

Questions & Answers

For a Mandatory Fire Tax District

The Facts

This pamphlet will provide you with the facts and answers to some of the most frequently asked questions about the proposed mandatory taxing authority, which if passed will be known as the Vandiver Fire District.

Question: I have been told that if people don't vote for the fire district, Vandiver Fire Department will "go under," and that we won't have fire protection any more. Is that true?

Answer: False.

Telling residents that if a fire district is not created the volunteer fire department will "go under" is purely a scare tactic. When a law is difficult to get passed, such as a fire tax, a crisis is created to put fear in the people in order to get them to vote for a law they normally would never vote for. That's why Obama's Chief of Staff, Rahm Emanuel said, "*Never allow a crisis to go to waste.*" You must use reason to see through the creating of a crisis to scare the people, and understand this is a typical tactic used to get legislation passed. They create a crisis and then offer you a predetermined "solution" conceived before the crisis was pronounced. The "solution" created to solve the false crisis is to try and convince you to vote for a new mandatory taxing fire district.

Rather than losing fire protection, a fire department can actually become better when residents vote NO to the establishment of a mandatory taxing fire district. A No vote will not make the fire truck, equipment, and fire station disappear. The people own them. They are there to serve the residents. They will not go away.

Question: Why, how, and when does a department become better if a district is voted down?

Answer: There was a similar vote for the mandating of a West Shelby County Fire & Rescue District in 2000 when a few people tried to shove mandatory taxes down residents' throats for the 5th time. Just like some individuals are claiming about the Vandiver Fire Department now, at that time West Shelby Fire Department officials claimed that a vote against mandatory taxes and a fire district could mean the end of the fire department. Then chief Ballard claimed, "*This is the fifth time we have tried to have mandatory fees. The department just may not survive another 'no' vote.*"

Residents didn't buy the scare tactic. They were fed up with the five attempts at forcing mandatory taxes and overwhelmingly voted it down.

Even one of the area's former firemen, Roger Hughes, Sr., voted against the mandatory taxes. He was quoted in the Shelby County Reporter stating, "*We can continue without mandatory dues.*"

Roger Hughes Sr., a former firefighter, voted against the dues, he said, adding that "we can continue without mandatory dues."

So what happened? Did the fire department collapse like certain individuals from West Shelby claimed it would? Absolutely not. Contrary to what the West Shelby fire department officials claimed, instead of closing down, the West Shelby Department actually became a better department after the no vote. The fire chief and several volunteers quit, but immediately many new volunteers signed up and a new board of trustees was established, bringing new blood and new enthusiasm into the department. The West Shelby Fire and Rescue Department continued to operate.

Former fireman Hughes finally stated,

"I believe we can run an adequate department with voluntary dues. I really truly believe it will work because it worked in the past."

Hughes said **voluntary** dues work. It will work in the future because it has worked in the past.

The fire department's new board of trustees sent a letter out to the residents shortly after replacing the old board, stating the same as Mr. Hughes about voluntary dues:

West Shelby thanks you for your continued support. West Shelby Fire Department is a volunteer fire department and operates as many other fire departments in Alabama and the nation. The payment of dues to the department is **voluntary**. West Shelby has been, over the years, able to fund the department with the financial assistance of individuals within the Department.

Today, more than 9 years later, the West Shelby Fire and Rescue Department is still operating efficiently with voluntary dues. Residents served by the department stated that both the Board of Directors and the quality of fire and emergency medic (EMT) services improved when new Board Members and new volunteer Firemen stepped in, and the improved service continues today.

Voluntary dues work. Voting no to a fire district does **not** mean you will lose your fire protection, and it could very well mean that your service even improves.

Question: We've been told that the fire department is in a financial crisis, and that hardly anybody pays their voluntary dues. What will happen if we don't vote in a district?

Answer: Approximately 70% of residents interviewed in October of 2009 stated that they pay their fire dues every year. Many of these individuals stated that they pay double dues each year, paying \$100, because they thought that nobody else was paying. This was a big surprise and a big revelation as everyone was told that

nobody is paying their dues.

Question: Why haven't I heard anything about this until just weeks before the vote?

Answer: The first documents for the imposed fire district were filed with the County nearly 2 years ago in July of 2008! These plans don't fall out of the sky, which means that **planning, strategy, and scheming** had to take place months before the actual filing of the paperwork. There was no apparent effort at all made to inform residents of the imposed fire district. Everyone in the area knows when the Turkey Shoots and Bar-B-Ques for fund raising will happen because several, big signs are put up to advertise them. But there was not one sign or advertisement put up to let residents know about the vote on mandatory fire taxes. **Not one sign during the last two years inviting residents to a fire department meeting to discuss the establishment of a taxing authority.** One small sign saying a new proposed tax district in 2008 would have brought droves of people to the fire district meeting. Such a matter is of far greater importance and has a much greater impact on the residents than a Bar-B-Que, and yet not one sign was put up.

Residents were not told about the proposed district until very recently, because when the people have the time to understand a fire district and know the facts, they will quickly vote No to the district. The reasons for the silence about the proposed district are obvious to everyone.

Question: What about the monthly fire meetings, couldn't people have learned about the district if they were going to the meetings each month?

Answer: Hardly any residents attend the monthly fire department meetings because the meetings just include the same, normal, everyday business of the fire department. It is not the responsibility of the people to be constantly investigating and questioning everything that is going on in the fire department. Rather, it is the responsibility and duty of the fire department to inform the people of any major changes, **especially on issues that divide the community like this issue of a mandatory taxing fire district. Again, 2+ years of silence about the fire taxing district speaks for itself.**

Question: So does this mean that it was kept quiet from the people?

Answer: Yes. An individual in Shelby County signed a legal affidavit stating that around the time the first documents were submitted, nearly 2 years ago, to the probate Judge, one of the individuals behind the proposed fire district stated that he wasn't going to tell residents about the proposed district at that time.

These individuals know that if the people don't hear about the proposed district, then they won't be able to form resistance to vote it down. The later residents find out about it, the less time they will have to resist it.

Question: Can the fire department take my house right now, under the current system?

Answer: No. Absolutely not. No fire district means no liens. But if a new mandatory tax fire district is passed, state law makes liens mandatory under a fire district. If the proposed mandatory tax fire district is voted in, liens will be mandatory on properties where the fire taxes are not paid, and a great deal more money will

Remember, under a voluntary dues system, the volunteers serve you and your needs. If it changes to a district with taxes, you serve **the fire taxing district** and **its** needs. Which do you want? For your needs to be met and your home protected, Vote NO.

be required to keep your house from being foreclosed upon and you evicted. Don't believe anyone who is for the fire district to be passed who tells you they won't take your home. It's Alabama state law (Act 99-245), and they will take your home. See pages 8-10 of this Question and Answer booklet for documentation of the lien and foreclosure power within the proposed taxing district's own petition as well as within Alabama state law. Listen also to the audio CD – *A Fire District: Some Burning Questions*, which proves this fact. The CD explains fully the fire tax being proposed and forced upon you and answers every question of why this proposed mandatory tax fire district will harm the current fire department and the community. You can order **free** copies of this CD by calling 672-2335, or you can download a **free** copy from the website **StopVandiverTax.com**.

Question: I think our volunteer firemen are doing a great job, and that we should support them. Why would people want to vote no to the fire district?

Answer: This question raises a very important point, a point that is misunderstood by some, and a point that is improperly argued by those few who want the fire district to pass. It must be clearly understood, that to be opposed to a new mandatory taxing fire district, does **not** mean that one is opposed to the current volunteer fire department that is operating right now. Voting no to the district does **not** mean that you are against the firemen or ungrateful for their service.

When someone tells you that whoever is opposed to the district is thereby against the fire department, they are using a diversionary tactic to confuse the voters and to try and shift your focus away from the facts about a mandatory taxing fire district. The facts about a fire taxing district are what should determine your vote. When one really examines the facts about a taxing fire district, it is absolutely clear with common sense that one should vote no to the creation of a mandatory taxing authority. Because those few who are for the taxing district know this, and because they don't have any facts to stand on in favor of a taxing district, their strongest tactic is to get you away from those facts by diverting the discussion to the merits of the current volunteer fire department. Carefully examine the facts and you won't fall for this diversion.

So to sum up, voting no to an imposed fire district does not mean anyone is against the volunteer fire department or its firemen. It simply means that you don't want another oppressive layer of government placed over you – a taxing authority that has the ability to place a lien on your home, foreclose and evict you, and sell it.

Question: How does voting No to the mandatory taxes and district show that you appreciate the volunteers?

Answer: A former assistant fire chief who was in the fire service for 20 years in the southwestern part of the United States was interviewed, and he stated:

“We were volunteer until we became a district. We intended to remain volunteer, and we told everyone we would stay volunteer, but once we became a district, the volunteers quit. The chief ran them off, because you can't treat a volunteer like an employee. Volunteers are there for a higher reason. The employees are there to get paid. We needed a few paid firemen, but they eventually ran off the volunteers.”

While it has been stated by the few proponents of the mandatory taxing district that they would remain volunteer, this is not in fact what really happens.

The few proponents would like everyone to believe that those who oppose the mandatory tax and district are against the fire department, but the exact opposite is the truth. *Those opposing the mandatory tax and*

district are the ones who are really trying to SAVE the volunteer fire department. By a yes vote you will lose the character of your current volunteer fire department and rural community.

Question: Does voting no to the fire district mean that I will lose my ISO rating?

Answer: To vote NO to the fire district is **not** a vote against fire protection, and it does **not** mean you will lose your ISO rating. Just as the proponents of the proposed new Vandiver fire district clearly state, we already have good fire protection, and we already have an established ISO rating (the rating that affects your homeowner’s insurance premium). Therefore, we would gain nothing by voting in a district except having a new taxing authority placed over us. Vandiver Volunteer Fire Department can continue and thrive as they have for over 30 years without becoming a mandatory district, offering the same level of fire protection and keeping the same ISO rating, as so many volunteer fire departments across the nation are doing the same.

Question: But can we improve our ISO rating for further savings on homeowner’s insurance if we become a new mandatory fire taxing authority?

Answer: Let’s look at the facts. Currently, the ISO rating for Vandiver and Sterrett areas covered by the current volunteer fire department is a rating of 7. The table below, **obtained from Shelby County 911**, gives an example of the savings that are achieved by lowering the ISO rating. As one can see, the savings are only substantial when moving from a rating of 9 to a rating of 7. Once you go below a rating of 7, which is the current rating under the current Vandiver Volunteer Fire Department, the savings are negligible and would be less than what you would pay as your fire tax. So what would we gain? Nothing, except having another taxing authority placed over us. It has been stated in writing by the few proponents of the mandatory taxing fire district that if it passes, there will be a substantial savings in insurance payments. The following table shows what the proponents stated is bluntly false.

The table begins with a rating of 10 and shows you the savings down to a rating of 5, which, **according to Shelby County 911**, is the lowest an ISO rating can go for homeowners.

For a home that costs \$100,000...

If your ISO rating is...	Your homeowner's insurance could be approximately...	\$ Savings	% Savings
10	\$894		
9	\$806	\$88	10%
*** 7	\$430	\$376	47%***
6	\$399	\$31	7%
5	\$373	\$26	7%

******* As seen in the table above, the greatest savings are achieved when one moves down to an ISO rating of 7, a savings of 47% off the cost of insurance from a rating of 9. We ***already have*** an ISO rating of 7! The percentage of savings that you can obtain decreases dramatically after you have reached a rating of 7. In other words, the savings are so little they are negligible compared to what you would have to pay as your fire tax. A fire department would have to spend a lot of your money to reduce the ISO rating below a 7, with very little savings to homeowners as a result, just \$31 dollars by moving from a 7 to a 6 rating in the above example. Therefore, instituting a mandatory fire tax will cost way more than you will ever save by reducing the

ISO rating below a 7. There it is again. The facts show clearly the opposite of what is being said by the few promoters of the mandatory tax fire district.

Question: What about fire suits and equipment for our firemen so they can be safe when serving the community?

Answer: No reasonable resident would disagree that firemen need to be properly outfitted for fighting fires.

When the cat got out of the bag about the fire district and residents began asking questions, proponents of the mandatory taxing district stated that they need funding for fire suits for the firemen. Premium quality, brand new suits can be purchased for \$1,500 per suit. For 5 firemen, that's only \$7,500.

But even better than that, we spoke to an expert in fire service who sells suits that have been lightly used, suits this expert said as a fireman he wouldn't hesitate to use in a raging fire. These suits sell for only \$300 per suit, and it includes everything necessary: boots, helmet, hood, pants and jacket. Therefore, the current fire department could fully suit 5 firemen with high quality, lightly used suits for just \$300 apiece, for a total of \$1,500 for all 5 firemen. That's the price of just one brand new suit. But let's not stop there.

The expert we spoke to also sells brand new regulated masks and tanks (self contained breathing apparatus – SCBA). The fire department can outfit 5 of its firemen with SCBA regulated masks, tanks, and a spare tank for each one for \$2,000 per set, a total of \$10,000 for 5 firemen. Similar to the used fire suits, good quality used, tested, and certified SCBA gear can be purchased for \$1,000 per set - that's \$5,000 for 5 firemen.

Let's examine two scenarios:

As you read the following, keep in mind that the current Vandiver Volunteer Fire Department Board stated during its November 10th, 2009, meeting that the department's ending bank balance in October 2009 was \$19,000.

Brand New Suits and Equipment – for those who've "got to have" the latest and greatest

5 brand new full fire suits with boots, helmet, hood, pants and jacket for	\$7,500
5 full sets of brand new SCBA regulated masks, tanks, spare tanks for	<u>\$10,000</u>
That's a total of <u>\$17,500</u>	

High Quality, Lightly Used Suits and Used, Tested & Certified SCBA Equipment

5 full fire suits with boots, helmet, hood, pants and jacket for	\$1,500
5 full sets of tested & certified used SCBA regulated masks, tanks, spare tanks for.....	<u>\$5,000</u>
That's a total of only <u>\$6,500!</u>	

The total cost to fully suit and equip 5 firemen with the "latest and greatest" brand new suits and SCBA gear is **\$17,500**, or with the high quality, used suits and SCBA gear, only **\$6,500**. Either of the amounts could be covered by what the fire department took in at the beginning of its fiscal year and other monies that come

in during the year. If the life of a fireman is worth protecting with quality equipment as we the people believe, then there is **always** some place in a budget that can be adjusted to set aside at least \$6,500 for gear, if not more.

According to the Shelby County Probate Office and the Vandiver Volunteer Fire Department Board of Directors, an election for a fire district costs approximately \$10,000. Instead of spending this money on an election, it could be used to cover suit and equipment costs for the firemen. Does spending \$10,000 on an election sound like a wise use of the residents' money? How would your money be spent if a mandatory taxing district was created? Does a bigger budget lend itself to thriftiness, or instead to wasteful spending, trying to get the latest and greatest that's out there to compete with other fire departments?

Question: What hasn't been discussed yet and what our Nation is suffering greatly from is **overregulation**.

Will the power of a mandatory tax fire district be able to put new regulations over me that are not over me right now?

Answer: Yes.

A mandatory tax fire district has great power to regulate you, for example, with fire codes, burn bans, and other choking regulations. They can tell you not to burn your leaves. These are just a few examples of the many overregulations that come with a mandatory tax fire district. So if you feel government is already choking you enough and that there is already too much regulation destroying your freedom, then vote NO to more government and more regulation. Vote NO to a mandatory tax fire district. Vote the **3 NO's** on the ballot.

Question: What about people in Sterrett? Why is the proposed new taxing fire district called "Vandiver," instead of the "Vandiver & Sterrett" fire district?

Answer: This question answers itself. By the few who planned the new taxing fire district, Sterrett will no longer have its identity as a community. This also begs the question about incorporation into a city. How can you call a city "Vandiver **and** Sterrett City?" It has to be one name, and the new Vandiver Fire District, which consists of 42 square miles of contiguous property, making incorporation easier, is telling of future plans for a land grab of surrounding communities to be under one name. The City of Vandiver. Where will it get all its funding? From taxes. What does a city offer? More regulation, which evolves into overregulation. A No vote to the fire district will help halt such plans for the future. Again, vote the **3 NO's** on the ballot.

If you have any additional questions or if you would like to order additional materials (flyers, these pamphlets, or the Audio CD - *A Fire District: Some Burning Questions* - That explains fully the fire tax being proposed and forced upon you), you may call the Vandiver & Sterrett Community Protection Association at 672-2335. You can also download a free copy of the Audio CD from the website **StopVandiverTax.com**, and you may also submit a question to be answered on the website as well. If you would like to speak with someone by phone about a question, please call 672-2335. Thank you.

(See sample ballot on page 12)

The page shown below represents a portion of the proposed Vandiver Taxing Fire District Petition (the document that would govern the taxing district if it is passed) as mandated by Alabama State Law 99-245. Note the highlights below that show the **lien and foreclosure power**. Also note that once the lien and foreclosure process has begun, you lose all rights to keep your property after just 3 three years. See the Alabama State law that gives taxing fire districts lien and foreclosure power on page 10. To view a copy of the entire Vandiver Taxing Fire District Petition, visit **StopVandiverTax.com**, and click the link to the petition at the bottom of the homepage.

structures on contiguous land areas, any structures which serve as residences for faculty, ministers or managers shall be subject to a service charge of \$50.00 per taxable year.

OTHER CHARGES:

C. An amount equal to one-twelfth (1/12) of the annual fee, times the remaining number of months to the end of the next fiscal year calculated to the next highest even dollar for any new service to be added. Service charges for new construction shall commence when a structure is roofed in.

D. No fee or service charge shall be assessed for entering appeal. Once a request for appeal has been filed, the Trustees shall notify and obtain agreement from the user of the services, as to a mutually satisfactory date for the appeal hearing, not sooner than ten (10) days from the date of reaching such agreement. An appeal must be requested within thirty (30) days of the original billing for the service. The trustee's decision shall be final.

E. A late fee of \$15.00 shall be added to all service charges not paid within three months of the date of billing for such charges.

F. The property owner shall be liable for all costs involved in enforcing collection, including a reasonable attorney's fee, and under **foreclosure proceedings** would be liable for interest at maximum legal rates in the event the property owner should pay off the debt within three years and recover possession. **After three years, all rights of the property owner in the property would be extinguished.**

G. **Failure to pay charges subject to a Late Payment Fee shall empower the Trustees to establish liens against the property,** and continuing disregard for demands for payment will result in the establishment of foreclosure proceedings.

The mandatory taxing fire district **does not have to notify you** of late payment, late penalties, or other charges. Typically, fire districts do not notify you. Many residents in other fire districts stated they did not even know they were late on payment, or even that their home was advertised and sold in the newspaper.

The page shown below represents another portion of the proposed Vandiver Taxing Fire District Petition (the document that would govern the taxing district if it is passed) that discusses liens against property as well as the power of the district to enforce such liens by sale of your property. Again, such power is given by Alabama State Law 99-245. See the Alabama State law that gives taxing fire districts lien and foreclosure power on page 10. To view a copy of the entire Vandiver Taxing Fire District Petition, visit StopVandiverTax.com, and click the link to the petition at the bottom of the homepage.

to improperly evade the payment of established rate charges may cause the Trustees to request the Federal Government to institute charges for fraud against the land owner.

I. Unless the District is notified of another address for mailing purposes, bills delivered to the property shall be deemed to have been delivered to the owner of the property, whether or not the owner provides mailboxes for the receipt of such mail.

J. The Board of Trustees shall have the right, exercisable after a hearing, but in their sole discretion, to waive current charges if any property owner is found to be indigent, in the opinion of the Trustees.

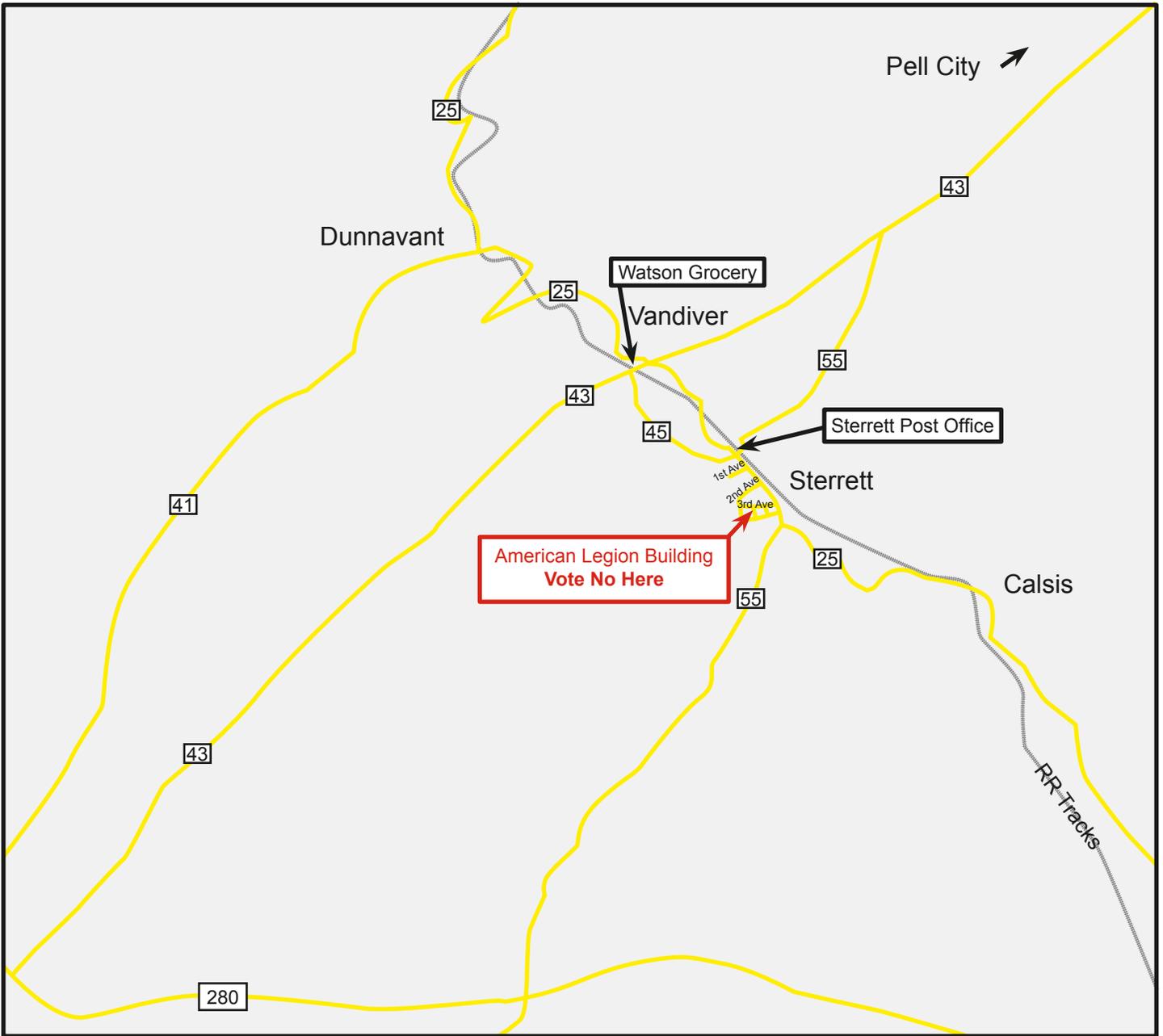
K. **The service charges** specified in Paragraphs A, B and C above and as may henceforth be amended in accordance with the provisions of Act No. 62, Acts of Alabama, 1977, First Special Session, and as amended on July 18, 1979, by Act No. 79-369, Acts of Alabama, as amended on May 28, 1982, by Act No. 82-663, Acts of Alabama, as further amended on May 25, 1999, by Act No. 99-245, Acts of Alabama, shall be a personal obligation of the owner or owners of the property served by the system, and **shall constitute a lien against said property in favor of the District, which lien shall be enforceable by sale thereof** in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

L. The property and income of the District, all bonds issued by the District, the income from such bonds, conveyances by or to the District, and leases, mortgages and deeds of trust by or to the District shall be exempt from all taxation in the State of Alabama, including specifically the tax imposed by Section 40-21-82 of the Code of Alabama 1975, as amended. The District shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to license and excise taxes imposed in respect of the privilege of engaging in any of the activities in the district. The District shall not

Act 99-245 is the primary Alabama State Law that governs mandatory taxing fire districts. Page 12 of the law, a portion of which is shown here below, gives lien and foreclosure power to taxing fire districts. The facts are clear. Those who have made up their minds without the facts are choosing a dangerous ignorance and will suffer because of it if the taxing district is passed. To view a copy of the entire law, Act 99-245, visit StopVandiverTax.com, and click the link to the law at the bottom of the homepage.

annual service charge which shall be levied and collected by the board in an amount sufficient to pay expenses. The service charge shall be levied upon and collected from persons and properties served by the system except boards of education and county, state, and municipal property shall be exempt. The charge shall be a personal obligation of the owner of the property served by the system; and to secure the collection of the charge, there shall be a lien against the property in favor of the district, which lien shall be enforceable by sale thereof in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

*(b) A property owner who owns a structure, used solely as a residence, which at the time of its original construction was situated on a county line, may avoid the payment of a service charge which is based upon the presence of the structure if: (1) at no time between June 14, 1977, and the effective date of this amendment, was the structure assessed for taxes in Shelby County; (2) at no time between June 14, 1977, and the effective date of this amendment, was any homestead exemption claimed for the structure in reduction of taxes assessed in Shelby County; (3) the property owner furnishes proof to the district of an agreement between such property owner and another district or municipality located in the county within whose boundaries the remaining portion of the structure is located, to provide fire fighting and emergency medical services to the property owner's property so



QUESTION NO. 1
 Shall there be formed the Vandiver Fire and Emergency Medical Services District as proposed and advertised in the Shelby County Reporter with the boundaries as shown therein?

YES ←
 NO ←

QUESTION NO. 2
 Shall the service charge schedule of the Vandiver Fire and Emergency Medical Services District, as proposed and advertised in the Shelby County Reporter, be approved and adopted?

YES ←
 NO ←

QUESTION NO. 3
 Shall the following named individuals: Sharon Sweazy, Mickey Strange, Raymond Whitehead, Betty Sue Brasher and Paul Brasher be elected as Interim Trustees of the Vandiver Fire and Emergency Medical Services District to serve until an election can be held in accordance with the applicable provisions of Act No. 62 of the 1977 First Special Session, as amended by Act No. 79-969, Acts of Alabama, and as further amended by Act No. 62-663, Acts of Alabama, and again amended by Act No. 99-245, Acts of Alabama?

YES ←
 NO ←

For All 3 Items Vote NO

on Tuesday, March 30th

American Legion Building in Sterrett

7:00 am - 7:00 pm

To protect our community and our liberty.

Questions? Call Vandiver & Sterrett Community Protection Association

672-2335 / StopVandiverTax.com

Sample Ballot

VOTE 3 NO's

QUESTION NO. 1
Shall there be formed the Vandiver Fire and Emergency Medical Services District as proposed and advertised in the Shelby County Reporter with the boundaries as shown therein?

YES

NO

QUESTION NO. 2
Shall the service charge schedule of the Vandiver Fire and Emergency Medical Services District, as proposed and advertised in the Shelby County Reporter, be approved and adopted?

YES

NO

QUESTION NO. 3
Shall the following named individuals: Sharon Sweezy, Mickey Strange, Raymond Whitehead, Betty Sue Brasher and Paul Brasher be elected as Interim Trustees of the Vandiver Fire and Emergency Medical Services District to serve until an election can be held in accordance with the applicable provisions of Act No. 62 of the 1977 First Special Session, as amended by Act No. 79-369, Acts of Alabama, and as further amended by Act No. 82-663, Acts of Alabama, and again amended by Act No. 99-245, Acts of Alabama?

YES

NO

Vote NO to Mandatory Fire Taxes

Vote NO to giving power over your home for:

- Liens**
- Foreclosure**
- Eviction**
- Sale of Your Home**
- More Overregulation**

Vote NO - We don't want a mandatory Fire Taxing Authority

Vote 3 NO's on Tuesday, March 30th

American Legion Building 7:00 am -7:00 pm

Vandiver & Sterrett Community Protection Association

672-2335 / StopVandiverTax.com

Spokesman Tom Elie

