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MISSISSIPPI INSURANCE DEPARTMENT

Bulletin 2002-1

ELIGIBILITY GUIDELINES FOR RECEIPT OF STATE FIRE PROTECTION FUNDS Revised June 3, 2013

I. PURPOSE

The purpose of the Fire Services Development Program is to enhance existing fire services through coordination of suppression and prevention activities on a county-wide basis. A statewide network of county coordinators representing each county is hereby created for the purpose of preparing and implementing program activities aimed at reducing loss of lives and property from the effects of fire, which can be reflected in lower insurance rates.

The Division of Fire Services Development was created in 1988 by the Mississippi Legislature for the purpose of overseeing the distribution and accountability of State Fire Funds to municipalities and counties. In addition, the Division is responsible for developing a statewide program aimed at increasing fire service capabilities.

II. PROGRAM OBJECTIVES

The program objectives of the Fire Services Development Division include each of the following:

- A. To enhance awareness of State guidelines regarding the use of and accountability for state fire funds.
- B. To provide opportunities for local fire officials to discuss solutions to the pressing problems of fire services development through the County Fire Coordinators network.
- C. To assist in establishing uniform fire service standards where feasible.
- D. To provide useful data about fire service activities for both public fire safety education and fire protection policymaking at both state and local levels.
- E. To promote public support for fire service funding at all levels of government.

- F. To encourage full utilization of State Fire Academy training programs and related support service.
- G. To improve the effectiveness of cooperation, coordination, planning and response among existing county fire departments.

III. COMMISSIONER'S AUTHORITY

The Commissioner of Insurance is charged with the authority to implement the program and to oversee the Division of Fire Services Development. In general, the Commissioner is responsible for: certifying the eligibility of all municipalities and counties for receipt of State fire funds; establishing standards for the use of State Fire Funds as required by state law, MS Code § 45-11-7 (9); administering grants provided by the State of Mississippi for the purpose of purchasing rural fire trucks, [MS Code §§17-23-1 and 17-23-11].

Interpretations regarding allowable uses of state fire funds will be made on a case-by-case basis based on the requirements of the law and evidence presented relating to the public interest. All review and appeals activities will be consistent with the provisions of State Law.

The Division of Fire Services Development Director/State Fire Coordinator will refer cases requiring an executive decision to the Commissioner for action. These cases may include, but are not limited to, the following: qualifications of county appointees, performance of duties by appointees, and compliance with reporting requirements and allowable uses of state fire funds.

Each year the division will prepare a final eligibility listing of municipalities and counties to receive insurance rebate funds for approval by the Commissioner. The listing will be based on a review of each applicant's compliance activities. Files will be maintained for a minimum of three years containing all documents required for eligibility certification in the Division of Fire Services Development.

IV. ROLE OF COUNTIES

County Boards of Supervisors are responsible for appointment of county fire service coordinators and county fire investigators. They also have responsibility by law for allocating, spending, and generating public funds for fire protection purposes.

In the event of a vacancy in the office of coordinator or fire investigator, **a suitable replacement must be appointed within 30 days with a copy of the minutes and a letter of appointment submitted within two weeks thereafter.** Virtually all county appointees serve at the will and pleasure of the Board of Supervisors and may be replaced at any time consistent with local personnel procedures. Supervisors may impose terms of office, but must submit a copy of appointment or reappointment minutes and a letter of appointment or reappointment within 30 days of the end of the stated term.

County Boards of Supervisors are responsible for overseeing their respective appointees to be certain that their performance fulfills all eligibility requirements for state funds. Counties may join together to appoint, and/or hire coordinators. They may appoint a single individual to serve

as both fire investigator and county fire coordinator provided that he/she meets the legal requirements.

Their appointments must not violate state ethics laws or be in violation of separation of powers provisions under the State's constitution. While the law does not require payment of county coordinators, adequate compensation is strongly recommended by the Department of Insurance to ensure the continuity and consistency of coordination efforts. State fire rebate funds can not be used for the purpose of paying a County Coordinator or Fire Investigator. **However, rebate money can be used to defray costs incurred by the county fire coordinator and county fire investigator in performance of his/her duties in regard to the position.**

V. APPOINTMENT OF COUNTY FIRE COORDINATOR/FIRE INVESTIGATOR

Initial appointments of county fire coordinators and fire investigators were made by October 1, 1988.

****According to the law, county fire coordinators must possess fire-related knowledge and experience, [MS Code §83-1-39(5)(a)]**

In cases where written complaints are submitted regarding county fire service appointments, any decision rendered by the Commissioner of Insurance will be based on the following factors:

- A. Coordinator's fire-related knowledge and experience;
- B. Level of support of fire departments in the county; and
- C. Performance of official duties and responsibilities.

In these instances, the Division of Fire Services Development will recommend a course of action including one or more of the following:

- A. Trial basis not to exceed one year;
- B. Appointment of a deputy coordinator; and/or
- C. Rejection of the appointment as unsuitable.

It is absolutely essential that the fire coordinator have credibility with local fire officials, as well as, the County Board of Supervisors.

County fire investigators must, by law, [MS Code §83-1-39(5)(b)], be members of the Sheriff's Department in their county. They should be paid, full-time personnel whenever possible. Auxiliary (volunteer) members may be substituted, provided they have fire-related knowledge and meet all mandated training requirements.

VI. ROLE OF COORDINATORS

County Coordinators will work closely with the Division of Fire Services Development and will coordinate activities among their respective departments. In addition, county coordinators will be responsible for seeing to it that all reports required from departments are furnished in a timely manner. Deadlines for local submission of reports will be determined by the State Fire Coordinator. However, all county reports must be received by the Division of Fire Services Development in accordance with written reporting schedules established in advance.

County Coordinators will notify the Board of Supervisors of any department in violation of the eligibility guidelines. State funds shall not be given to Departments that fail to meet State reporting requirements.

All departments responding to incidents are required to file reports established by the Commissioner of Insurance. In the event that a department refuses or is unable to make a report, such department will not be permitted to receive monies from the State's Fire Protection Funds. A county may lose its eligibility if it gives State Funds to a non-reporting department. A department not making any runs during a given month must enter an incident report checking the box "No Activity" on the Mississippi Fire Incident Reporting System (MFIRS).

All fire departments, both municipal and county, must submit an annual report through the County Fire Coordinator to the State Fire Coordinator.

VII. COORDINATORS DUTIES AND RESPONSIBILITIES

- A. Assume overall responsibility ensuring county-wide compliance with record keeping and reporting requirements as established by the Commissioner of Insurance per MS Code §45-11-7 (9)(10).
- B. In conjunction with Board of Supervisors, Board Attorney, Comptroller and/or County Administrator prepare and administer a budget for state rebate and county monies allocated for fire protection activities under MS Code §§19-5-95, 83-1-37 and 83-1-39.
- C. Recommend tentative budget figures to ensure compliance with budget guidelines; recommend budget for capital improvements, including new stations and major equipment purchases.
- D. Represent the county in a state wide network of coordinators including participation in all meetings and training programs as prescribed by MS Code §45-11-7.
- E. The fire coordinator shall work with the fire services in the county and municipalities therein; in planning and implementing programs intended to enhance local fire services.
- F. In conjunction with Board of Supervisors and Emergency Manager, issue fire danger statements to alert the public of hazardous conditions.
- G. Serve as an advisor to the Board of Supervisors and local fire service in the area of fire codes, fire suppression, and fire prevention activities where applicable.

- H. To assist with the development of legal fire districts, fire grading districts and other activities as needed to lower fire insurance premiums and educate the public concerning opportunities for development of local fire agencies.
- I. To coordinate with water associations and other local organizations, agencies and institutions to provide additional support for fire service activities.
- J. Act as liaison between the local fire service organizations, Board of Supervisors and other agencies including, but not limited to, State and Federal agencies.
- K. Coordinate/support county-wide fire training activities.
- L. Provide technical and logistical support as requested by the designated Sheriff's department investigator, in fire cause and origin investigations.
- M. Participate in emergency management activities as stated in the county's Comprehensive Emergency Management Plan.
- N. Develop and maintain a five-year plan for meeting the county's fire service needs.
- O. Review current standards set by government agencies and fire insurance organizations to determine the need for new and enhanced training programs for fire fighters; review training programs to ensure compliance with standards.
- P. Work in conjunction with the county fire investigator, emergency management director and other officials to ensure the appropriate response and reporting of suspected arson, bombings and bomb threats and other unusual emergencies to the appropriate local, state and federal agencies as required by law and regulations.
- Q. Provide technical and administrative support to local fire service organizations as needed to alleviate problems with complaints and violations of applicable regulations.
- R. Be proficient in the use and operation of computers and necessary software to ensure compliance with the MFIRS and possess the appropriate level of knowledge to act as systems administrator.
- S. Represent the county's fire service in a professional manner which clearly defines the operational capabilities and limitations of each fire service provider in their respective county.
- T. Possess a valid MS Driver's license.

In the event that a county fire coordinator or county fire investigator is not performing those duties established by the Division of Fire Services Development, the respective county will be notified that its funding eligibility is at risk.

A second notice to a county regarding the failure of its appointee to attend meetings or perform official duties can result in a one-year suspension of eligibility for funds.

VIII. COORDINATORS AND MUNICIPALITIES

Coordinators are not “over” municipalities. As a matter of fact, most coordinators don’t function as if they’re “over” anybody. Nevertheless, most fire coordinators have a number of reasons for interacting on a regular basis with virtually all of the municipalities in their county.

The majority of municipalities, including most towns with less than 5,000 population, serve adjacent county areas through a contract in which the coordinator is involved. Other municipalities have mutual-aid or other type agreements which constitute a more modest level of assistance.

In addition, coordinators are required to deliver municipal forms and, in all but a few instances, are responsible for receiving their documents for delivery to the State Fire Coordinators Office. Many coordinators work with larger municipalities on issues regarding the transfer of service areas brought about by annexations. They also often work with these municipalities on providing specialized services such as hazardous materials response, confined space rescue, etc. Furthermore, training and equipment transfer activities often create significant opportunities for cooperation between the larger municipalities and county departments.

IX. ELIGIBILITY PROCESS

The Division of Fire Services Development will review each county’s compliance file. Each file must contain the following:

- A. A copy of the minutes appointing both county fire service coordinator and county fire investigator.
- B. Municipal and county funding compliance forms.
- C. All fire department’s annual reports.
- D. All fire departments must submit Incident Run Reports on all incidents monthly, utilizing MFIRS or a software system compatible with the most current version of MFIRS. These reports must be current (Example; Jan. reports must be entered no later the Feb 15th).
- E. Attendance at four (4) meetings annually, which includes two (2) statewide meetings.
- F. Semi-Annual Progress report regarding coordination activities.
- G. Evidence of completion of quarterly action items required by the State Fire Coordinator in accordance with all current versions of Bulletins 2001-2 and 2005-4.
- H. Evidence that the county or municipality has spent their required ¼ mil of the county’s or municipality’s general fund for fire protection purposes pursuant to Miss. Code §45-11-7, 83-1-37(5) and 83-1-39(5)(d).

All volunteer fire departments receiving benefits, directly or indirectly, from county funds must have a contract. All Fire Services contracts involving state rebate funds must be submitted to the State Fire Coordinator and approved by the Commissioner of Insurance.

Coordinators will be notified regarding county and municipal compliance status. State fire funds will be distributed to eligible cities and counties in June of each year unless otherwise notified.

X. ATTENDANCE REQUIREMENTS

A Coordinator must be present at the four required quarterly meetings each year to maintain eligibility. Attendance by designees for absent coordinators will be counted towards eligibility with prior approval from the State Fire Coordinator.

A county fire investigator must attend an initial arson school at the State Fire Academy. In addition, it is highly recommended that the county fire investigator complete the National Fire Protection Association (NFPA) 1033 Fire Investigator course.

XI. APPEALS OF INELIGIBILITY

Municipalities and counties cited as ineligible will be notified by mail. Written appeals should be received for review within seven (7) days after receipt of notification. Any written materials required to satisfy unmet requirements should be included with the written appeal.

XII. ELIGIBILITY OF MUNICIPALITIES WITHOUT FIRE DEPARTMENTS

Municipalities which do not have fire departments may maintain their eligibility by expending their Rebate funds through a contract with a fire service provider.

XIII. UNEXPENDED REBATE FUNDS

Insurance rebate funds not expended in a given fiscal year for fire protection purposes **shall** be placed in a special fund with a written plan approved by the Commissioner of Insurance for disposition and expenditure of such monies, [MS Code § 83-1-39 (4)].

The plan shall include: purpose for retaining said funds, item or items to be purchased, and time line for purchase of specified item(s).


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