

Fire Protection 101

Indiana Township Association, Inc.

Types of Arrangements IC 36-8-13-3

The Trustee, with the approval of the Board may:

1. Purchase firefighting and emergency services apparatus and equipment and housing, and employ full-time or part-time personnel.
2. Contract with a municipality in the township or in a contiguous township that maintains protection or emergency services in accordance with IC 36-1-7.

Types of Arrangements IC 36-8-13-3

The Trustee, with the approval of the Board may:

3. Cooperate with a municipality in the township or in a contiguous township in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and township in accordance with IC 36-1-7
4. Contract with a volunteer fire department for the use and operation of firefighting apparatus and equipment that has been purchased by the township order, including use of the apparatus and equipment in an adjoining township by the department if the department has made a contract with the executive of the adjoining township for the furnishing of firefighting service within the township.

Types of Arrangements IC 36-8-13-3

The Trustee, with the approval of the Board may:

5. Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.

Other Types of Arrangements

1. Fire Territory IC 36-8-19
2. Fire District IC 36-8-11

Purchase & Financing of Equipment & Housing

1. Purchase - IC 5-22; IC 36-1-12; IC 36-8-13-7
2. Financing – IC 36-8-13-5, 6, 6.5

Basic Requirements of Contract with VFD

The Contract Must Define:

1. The Parties
2. Term of Agreement - Cannot exceed trustee's term (OAG 1950, No 15 page 45)
3. Service Area
4. Description of Services
 - 24 hour 7 days per week
 - Fire and emergency services
 - Trained and certified personnel
 - Communications

The Contract Must Define:

5. Equipment

- Township Equipment
 - List all Equipment provided
 - Who maintains
 - Who insures
- VFD Equipment

The Contract Must Define:

6. Insurance for Volunteers

- Disability and Medical Expense (IC 36-8-12-7)
 - Not less than \$290/week up to a maximum of 260 weeks; but adjusts upward based on Indiana minimum wage computed on a 40 hour week.
 - Medical expenses with policy limit of at least \$75,000
- Death Benefit (IC 36-8-12-8)
 - \$150,000 to beneficiaries
- Permanent Disability
 - \$150,000 if volunteer totally disabled for 260 continuous weeks
 - \$150,000 prorated if volunteer partially disabled
- Liability
 - \$300,000 liability covering volunteers
- Workers compensation
 - Covered by medical and burial provisions of workers compensation law
- NOTE: IC 36-8-12-6(g) provides unit failing to provide insurance pays the losses

The Contract Must Define:

7. Compensation to VFD

- Gross Amount
- Method of Payment
 - Usually semiannual
 - Can provide township pays bills up to maximum upon submission of invoices by VFD

8. Vehicle and Clothing Allowance

- IC 36-8-12-5 \$100 vehicle and \$100 clothing unless otherwise provided in contract

9. Records

- VFD generally not subject to Access to Public Records so specify what you want and when you want it.

The Contract Must Define:

10. Mutual Aid, Exclusivity

- Can VFD contract with other governments as primary provider
- Mutual aid is expected

11. Breach

- Loss of non-profit corporate existence
- Failure to Respond – define
- Lack of minimum personnel – define
- Other Breaches

The Contract Must Define:

12. Early Termination

- Notice

13. Other Provisions

- Fire Inspections
- Hepatitis B shots

Contracting with Another Government Entity

- Specify how to divide insurance costs
- Dora Brown v. DLGF
 - DLGF can apportion or reduce emergency loan based on fairness of contract with other entities
 - DLGF can apportion equipment loan based on fairness of contract with other entities.