Unified Fire Authority: Overcoming Turf Battles for the Benefit of the Citizens

Salt Lake County Mayor, Nancy Workman

**INTRODUCTION**

During 2003 there were two important events that will shape the delivery of fire and emergency services for hundreds of thousands of citizens living in Salt Lake County. In the 2003 legislative session, Senate Bill 72, Amendments to Special Districts and Local Districts for Expanded Fire Protection Services, sponsored by Senator Dave Thomas (R-South Weber) in the Senate and Representative Greg J. Curtis (R-Sandy) in the House, changed the law to allow the unincorporated areas of Salt Lake County in conjunction with a municipality to create a special service district for the delivery of fire and emergency services. Subsequent to the legislative session, Salt Lake County entered into an agreement with several municipalities, pursuant to Utah Code Ann. §11-13-101 et seq., Interlocal Cooperation Act, establishing a new entity to provide fire and emergency medical services for unincorporated Salt Lake County residents and the citizens of Taylorsville, Holladay, Riverton, Draper, Herriman and Alta. This article will delineate the differences between the two new entities and how they interrelate in the management and delivery of fire services.

**SENATE BILL 72**

S. B. 72 amended relevant sections of the code, allowing the legislative bodies of the participating political subdivisions to create a county service area for the delivery of fire protection, paramedic and emergency services. The code amendments allowed the county and participating municipalities to create the county service area by resolution of the legislative body, and without voter approval, under limited circumstances. S. B. 72 further required that if an existing municipality not participating in the county service district annexed a portion of the district into their city, the annexed portion would be automatically removed from the district.

During the discussions concerning the drafting of the proposed legislation, several elected officials expressed concern about the creation of a new entity without voter approval that would have independent taxing authority. The decision was made to include in the legislation a requirement that the participating entities lower their certified tax rate in an amount equal to the certified tax rate that the fire district would impose. This was one of the limiting circumstances set forth in S. B. 72. This proved to be fortuitous when several legislators voiced opposition to S.B. 72 because of the taxing authority. The limiting requirements in the bill that the local elected officials must decide by resolution to create the fire district, and that the certified tax rate for the joining political subdivision be reduced commensurate with the newly imposed tax, were enough of a safeguard to persuade the Legislature to approve the bill.

Also, during the discussion of the bill nonparticipating municipalities expressed concern about annexation of county islands or parcels, and how that would affect the delivery of fire services by the annexing municipality. S. B. 72 amended Utah Code Ann. §10-1-117 allowing an annexing municipality to automatically withdraw the annexed area from the fire district by filing amended articles with the lieutenant governor's office. This brought a level of comfort to the municipalities in Salt Lake County and most did not oppose the legislation. The final change to the statutes allowed a participating municipality to opt out of the fire service district by passing a resolution, and allowed the citizens to vote on whether to remain in the district.

**UNIFIED FIRE AUTHORITY**

The Unified Fire Authority (UFA) is an independent political entity created by an interlocal agreement entered into between Salt Lake County and six municipalities; Taylorsville, Holladay, Riverton, Draper, Herriman and Alta. The agreement provides for contractual terms outlining the governance of the UFA, the level of service to the different entities, the cost for the services paid by each entity, and other details relative to the operation of a fire department. The UFA agreement called for the pooling of assets from the various entities and the establishment of a governing board to hire an administrator for day to day operations. Furthermore, it was felt by most of the contracting cities that having an
elected official from their city on the governing board would bring “buy-in” concerning long range planning and policy decisions. Salt Lake County Council member Michael Jensen is also a county firefighter/paramedic and has worked closely with the formation of the UFA. He stated that “The concept behind creating the UFA was to give the cities ownership in the program. They will have a say in what goes on, and have a voice. They can have input into the working end of the administration and the cost of doing business. That’s why I feel like these are the first steps—baby steps—in a long walk toward consolidation of fire services.” The UFA contract requires each participating entity to fund on a yearly basis, through their respective budgets, an amount as assessed by the UFA Board. Failure to fund could result in expulsion from the UFA. It is also important to note that the contract provision of the UFA allows an entity to withdraw from the UFA by providing notice to the UFA board.

Two major goals that everybody agreed upon with the creation of the UFA were that the level of professional services to the public would not be diminished, and that the transition for the employees would not be disruptive to their individual careers. With these two goals in mind, every employee that worked for Salt Lake County Fire would end up working for the UFA. Also, any benefits they enjoyed under the old system would be the same under the UFA. In the short run, the public should not notice a difference. The same level of service will be provided by the same personnel. In the long run, however, the goal of both the Fire District and the UFA is to provide efficiency through an economy of scale, ultimately reducing the cost to the taxpayer.

**Fire District or UFA?**

Immediately after the 2003 legislative session, the discussion began as to whether to form a district pursuant to S. B. 72 or enter into an interlocal agreement and form the UFA. The discussion involved several issues. What some individuals perceived as advantages of the fire district were perceived as disadvantages by others. Long range planning for a fire department that will continue to grow, particularly in the south end of Salt Lake County, was critical. Both entities allow for long range planning, but the level of commitment is somewhat different between the district and the UFA. The fire district provides greater stability in the boundaries because of the difficulty in getting out of the district. Thus better planning can be achieved. Building a fire station and equipping it costs several millions of dollars. Some stations have been built and then the area has been annexed into a nonparticipating municipality long before the useful life of the station had been achieved. For example, Salt Lake County has a fire station that was originally built in unincorporated Salt Lake County and subsequently annexed into West Jordan. This station is staffed by Salt Lake County officers and is located outside of the community it primarily serves. However, giving up the flexibility and joining the district was a difficult decision for some of the municipalities. This was a major factor that led the participating cities to prefer the UFA instead of a fire district.

An even larger stumbling block was one of funding. Prior to the fire district or the UFA the six municipalities simply contracted for fire services from Salt Lake County. The city could contract for the level of services it felt was appropriate for its citizens. This led to a wide range of costs between the different cities. The UFA allows the cities to continue to contract for the same base line of services they were receiving prior to the agreement. However, the fire district is funded by a uniform property tax levied throughout the district. When the proposed certified rate was calculated across the entire district, some residents would have experienced a significant tax increase while others would have seen a decrease. Because of the level of services provided in unincorporated Salt Lake County, residents pay more for fire protection and emergency services than in the contracting municipalities.

As each participating city decided to go with the interlocal agreement, Salt Lake County was left with the decision to either form a district for unincorporated Salt Lake County or to leave the department within Salt Lake County government. In order to form the district and solidify the boundaries for unincorporated Salt Lake County there was a minor change needed in the new statute. S. B. 72 passed in the 2003 session required the formation of the district to include a city and the county. Because of the cost factor and the lack of flexibility associated with the district, there were no cities that would participate in the formation of a fire district. Therefore Salt Lake County approached the legislature and during a special legislative session held in the fall of 2003, Senator Thomas amended the statute to allow Salt Lake County to form a fire district without a participating municipality. Subsequent to the amendment in the statute the Salt Lake County Council adopted a resolution establishing a Salt Lake Valley Fire Service Area.

The fire district will be governed by three elected officials appointed by the Mayor of Salt Lake County.

**Conclusion**

With an attitude of compromise and cooperation, Salt Lake County and the six participating municipalities created a hybrid arrangement for the delivery of fire and emergency services. Salt Lake County created a fire district that solidified the boundaries of the unincorporated Salt Lake County territory for the long range planning and delivery of fire services. The fire district along with the six participating municipalities entered into an interlocal agreement that governs the delivery of fire and emergency services for the unincorporated territory of Salt Lake County and the six participating
cities. The UFA will provide fire and emergency services for over 300,000 residents under a unified management team. It may not be a final arrangement, nor ultimately the best arrangement, but as Council member Jensen stated, “I think there’s still a sense in some people that the district is the superior mechanism to provide fire protection. But I don’t think the cities are there yet. So that debate could rage on for years. Clearly, we have work to do as a fire department, and as a county, to resolve our partners’ concerns, but I do believe this is the way we need to go for the future.” With a goal of improved services and reduced costs, ultimately the citizens will be the beneficiaries of these new arrangements.