

**ORDINANCE 2013 / 8**

**COUNTY COUNCIL OF BEAUFORT COUNTY**

**CHARTER**

**SHELDON FIRE DISTRICT**

**ARTICLE II. FIRE DISTRICTS**

**DIVISION 1. GENERALLY**

**TO CREATE THE SHELDON FIRE DISTRICT**

**Section 42-81. Creation Boundaries:**

There is created a Sheldon Fire District for the purpose of serving all properties located in the county north of the Whale Branch and Combahee Rivers, except those areas located within the town limits of Yemassee.

**Section 42-81.1. Fire District Board:**

- (a) *Membership.* There is hereby established a Sheldon Fire District Board, composed of a seven (7) member Board appointed by the Beaufort County Council. The Board members shall be appointed at large from the Sheldon service area. At no point in time shall an elected official for a municipal, county, state, or federal office serve concurrently as a member of the Fire District Board.
- (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 Board shall serve without pay and shall file an annual report with the Beaufort County Council not later than the first of November of each year, showing all activities and disbursements made by the District during the fiscal year.

**Section 42-81.2. Powers, Duties and Responsibilities:**

- (a) *Sheldon Fire District Board.* The Board 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 Sheldon Fire District's annual budget.
  - 4) To approve and adopt plans for the purchase of such firefighting, medical and rescue equipment as the Board 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, fire and EMS 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 Sheldon Fire District Board may deem most beneficial for the Fire District in anticipation of taxes. The indebtedness shall be evidenced by a note issued by Beaufort County Council and the County Treasurer.
- 7) The Fire District Board shall be responsible for developing a list of qualified candidates for the position of Fire Chief which shall be presented to the County Administrator who shall have the authority, after consultation with the Fire District Board, to hire the Fire Chief.
- 8) The Fire District Board in consultation with the County Administrator shall be responsible for developing performance standards to effectively evaluate the Fire Chief. The Fire District Board shall be responsible for conducting an annual performance evaluation implementing such performance standards with such evaluation being provided to the County Administrator for purposes of promotion, demotion, and termination. The County Administrator shall have the authority to make decisions regarding the performance of the Fire Chief, after consultation with the Fire District Board, in regards to the promotion, demotion, or termination of the Fire Chief.
- 9) To manage fire and rescue resources and services for the Beaufort County citizenry residing within the Sheldon Fire District.
- 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 Board 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 Board 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 Sheldon Fire District's Strategic Plan.
- 14) All Board Members and staff will adhere to those policies that are adopted in accordance with Sections 2-191 through 2-198 of the Beaufort County Code of Ordinances when conducting administrative and managerial functions of the Fire District.

**SECTION 42-81.3. FIRE CHIEF RESPONSIBILITIES:**

- (a) *Sheldon Fire District Fire Chief.* The Sheldon Fire Chief shall have certain responsibilities related to the operation of the Sheldon Fire Department. These responsibilities include, but are not limited to, the responsibilities outlined below:
- 1) To prepare and submit an Annual Budget to the Sheldon Fire District Board for all expenditures of the Sheldon Fire District.
  - 2) To provide managerial controls to ensure the effective oversight of the Sheldon Fire District's Annual Budget.
  - 3) To prepare and submit plans to the Sheldon Fire District Board 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 Sheldon Fire District Board for the selection and procurement of firefighting, medical and rescue equipment.
- 5) To prepare and submit plans in compliance with the Sheldon 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 Sheldon Fire District.
- 6) To hire, supervise, train, promote, provide direction, discipline and terminate Sheldon Fire District employees in compliance with Sheldon Fire District policies and procedures.
- 7) To administer annual performance standards as established by the Sheldon 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 Sheldon 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 represent the Sheldon Fire District on various community commissions, committees and public safety concerns.
- 13) 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.
- 14) To present the Sheldon Fire District's Strategic Plan, in coordination with the Sheldon Fire District Board, to the Beaufort 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.
- 15) To provide an initial forum for public opinion concerning the Sheldon Fire District's Strategic Plan.
- 16) To make recommendations and presentations, in coordination with the Sheldon Fire District Commission, to Beaufort County Council for final judgment concerning the Sheldon Fire District's Strategic Plan.
- 17) To take all actions necessary to ensure that the District remains eligible to receive funds pursuant to South Carolina Code of Laws § 23-9-310 et. seq.

#### **SECTION 42-82. ENFORCEMENT OF FIRE LAWS:**

All members of the Sheldon 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.

**SECTION 42-83. UNLAWFUL ACTS; PENALTIES:**

It is unlawful to interfere with a member of a fire department in the discharge of his duties in the Sheldon 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.

**SECTIONS 42-84-115. – RESERVED.**

Adopted this 11<sup>th</sup> day of February, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

By:   
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

  
Joshua A. Gruber, Staff Attorney

ATTEST:

  
Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: January 14, 2013

Second Reading: January 28, 2013

Public Hearing: February 11, 2013

Third and Final Reading: February 11, 2013