



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: April 1, 2019

Re: Authorizing an Agreement with the Boone County Fire Protection District to Provide a Stay in Declaratory Judgment Action Litigation (19BA-CV00365) while the Parties Seek a Legislative Fix to Clarify the Roles of the Jurisdictions

Executive Summary

Staff is requesting the City Council authorize an agreement with the Boone County Fire Protection District (hereinafter "BCFPD") to provide a stay in the Declaratory Judgment Action litigation (19BA-CV00365) filed by BCFPD while the parties seek a legislative fix to clarify the roles of the jurisdictions.

Discussion

In 2018, the State Legislature enacted amendments to Section 321.320 RSMo which provided that any newly annexed territory of a municipality would no longer be automatically de-annexed from a fire district. Since the enactment of the 2018 amendments, any removal of newly annexed territory from the BCFPD requires a request by the property owner and approval of a fire district board in order for the property to be de-annexed by the fire district. Unfortunately, the original legislation did not address the inherent conflicts created by a dual service territory where both a city and a fire district have obligations to respond to an emergency event and Boone County Joint Communications has no clear direction as to which jurisdiction to dispatch to a call for service.

BCFPD was instrumental in passage of the amendments to Section 321.320 RSMo and asserts the intent of the legislation was to ensure the newly annexed territory would remain within the fire district boundary and that BCFPD would retain jurisdiction over such areas unless or until the area is de-annexed from BCFPD territory. Accordingly, BCFPD filed a declaratory judgment action in which the City is a named party to obtain a judicial declaration that BCFPD had primary jurisdiction within any newly annexed territory.

The City does not believe the judicial system is the proper mechanism to resolve the conflict because, among other things, the statute is silent on the issue; therefore, the City is opposing the declaratory judgment action. At the same time, there is a general recognition for the need to establish some type of mechanism to resolve the dispute between the jurisdictions in order to ensure the safety of the public as well as the safety of the firefighters who are dispatched to respond to calls.

The solution proposed is to seek a legislative amendment which removes the obligation of the City to respond to calls for service within the areas inside the city limits that are retained and served by BCFPD.



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Staff recommends the City Council authorize an agreement with BCFPD which, if approved, would request a stay in the litigation while the parties seek a legislative fix to clarify the roles of the jurisdictions. It is staff's understanding the BCFPD Board has considered the proposed agreement and has given tentative approval.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Public Safety, Secondary Impact: Operational Excellence, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Inter-Governmental Cooperation, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
	None.

Suggested Council Action

Passage of the ordinance authorizing the agreement with the Boone County Fire Protection District.