

RESOLUTION # _____

RESOLUTION ESTABLISHING THE
ASHEVILLE SPECIAL FIRE PROTECTION & AMBULANCE AND RESCUE SERVICE DISTRICT

- WHEREAS, the Haw Creek Fire District was created on or about September 28, 1963 pursuant to Article 3A of Chapter 69 of the North Carolina General Statutes;
- WHEREAS, Haw Creek Fire & Rescue, Inc. discontinued fire protection services in the Haw Creek Fire District as of July 1, 2009;
- WHEREAS, the Asheville Fire Department agreed to take over fire protection services as part of the Buncombe County EMS System in a portion of the Haw Creek Fire District and has done so since July 1, 2009; and the Asheville Fire Department has agreed to provide fire protection as well as ambulance and rescue services as part of the Buncombe County EMS System in the same area in a new service district;
- WHEREAS, counties are authorized to and may define any number of service districts in order to finance, provide, or maintain for such districts services, facilities and functions related to fire protection and ambulance and rescue services pursuant to North Carolina General Statutes Article 16, Chapter 153A;
- WHEREAS, this Board has caused a Report, consisting of a map of the proposed district showing its proposed boundaries; a statement showing that the proposed district meets the standards for a service district; and a plan for providing fire protection as well as ambulance and rescue services for the proposed district, to be prepared for the proposed new Asheville Special Fire Protection & Ambulance and Rescue Service District as provided in G.S. §153A-302 and filed in accordance with said Article, a copy of which Report is attached hereto and marked "Exhibit A;"
- WHEREAS, the Clerk to the Board has caused notice of the public hearing to be published in accordance with said Article, as shown on the attached Affidavit of Publication;
- WHEREAS, the Clerk to the Board has caused notice of the public hearing to be mailed in the manner prescribed in said Article, as evidenced by the attached Certification;
- WHEREAS, this Board has conducted a public hearing on this proposed service district in accordance with said Article;
- WHEREAS, this Board, having considered the Report and other information and evidence available and comments of interested persons present at said public hearing,

finds as follows:

1. that there is a demonstrable need for providing fire protection services as well as ambulance and rescue services in the proposed district community through a single-source, full service and comprehensive responding agency as part of the Buncombe County EMS System;
2. that it would be impracticable to provide those services on a countywide basis as fire protection services as well as ambulance and rescue services can most economically and efficiently be served through the County's current system of community volunteer and professional fire departments providing fire protection and EMS services;
3. that it is economically feasible to provide fire protection services as well as ambulance and rescue services in the proposed new Asheville Special Fire Protection & Ambulance and Rescue Service District by levying a service district tax in the proposed district up to an amount that is comparable to the amounts being levied in other fire tax districts in the County and that such levy would not constitute an unreasonable or burdensome annual tax levies on the citizens and residents of the proposed district; and
4. that members of Asheville Special Fire and Rescue and the community have established that there exists a demonstrable demand for the proposed services by persons residing in the district;

WHEREAS, this Board is of the opinion that given these findings that the proposed new Asheville Special Fire Protection & Ambulance and Rescue Service District does in fact meet the standards set forth in G.S. §153A-302 and that the Asheville Special Fire Protection & Ambulance and Rescue Service District should be established;

WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County and the Asheville Special community to enter into an agreement for fire protection and related services for the residents of the community, and the County is authorized and required by said Article to provide, maintain or let contracts for such services in the district.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the Report attached hereto is hereby approved.
2. That pursuant to Article 16 of Chapter 153A of the North Carolina General Statutes there shall be created and established the Asheville Special Fire Protection & Ambulance and Rescue Service District.

3. That the boundaries of said Asheville Special Fire Protection & Ambulance and Rescue Service District is set forth in the attached map marked Exhibit B. Further, that said map is hereby designated as representative of the official fire district layer for the Asheville Special Fire Protection & Ambulance and Rescue Service District for the purpose of fire insurance rating as the six (6) mile insurance district in accordance with NCGS §153A-233.
4. That the Chairman and the County Manager, or either of them, are hereby authorized to execute an Agreement for Fire Protection & Ambulance and Rescue Services with Asheville Fire Department to provide these services.
5. That County staff is hereby instructed to take all actions necessary and appropriate to effect this Resolution, and all acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
6. That the Asheville Special Fire Protection & Ambulance and Rescue Service District having the boundaries as set forth in said Exhibit B is hereby established and created effective July 1, 2016.
7. That this Resolution shall become effective upon its adoption.

This the ____ day of October, 2015.

Attest

Board of Commissioners for the
County of Buncombe

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

Approved as to Form

County Attorney