Fire Chief deems necessary for the purpose of controlling fires and effecting medical and rescue response within the money allocated or made available to the Fire Chief for such purpose and to ensure proper controls and coordination of all purchasing activities in accordance with Beaufort County Procurement requirements.
 - 4) To prepare and make recommendations, including plans, to the Bluffton Township Fire District Commission for the selection and procurement of firefighting, medical and rescue equipment.
 - 5) To prepare and submit plans in compliance with the Bluffton Township Fire District Hiring Policy for the selection and hiring of salaried and non – salaried personnel staff to effectively provide fire protection services and serve the Beaufort County citizenry residing within the Bluffton Township Fire District.
 - 6) To hire, supervise, train, promote, provide direction, discipline and terminate Bluffton Township Fire District employees in compliance with Bluffton Township Fire District policies and procedures.
 - 7) To administer annual performance standards as established by the Bluffton Township Fire District policies and procedures to effectively evaluate Fire District employee's work performance.
 - 8) To plan and organize activities of the Fire District regarding utilization of personnel, facilities and equipment, fire prevention, public education, training, code enforcement, fire suppression, rescue and emergency medical service.
 - 9) To establish overall equipment specification requirements and major equipment purchase recommendations.
 - 10) To ensure the proper upkeep, maintenance, repair and inspection of Bluffton Township Fire District fire apparatus and equipment.

- 11) To respond to public inquiries and aid in conflict resolution with citizens and fire/rescue personnel.
- 12) To respond to emergencies involving fire, medical and environmental concerns at his/her own discretion as indicated by the nature and seriousness of the incident.
- 13) To represent the Bluffton Township Fire District on various community Commissions, committees and public safety concerns.
- 14) To approve and adopt such operational rules and regulations as he/she may deem proper and necessary to ensure that the equipment is used and firefighting service is provided to the best advantage of the District.
- 15) To prepare, submit and annually update a Strategic Plan to the Bluffton Township Fire District Commission, including goals and objectives congruent with the Strategic Plan formulated and written by County Council, which shall have a scope of five (5) years and shall contain specific, measurable and time-phased goals for the current budget year and four (4) out-years.
- 16) To present the Bluffton Township Fire District's Strategic Plan, in coordination with the Bluffton Township Fire District Commission, to the County Council annually as scheduled by the County Administrator. The time period for compliance with the ordinance in this respect is six (6) months after formulation, finalization and approval of the County's Strategic Plan.
- 17) To provide an initial forum for public opinion concerning the Bluffton Township Fire District's Strategic Plan.
- 18) To make recommendations and presentations, in coordination with the Bluffton Township Fire District Commission, to Beaufort County Council for final judgment concerning the Bluffton Township Fire District's Strategic Plan.
- 19) The County Auditor and Treasurer are directed to levy and collect a tax of not more than five (5) mills, to be determined by the Bluffton Township Fire District Commission, upon all taxable property of the Bluffton Township Fire District for the purpose of defraying the expenses incurred by the District. All monies collected from this levy shall be credited to the Fire District. Additional millage can be levied on an annual basis by the Fire District on the approval of the County Council.

SECTION 42-52. ENFORCEMENT OF FIRE LAWS:

All members of the Bluffton Township Fire District may direct and control traffic at the scene of any fire, medical or rescue emergency in the area of the District and enforce the state laws relating to the following of fire, medical and rescue apparatus, the crossing of fire hose or interfering with firefighters in the discharge of their duties in connection with a fire, medical or rescue emergency in a like manner as provided for the enforcement of such laws by Peace Officers.

Code 1982, 2-34

SECTION 42-53. UNLAWFUL ACTS; PENALTIES:

It is unlawful to interfere with a member of a fire department in the discharge of his duties in the Bluffton Township Fire District or to interfere with any fire, medical or rescue apparatus used by the Fire Department in the District and any person so offending shall be subject to a fine not to exceed \$200.00 or imprisonment not to exceed thirty (30) days.

Code 1982.2-35

Be it resolved, the Bluffton Township Fire District, hereby adopts the Bluffton Township Fire District Charter on this day, August 18, 2009. In witness, our signatures are hereto affixed;

Terrence Reynolds
Chairperson

Jack Bennett
Vice Chairperson

Robert A. Rogers
Treasurer

John Oram
Secretary

David Meeder
Commissioner

Mike Raymond
Commissioner

Edwin Olsen
Commissioner

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Counsel)\2011.9.27 Ordinance Work\Proposed Charter (Draft-Revision 05.29.2012).doc

DRAFT

RESOLUTION NO. ____

A RESOLUTION CONFIRMING THAT BEAUFORT COUNTY COUNCIL SHALL HAVE THREE APPOINTMENTS TO THE BOARD OF THE LOWCOUNTRY ECONOMIC ALLIANCE, THAT THE THREE SEATS SHALL BE OPEN FOR APPOINTMENT TO ANY CITIZEN OF BEAUFORT COUNTY AS MAY BE NOMINATED AND APPROVED BY COUNTY COUNCIL, AND TO REMOVE GARY KUBIC, BEAUFORT COUNTY ADMINISTRATOR, AS ONE OF THE COUNTY'S CURRENT APPOINTEES THEREBY OPENING SAID SEAT FOR NOMINATION.

WHEREAS, Beaufort County Council adopted Resolution 2008-10 creating the Lowcountry Economic Development Alliance Board (the "Board") and adopting the by-laws thereof for the purpose of promoting economic development in the lowcountry area; and

WHEREAS, subsequent to its creation, the Board has gone through several changes including the withdrawal of Jasper County as a participating entity and the inclusion of several municipalities as participating entities; and

WHEREAS, Beaufort County Council desires to reconfirm that it shall have the authority to appoint three members to the Board with those members being appointed at-large from Beaufort County by nomination and approval of County Council; and

WHEREAS, one of the current Board members, Gary Kubic, Beaufort County Administrator, has expressed a desire to be removed from his seat on the board thereby opening said seat for nomination and appointment; and

WHEREAS, Beaufort County Council desires to express its gratitude and thanks to Mr. Kubic for his zealous representation of Beaufort County's economic development interests during his time serving as a Board member.

NOW, THEREFORE, BE IT RESOLVED, that Beaufort County Council hereby reconfirms that it shall have the authority to appoint three members to the Lowcountry Economic Development Alliance Board, with said seat being open to an at-large nomination and acceptance by Beaufort County Council.

BE IT FURTHER RESOLVED, the Beaufort County Council hereby removes Gary Kubic from and his seat on the Lowcountry Economic Development Alliance Board thereby opening said seat for future nomination and appointment.

DONE this ____ day of November, 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council