

CITY OF GRANT
COUNTY OF NEWAYGO, MICHIGAN

ORDINANCE NO. 96- 42
(Joint Fire Administrative Board -
Ashland-Grant Fire District)

AN ORDINANCE to establish a Joint Fire Administrative Board and the Jurisdiction and Duties thereof; to establish the Joint Fire Department; to provide for the jurisdiction and authority of the participating Township Boards and city of Grant Council over the Joint Fire Administrative Board and the Fire Department; to provide for the appointment of the Fire Chief and the duties thereof; to provide for other matters pertaining to the Joint Fire Department including officers, firefighters, disciplinary procedure, use of emergency and other equipment and other matters, and to repeal any agreements or ordinances or parts thereof inconsistent with this ordinance.

WHEREAS, the city of Grant, the township of Ashland, and the township of Grant are adjoining municipalities ("participating municipalities"); and

WHEREAS, said municipalities deem it necessary and appropriate to provide fire protection to the residents of their respective municipalities; and

WHEREAS, adequate fire protection services may be provided to said adjoining municipalities without a diminution in service by utilizing one central, jointly-owned and operated Fire Department; and

WHEREAS, a joint fire operation agreement and merger is permitted under the laws of the state of Michigan; and

WHEREAS, the participating municipalities have previously entered into a Joint Fire Protection Contract dated January 1, 1974; and

WHEREAS, the participating municipalities desire to terminate said Joint Fire Protection Contract, disband the former Joint Fire Department, and to effectuate a merger of Fire Departments in accordance with the current statutes regulating Joint Fire Administrative Boards and departments; and

WHEREAS, the participating municipalities desire to insure continued fire protection for certain areas within their boundaries and to provide for the equitable distribution of expenses associated therewith.

NOW, THEREFORE, THE CITY OF GRANT ORDAINS:

SECTION I. ESTABLISHMENT OF A JOINT FIRE ADMINISTRATION BOARD

A. The City of Grant ("City") hereby joins in the creation and establishment of a Joint Fire Administrative Board ("Administrative Board"), pursuant to the authority granted by MCL 124.501 *et seq.*, as amended, and such other public acts as now exist providing such authority (including, but not limited to, MCL 41.801 *et seq.*), and as may from time to time be amended, and the City Council shall appoint two (2) members to the Administrative Board for terms of six (6) years each, provided, however, of the members first appointed, one (1) member shall be appointed for a four (4) year term, and thereafter all appointments shall be for the specified six (6) year term. These members shall constitute "Regular Members." One (1) additional member of the Administrative Board shall, by resolution approved by a majority of the members of the Administrative Board at its first meeting, be selected who shall be a resident of one of the participating municipalities and who shall represent the residents of the Ashland-Grant Fire District ("Fire District") at large ("at-large member"). The one (1) at-large member shall have no vote on the Administrative Board and shall occupy an advisory position only.

B. Except for the one (1) at-large member (who shall be a resident of the Fire District), members of the Administrative Board shall be residents of the participating municipalities from which they were appointed. Members of the Board may be removed from the Administrative Board by the participating municipality that appointed the member with or without cause. The City Council shall designate an appointed member of the Administrative Board to report to the City Council relative to the Administrative Board's proceedings on a bimonthly basis. No member of the Administrative Board shall be an employee of a police or fire department of a participating municipality.

C. Members of the Administrative Board shall be compensated for each meeting, provided the number of meetings does not exceed twenty (20) per year, at a rate to be set by resolution of the Administrative Board, provided it does not exceed the statutory rate, currently \$30.00 per meeting, to be paid by the Administrative Board, and further, members shall be reimbursed for actual and necessary expenses incurred in the performance of Administrative Board duties, to be paid by the Administrative Board.

D. The purpose of this ordinance is to outline the merger and joint ownership provisions of the central Fire Department operation, including the establishment of a joint fire administration board; to establish jurisdiction and authority of said joint fire administration board over personnel selection and operation of the Fire Department; to establish the joint fire administration board's authority; to adopt rules and regulations for the conduct of personnel; to authorize the purchase and maintenance of necessary equipment; to authorize the joint fire administration board to employ personnel; to appoint the fire chief and other department officers and employees upon the review and recommendation of the

firefighters; and to authorize the joint fire administration board to specify the powers and duties of Fire Department employees and volunteers.

E. A vacancy on the Administrative Board of a City member shall be filled by the City Council for the remainder of the unexpired term.

F. The City hereby delegates to the Administrative Board the following powers and duties:

1. Upon the appointment of all members to the Administrative Board, the Administrative Board shall annually elect a chairperson, a vice chairperson, a treasurer, and a secretary. The chairperson shall conduct all meetings of the Administrative Board and shall serve as the official contact and spokesperson for the Administrative Board. The vice chairperson shall serve in the absence of the chairperson. The treasurer shall be responsible and accountable for the collection, custody, and disbursement of Administrative Board funds. The bills for the Fire Department will be reviewed by the Administrative Board for approval of payment. The secretary shall record all proceedings of the Administrative Board when it is meeting to conduct business. A copy of the proceedings shall be forwarded monthly to each participating municipality. The Administrative Board shall have such further powers and duties as, in the discretion of the participating municipalities, shall consider necessary or proper, pursuant to the authority granted by MCL 124.501 et seq., as amended, and any other applicable statutes.

2. It shall be the duty of the Administrative Board to submit an annual budget to each participating municipality on or before the first of February of each year. The Administrative Board shall prepare an annual Fire Department budget for the Joint Fire Department to be submitted to the respective governing bodies, for review and approval by them. Said budget shall not exceed the total of each participating municipality's allocated (contribution) amounts. Such budget shall be reviewed by the governing bodies of the participating municipalities and may be amended, adopted, or rejected only by the approval of all of the governing bodies of the participating municipalities. The subjects of such budget shall be capital expenditures not exceeding \$500.00 in cost with a useful life of one (1) year or less and operating costs for the department, including, by way of example but not limitation, utilities, insurance costs, petroleum products, maintenance costs and necessary and reasonable Administrative Board expenses. Any and all capital expenditures exceeding \$500.00 in cost with a useful life exceeding one (1) year shall be separately and expressly presented to the participating municipalities for approval prior to purchase.

Capital expenditures, as utilized herein, shall include, by way of example but not limitation, new buildings, real property, any and all improvements to present buildings, housing for the Fire Department, and purchases of all fire and associated equipment and apparatus. Any question regarding whether a given item is an expenditure not exceeding \$500.00 in costs with a useful life of one (1) year or less, or a capital expenditure exceeding

\$500.00 in cost or with a useful life of more than one (1) year, or an operating expense, shall be resolved by the governing bodies of the participating municipalities. The fiscal/ budget year for the Fire District shall run from April 1 through March 31 for each year.

3. The Administrative Board shall be responsible for the administration and operating procedures of the Ashland-Grant Fire District and the Joint Fire Department (collectively, "Fire District"). The Administrative Board shall be responsible for and authorized to control all municipal fire protection activities within the city of Grant, township of Grant, township of Ashland, and any municipality annexed hereto pursuant to Section I.H. hereof and shall have all powers authorized by statute including, but without limitation, the power to establish and maintain a Joint Fire Department, to employ and approve a chief and such firemen, employees and officers as shall be required for the proper and efficient operation and maintenance of the Joint Fire Department, to buy, sell, and/or lease real or personal property and fixtures (so long as an individual item or lease does not exceed \$500.00 per year; and to the extent that it does not unreasonably burden the finances of the Fire District otherwise the Administrative Board cannot undertake such lease or purchase without the consent of the governing board of the participating municipalities), to retain legal counsel and procure accounting services when needed, to make and establish policies, procedures, rules and regulations for the government of the department, employees, firemen and officers thereof and for the care and management of engines, apparatus, property and buildings pertaining to the department, and for the prescribing of the powers and duties of such employees, officers and firemen, to contract with the City Council or legislative body of any township, city or village which is not a participating member and which maintains a Fire Department for the service thereof or for the care, maintenance and operation of said apparatus and equipment by the Fire Department of such township, city or village, upon such terms as may be agreed upon, and in general, such other powers and duties as are considered necessary by the participating governing bodies. In no event shall the City's annual contribution to the budget exceed the amounts specifically allocated or approved by the City Council.

4. Labor costs shall be negotiated by the Administrative Board.

5. Mutual aid agreements with other municipalities shall be negotiated and approved by all of the governing bodies of the participating municipalities.

6. Upon approval of the budget for the Administrative Board, each participating municipality shall contribute the agreed upon percent sum of all approved expenses. Such contributions shall be made at whatever time and manner the Administrative Board determines.

7. In the event the Administrative Board encounters unforeseen expenditures, during the fiscal year, in excess of its approved budget, it shall submit a written request with justification to each participating municipality for payment of the unforeseen expenditure according to the current rate established for contributions. No participating municipality shall be required to pay an additional share or amount until each municipality has approved the Administrative Board's request by a majority vote of all members of its governing body.

8. It shall be the express duty of the Administrative Board to ascertain that adequate insurance is provided for the Fire District and also to protect each participating municipality from loss by way of fire, property damage, personal injury, personal liabilities and workers' compensation. Current inventory lists of all real and personal property shall be kept on file, along with the original insurance policies.

9. The financial records of the Administrative Board and Fire District shall be subject to a professional audit or report every year. Copies of that audit or report shall be forwarded to each participating municipality upon receipt by the Administrative Board.

10. The Administrative Board or Fire District shall not have authority to levy taxes or special assessments.

11. The Administrative Board shall have the right to enter into standard agreements for the proper maintenance of all equipment and the fire station.

12. All powers and duties as provided for in the Ashland-Grant Fire District Fire Protection and Merger Agreement (as may be amended from time to time) executed by the City Council with the other participating municipalities.

G. A majority of the regular members of the Administrative Board shall constitute a quorum for the transaction of business. Each regular member shall have one (1) vote. The affirmative vote of a majority of all of the regular members shall be necessary for the adoption of a motion or resolution. The at-large member shall have no vote.

H. The Administrative Board has the right to accept or reject into the Fire District and Administrative Board any new township, incorporated village or city with the consent of all of the governing bodies of the participating municipalities.

SECTION II. MISCELLANEOUS PROVISIONS

A. Any participating municipality may terminate its agreement with the Fire District by notice, in writing, at least ninety (90) days prior to said termination date. Said notice shall be given to the Administrative Board and the other participating municipalities. The remaining participating municipalities shall purchase the rights and interests of the terminating municipality upon such terms as may be mutually agreed upon or if no agreement can be reached, then the buyout terms shall be as provided in the Ashland-Grant Fire District Fire Protection and Merger Agreement.

B. Effective at noon on July 1, 1996, the former joint fire board shall automatically be terminated and disbanded and the Joint Fire Protection Contract dated January 1, 1974, shall terminate.

C. Should any portion of this ordinance be declared unenforceable by any court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect, unaffected by the portion which might be so declared to be unenforceable.

D. The Administrative Board shall hold at least four (4) meetings a year (on a bimonthly basis) starting in February of each year. Additional Special Meetings may be held as necessary at such times as the Administrative Board determines. The Administrative Board shall adopt its own Rules of Procedure and shall keep a report of its proceedings. All business conducted by the Administrative Board shall be done at a public meeting held in compliance with the Open Meetings Act (MCL 15.261 et seq., as amended). Public notice of the time, date and place of the meeting shall be given in the manner required by said statute.

E. This ordinance shall be effective at noon on July 1, 1996.

F. The Administrative Board and the Ashland-Grant Fire District Fire Protection and Merger Agreement can be terminated upon ninety (90) days' written notice if approved by the governing bodies of at least two-thirds (2/3) of the participating municipalities. Such notice shall be served upon all participating municipalities. The secretary of the Administrative Board shall forthwith call a special meeting, if necessary, for the purpose of determining the proper distribution of and each participating municipality's share of the equipment or other assets controlled by the Administrative Board pursuant to the Ashland-Grant Fire District Fire Protection and Merger Agreement.

G. Any ordinance or any provision of any ordinance inconsistent with the terms hereof shall be and is hereby repealed.

The foregoing ordinance was offered by City Council Member Fett,
and supported by City Council Member Raterink, the vote being as
follows:

YEAS: Mayor Jeanne Deur Commissioner Harry Robinson
Commissioner Terry Fett Commissioner Charles McKinley
Commissioner Scott Raterink Commissioner Ora Laisure

NAYS: (none)

ABSENT: Commissioner Julie Hallman

ORDINANCE DECLARED ADOPTED.

Jeanne M. Deur
Jeanne M. Deur
Mayor

Kay Haven
Kay Haven
City Clerk

**SIGN
HERE**

CERTIFICATION

I hereby certify the foregoing to be a true copy of an ordinance adopted by the City
Council of the City of Grant at a ~~Commission~~ meeting held on June 10, 1996.

Kay Haven
Kay Haven
City Clerk