

Common Assumptions and Guiding Principles

(The Board needs to accept these right now in order to move forward.)

1. THE MOST IMPORTANT THING: Providing fire service protects life and property interests of everyone.

2. Everyone in the County deserves a baseline level of fire service.
3. A baseline level of service has a specific cost.
4. Everyone should be contributing at the same rate for that baseline level of fire service.
5. A large group of people coming together defrays the overall costs of that baseline level of fire service – economy of scale.
6. Everyone in the County is interconnected and everyone depends on each other.
7. The Cache County Fire District is a valid taxing entity, which currently covers all residents of the County except for Logan.
8. The District Trustees are moving towards the goal of the common good for all citizens in Cache County regardless of living in a city or unincorporated county.

Major Issues: Land Area and Population in Cache County are important factors, but also create competing and major issues:

1. Land Area – The total land area of Cache County is 1164 square miles. Only approximately 101 square miles or 9% of the land area in Cache County is in incorporated cities and towns. That leaves approximately 1055 square miles or 91% in unincorporated county. That 1055 square miles is susceptible to wildland fire which can threaten the other 101 square miles.
2. Population – The statistics of the population of Cache County is the reverse of the land area. Approximately 95% of the county's population lives within municipalities, while only about 5% resides in unincorporated areas.

Questions to be Answered

If the Board can agree upon the common assumptions and guiding principles discussed above, the Board must then make several foundational decisions in order to move the District forward. While these decisions are important, the Board should recognize that they are not intended to be permanent or immutable. As the District evolves, additional information becomes available, service demands change, communities grow, and operational realities develop, adjustments to the governance structure may become necessary.

The Board should acknowledge at the outset that effective governance requires continuous evaluation and adaptation. The objective is not to create a perfect system today, but rather to establish a governance structure that allows the District to move forward in a unified manner while continuing to provide effective and efficient fire and emergency services to all residents of Cache County, whether they reside within a municipality or in the unincorporated county.

Accordingly, the Board should focus on identifying the governance structure that best serves the District's current needs while retaining the flexibility to make future adjustments as circumstances warrant. Decisions made today should be viewed as important steps toward achieving the District's long-term mission rather than as the final product.

The key decisions that need to be addressed by the Board at this time include:

1. What is the primary purpose of Board representation: representation of member governments, representation of residents and taxpayers, or a combination of both?
2. Should the Board consist of direct representation from every member municipality and the County, or should representation be based on geographic regions, population, service area, or another factor?
3. What is the appropriate size of the Board to balance effective governance with meaningful representation?
4. Should trustees be appointed, elected, or assembled through a hybrid model?
5. How should unincorporated Cache County be represented on the Board?
6. What qualifications, if any, should be required for trustees?

By addressing these questions, the Board can establish a governance framework that supports the District's mission while maintaining the flexibility necessary to adapt to future challenges and opportunities.

Because the current Bylaws are out of compliance with the Utah State Code §17B-1-304 regarding the appointment of the Trustees of the Board, these questions have to be answered and an amendment to the Bylaws has to occur – one way or the other.

Cache County Fire District Board Governance Options

Introduction

The Cache County Fire District Board of Trustees is being asked to consider potential governance structures for the District moving forward. The purpose of this proposal is to outline possible board models and identify how each structure would address legislative code compliance, board configuration and trustee selection, representation, County Council influence, public accountability, administrative complexity, and taxation-related processes.

A central issue in this review is the need for the Board's structure to be clear, legally supportable, and understandable to the public, particularly if the Board is expected to function as the District's taxing authority. Each model presents different considerations regarding how the structure aligns with Utah Code, how the Board is configured, how trustees are selected, who board members represent, how participating jurisdictions are involved, and what process would apply if a property tax increase were proposed in the future.

This proposal is intended to support discussion and further review by the Board of Trustees. It does not recommend a final structure or resolve broader policy questions such as whether the District should levy a tax, what tax rate should be considered, whether operational models should change, or how future funding should be prioritized. Those questions would need to be considered separately after the Board structure is resolved.

Scope and Legal Review Note

This document is limited to governance structure, appointing or electing authority, representation, and taxation-related procedures. It is intended to identify the practical and legal considerations associated with each model, not to serve as a final legal opinion.

Any specific structure adopted by the Board will require additional review by legal counsel before implementation. Any model involving elections, election divisions, candidate filing, ballot structure, voter eligibility, or tax-rate implementation would also require coordination with the County Clerk/Auditor and other appropriate county offices.

Common Legal Framework

Utah Code provides the controlling framework for fire protection district board structure, trustee qualifications, appointment procedures, election procedures, property tax levy authority, appointed-trustee reporting, Truth in Taxation, and trustee training. The following provisions are most relevant to this discussion:

- Utah Code Section 17B-2a-305: Fire protection district boards of trustees may be appointed or elected as provided in the documents establishing the district.
- Utah Code Section 17B-1-302: Board member qualifications and number of board members.
- Utah Code Section 17B-1-304: Appointment procedures for appointed board members.
- Utah Code Section 17B-1-306: Special district board election procedures.
- Utah Code Section 17B-1-306.5: Dividing a special district into election divisions.
- Utah Code Section 17B-1-1001: Property tax levy provisions for special districts.
- Utah Code Section 17B-1-1003: Trustee reporting requirements for appointed boards of trustees.
- Utah Code Section 59-2-919: Truth in Taxation notice and public hearing requirements for proposed tax increases above the certified tax rate.

- Utah Code Section 17B-1-312: Training requirements for special district board members.

Model 1 - Direct City Representation – 19 Appointed Trustees

Board Configuration and Trustee Selection

This model would establish a direct jurisdictional representation structure for the Fire District Board.

- Each incorporated municipality located within the Fire District, excluding Logan City, would appoint one trustee to the Board.
- The Cache County Council would also appoint one trustee to represent residents of the unincorporated county areas located within the Fire District.

Representation Category	Number of Trustees
Incorporated municipalities within the Fire District, excluding Logan City	18
Unincorporated county representative appointed by the Cache County Council	1
Total Potential Board Size	19

The incorporated municipalities would include:

Amalga, Clarkston, Cornish, Hyde Park, Hyrum, Lewiston, Mendon, Millville, Newton, Nibley, North Logan, Paradise, Providence, Richmond, River Heights, Smithfield, Trenton, and Wellsville.

Legislative Code Compliance Considerations

This model would require the governing documents to clearly identify each appointing authority, trustee qualifications, term lengths, vacancy procedures, and the process for appointment by each participating jurisdiction. Because the Board would be composed of appointed trustees, appointment procedures would need to be aligned with Utah Code and any applicable local ordinances or interlocal arrangements.

A 19-member board would also require clear quorum, voting, committee, officer-selection, and conflict-of-interest provisions. These details would be important for routine governance, budget adoption, and any future tax-related action.

Representation and Governance Considerations

This model provides equal representation and shared governance authority among the participating incorporated municipalities. Each city or town would have the same formal appointment authority and the same voting representation on the Board, regardless of population, call volume, tax base, or service demand. This structure gives each participating entity a direct and equal voice in District governance, budget discussions, taxation decisions, service-level expectations, and long-term planning.

The County Council-appointed unincorporated representative would provide a dedicated voice for residents and properties located outside municipal boundaries but within the Fire District. This preserves representation for the unincorporated county while maintaining the principle that each participating jurisdiction has a direct seat in the governance process.

County Government Influence

County governmental influence would be limited when compared with the other models. The Council would directly appoint only the unincorporated-area trustee. The incorporated municipalities would control the remaining appointments through their own local governing bodies.

Taxation Process

The Fire District would remain the taxing entity and would be responsible for holding the District Truth in Taxation hearing if a levy above the certified tax rate were proposed. The Truth in Taxation hearing is the public hearing where the District explains the proposed tax increase, receives public comment, and considers final tax-related action.

Because all trustees in this model would be appointed, the appointed-trustee reporting process would also apply. Each appointed trustee would be required to report the proposed tax increase back to the legislative body that appointed that trustee. These are not additional Truth in Taxation hearings. They are separate public reporting meetings held by the appointing or nominating legislative bodies.

In this model, the reporting process would require 19 separate reporting obligations: one for each incorporated municipality represented on the Board and one for the Cache County Council-appointed unincorporated representative.

The appointed-trustee reporting process begins after the Fire District Board adopts a tentative budget that includes a proposed property tax increase. The District must then ask each appointing body to receive the required report at a public meeting. Each appointing body has 40 days to hear the report. If an appointing body does not already have a meeting scheduled during that period, it must schedule one. If the appointing body does not hear the report within the required timeframe, the reporting requirement is considered satisfied. At each of these 19 meetings to receive the report, each of the 19 legislative entities shall allow time during the meeting for comment from the legislative entity and members of the public on the property tax increase and express the legislative entity's sentiment regarding the contemplated property tax increase.

The Board may take final action on the proposed tax increase only after all required reports have either been completed or are considered satisfied. This creates a longer tax-process timeline and requires detailed tracking of each report request, meeting date, response, and completion status.

Pertinent Positives

- Provides equal appointment authority and equal voting representation for each incorporated municipality in the Fire District.
- Creates a direct link between each participating city or town and the Fire District Board.
- Preserves a specific seat for unincorporated county residents.
- May strengthen municipal engagement and ownership of District governance decisions.
- Prevents any single jurisdiction or the County government from controlling Board membership by itself.

Pertinent Negatives and Considerations

- A 19-member board would be substantially larger than the other models and would be more difficult to schedule, manage, and administer.
- Equal jurisdictional voting power does not account for differences in population, tax base, call volume, service demand, or financial contribution.
- The appointed-trustee reporting process would require 19 separate public reporting obligations and public hearings before final approval of a tax increase.
- The tax calendar would be more complex because each appointing body would have up to 40 days to hear the required report.
- Trustees may be viewed as representing the interests of their appointing jurisdiction rather than the District as a whole.
- Quorum, committee structure, agenda management, and final tax action procedures would need to be clearly defined for a large appointed board.

Model 2 - Elected Representation – 9 or 11 Elected Trustees

Board Configuration and Trustee Selection

This model would establish a fully elected Fire District Board. Trustees would be elected directly by qualified voters residing within the Fire District.

The four locally recognized County Council districts outside Logan - North, Northeast, Southeast, and South - would each elect two trustees. Additional at-large trustees would be elected by all qualified voters residing within the Fire District. The total board size could be either 9 or 11 members depending on the number of at-large seats selected.

Representation Area	9-Member Version	11-Member Version	Selection Method
North District	2	2	Elected by qualified Fire District voters within the North District
Northeast District	2	2	Elected by qualified Fire District voters within the Northeast District
Southeast District	2	2	Elected by qualified Fire District voters within the Southeast District
South District	2	2	Elected by qualified Fire District voters within the South District
At-large	1	3	Elected by all qualified voters residing within the Fire District
Total	9	11	Fully elected board

Legislative Code Compliance Considerations

This model would require clear election procedures, candidate qualifications, election divisions, term lengths, vacancy procedures, and transition provisions. If district-based seats are used, the North, Northeast, Southeast, and South divisions would need to be mapped and legally defined within Fire District boundaries.

The governing documents would need to state how district-based seats and at-large seats are elected, how terms are staggered, how vacancies are filled, and how the first election cycle would be implemented without unlawfully shortening current trustee terms.

Representation and Governance Considerations

The district-based seats would provide equal geographic representation across the four recognized districts. The at-large seats would provide a District-wide perspective and would be elected by all qualified Fire District voters.

The 9-member version would create a smaller elected board with one at-large seat. The 11-member version would provide broader at-large representation and a larger District-wide voting component. Both versions use an odd number of trustees, which reduces the likelihood of tie votes.

County Government Influence

County governmental influence would be lowest under this model. Once the elected Board is seated, the County Council would not appoint trustees and would not directly control Board composition or Board actions.

The County Council may still have influence during the transition through approval or amendment of governing documents, ordinances, election implementation steps, or other actions required by law. The Council may also retain practical influence through countywide relationships, shared administrative functions, or intergovernmental coordination, but the Board itself would be selected by District voters.

Taxation Process

A fully elected Board would act as the District's independent taxing authority. If the Board proposed a levy above the certified tax rate, the District would hold the required Truth in Taxation hearing as the taxing entity.

The appointed-trustee reporting process would not apply because the Board would not include appointed trustees. This creates the simplest taxation process among the models. The public process would focus on the District Truth in Taxation hearing, the proposed tax increase, public comment, and final Board action.

Pertinent Positives

- Provides the strongest direct connection between Fire District voters and the Board exercising taxing authority.
- Eliminates appointed-trustee reporting requirements for property tax increases.
- Creates a simpler public explanation for taxation: the taxing board is elected by District voters.
- Provides equal district representation through two trustees from each recognized district.
- At-large seats preserve a District-wide perspective.
- A 9-member board avoids routine tie-vote issues and is smaller than the 11-member version.
- An 11-member board provides broader at-large representation and may better balance District-based interests with District-wide interests.

Pertinent Negatives and Considerations

- Requires election administration, candidate filing, voter education, ballot structure, and coordination with the County Clerk/Auditor.
- Requires election divisions to be mapped and legally defined if district-based seats are used.
- Reduces direct County Council control over Board composition.
- Candidate availability may vary by district.
- Transition timing must account for current trustee terms and the first available lawful election cycle.
- The 9-member version provides only one at-large seat, while the 11-member version creates a larger Board.

Model 3 - Hybrid Representation – 5 Elected and 4 Appointed Trustees

Board Configuration and Trustee Selection

This model would establish a 9-member hybrid Fire District Board. Five trustees would be elected by Fire District voters, and four trustees would be appointed by the Cache County Council.

Representation Category	Seats	Selection Method
North District trustee	1	Elected by qualified Fire District voters within the North District
Northeast District trustee	1	Elected by qualified Fire District voters within the Northeast District
Southeast District trustee	1	Elected by qualified Fire District voters within the Southeast District
South District trustee	1	Elected by qualified Fire District voters within the South District
At-large trustee	1	Elected by all qualified voters residing within the Fire District
County Council-appointed trustees	4	Appointed by the Cache County Council under defined appointment procedures

Legislative Code Compliance Considerations

This model would require the governing documents to clearly distinguish between elected seats and appointed seats. Election procedures, appointment procedures, trustee qualifications, terms, vacancies, oath of office, training, and transition provisions would need to be defined for both categories of trustees.

The four district-based elected seats and one at-large elected seat would require coordination with the County Clerk/Auditor. The four County Council-appointed seats would need to follow applicable appointment procedures, including notice of vacancy, qualification review, public process, and appointment by resolution.

Representation and Governance Considerations

This model combines voter representation with County Council appointment authority. A majority of the Board would be elected by Fire District voters, while the appointed seats could be used to balance geography, municipal participation, unincorporated interests, finance, emergency services knowledge, public administration, or other District needs.

The elected seats would provide direct representation from the North, Northeast, Southeast, and South districts, along with one at-large elected trustee. The appointed seats would provide flexibility to address representation or expertise that may not be produced through the election process alone.

County Government Influence

County governmental influence would be moderate under this model. The County Council would appoint four of the nine trustees, but a majority of the Board would be elected by Fire District voters.

The County Council would retain meaningful influence over Board composition through its appointments. However, the Council would not control a majority of the Board once the elected trustees are seated. Public accountability would be divided between direct voter election for the elected seats and County Council appointment for the appointed seats.

Taxation Process

The Fire District would remain the taxing entity and would be responsible for holding the District Truth in Taxation hearing if a levy above the certified tax rate were proposed.

Because the Board would include appointed trustees, the appointed-trustee reporting process would apply to the County Council-appointed seats. The elected trustees would not trigger appointed-trustee reporting requirements. The reporting process would be centered on the Cache County Council as the appointing body for the four appointed trustees, rather than requiring separate reports to multiple municipalities.

The reporting meeting would not replace the Fire District's Truth in Taxation hearing. The District would still hold the Truth in Taxation hearing as the taxing entity, and final tax action would occur only after the required reporting process has been completed or is considered satisfied.

Pertinent Positives

- Creates a voter-based majority on the Board while preserving County Council appointment authority.
- Provides district-based elected representation from the North, Northeast, Southeast, and South districts.
- Includes one at-large elected trustee to preserve a District-wide perspective.
- Allows County Council appointments to address representation, expertise, or governance needs not filled through elections.
- Avoids a routine tie-vote issue by using a 9-member board.
- Limits appointed-trustee reporting to the County Council-appointed seats rather than creating multiple municipal reporting obligations.

Pertinent Negatives and Considerations

- Creates a more complex governance structure than a fully elected or fully appointed board because two selection methods are used.
- Requires both election administration and appointment procedures.
- Requires careful drafting so elected and appointed seats, terms, and vacancies are clearly distinguished.
- Public accountability may be less direct than a fully elected board because four trustees would remain appointed.
- County Council influence would remain significant through four appointments, but the Council would not control a majority of the Board.
- The appointed-trustee reporting process would still apply to the appointed trustees if a property tax increase were proposed.

Model 4 - Council Appointed Representation – 9 or 11 Appointed Trustees

Board Configuration and Trustee Selection

This model would retain an appointed Board, but would clarify that the Cache County Council is the appointing authority for all trustee positions. The Board would be established with either 9 or 11 members. The exact representation categories would be defined in the governing documents as recommended appointment criteria rather than election divisions. The District may provide in its bylaws nonbinding recommendations to Cache County regarding geographic representation, municipal participation, unincorporated interests, emergency services knowledge, public administration, and/or elected officials serving within the District boundaries; however, all appointments shall remain subject to the sole lawful discretion of the appointing authority as provided by Utah law.

Representation Category	Possible Seats	Selection Method
Countywide, municipal, county, geographic, or unincorporated representation	9 or 11	Appointed by the Cache County Council under defined appointment criteria
Total	9 or 11	Fully County Council-appointed board

This model focuses on correcting or clarifying appointment authority rather than moving the Board to direct election or direct municipal appointment.

Legislative Code Compliance Considerations

This model would require the governing documents to clearly identify the Cache County Council as the appointing authority for all trustee positions. Appointment procedures would need to address notice of vacancy, trustee qualifications, public process, appointment by resolution, term length, reappointment, removal, vacancies, bonding, oath of office, and training.

Because all trustees would be appointed by one legislative body, this model would likely be the most direct way to clarify appointment authority and board constitution. It would also require clear language distinguishing mandatory appointment requirements from advisory representation criteria.

Representation and Governance Considerations

Representation would depend on the appointment criteria adopted by the County Council and the governing documents. The Council could use appointments to balance geography, municipal participation, unincorporated representation, countywide perspective, technical expertise, or other District needs.

A 9-member version would create a smaller appointed board and reduce administrative complexity. An 11-member version would provide more appointment flexibility and broader representation, but would increase the size of the Board.

County Government Influence

County government influence would be highest under this model. The Council would appoint every trustee and would have the strongest role in shaping the Board's composition, representation balance, and overall governance direction.

The Board would remain the governing body of the District, but its membership would be shaped entirely through County Council appointments. Public accountability would therefore flow primarily through the County Council's appointment process rather than through direct election by Fire District voters or direct appointment by individual municipalities.

Taxation Process

The Fire District would remain the taxing entity and would be responsible for holding the District Truth in Taxation hearing if a levy above the certified tax rate were proposed.

Because all trustees would be appointed by the Cache County Council, the appointed-trustee reporting process would apply. The Board would prepare and deliver the required report to the Cache County Council as the appointing authority. This report would be provided at a public meeting of the County Council and a public hearing would be held.

This model would not create separate reporting obligations to multiple municipalities. The reporting process would be centered on one appointing body. The reporting meeting would not replace the Fire District's Truth in Taxation hearing. The District would still hold the Truth in Taxation hearing as the taxing entity, and final tax action would occur only after the reporting requirement has been completed or is considered satisfied.

Pertinent Positives

- Provides the clearest single appointing authority for all trustee positions.
- Likely the simplest structure to administer if the objective is to clarify appointment authority and board constitution.
- Avoids election administration, candidate filing, and election-division complexity.
- A 9- or 11-member board avoids routine tie-vote issues because both versions use an odd number of trustees.
- The County Council can intentionally balance geography, municipal representation, unincorporated interests, and needed expertise.
- The appointed-trustee reporting process would be centered on one appointing body rather than multiple municipalities.

Pertinent Negatives and Considerations

- Provides the least direct voter accountability for a Board that exercises taxing authority.
- May raise public confidence concerns if the Board levying taxes is entirely appointed rather than elected.
- Board independence may be perceived as limited because every trustee is appointed by the County Council.
- Representation depends on appointment decisions and advisory criteria rather than direct election or direct municipal appointment – under the Utah Code, the County Council could appoint anyone that they desired regardless of any advisory criteria
- If the 11-member version is selected, the Board would be larger than the 9-member version and may require additional attendance, quorum, and committee-management considerations.

Comparison of Governance Characteristics

Direct City Representation and Elected Representation

Characteristic	Direct City Representation	Elected Representation
Board selection method	Municipal appointments plus one County Council appointment	Election by qualified Fire District voters
Potential board size	19 members	9 or 11 members
Primary representation focus	Equal jurisdictional representation among participating municipalities and one unincorporated representative	Equal district representation with at-large District-wide seats
County Council influence	Limited direct appointment authority; one direct appointment plus indirect countywide influence	Lowest direct influence after transition; no trustee appointments once elected Board is seated
Taxation process	District Truth in Taxation hearing plus up to 19 appointed-trustee reporting obligations	District Truth in Taxation hearing only; appointed-trustee reporting does not apply
Administrative complexity	Highest due to board size and multiple appointing bodies	Moderate due to election administration and division mapping
Public accountability	Through local appointing jurisdictions	Through direct election by District voters
Legislative code focus	Clear appointment authority for each jurisdiction and compliance with appointed-trustee reporting requirements	Clear election divisions, ballot process, and elected-board tax authority

Hybrid Representation and Council Appointed Representation

Characteristic	Hybrid Representation	Council Appointed Representation
Board selection method	Combination of election by qualified Fire District voters and County Council appointments	All trustees appointed by the Cache County Council
Potential board size	9 members	9 or 11 members
Primary representation focus	District-based elected seats, one at-large elected seat, and County Council-appointed seats for balance or expertise	Representation based on County Council appointment criteria
County Council influence	Moderate direct influence; County Council appoints four of nine trustees	Highest direct influence; County Council appoints all trustees
Taxation process	District Truth in Taxation hearing plus appointed-trustee report to the Cache County Council for appointed trustees	District Truth in Taxation hearing plus appointed-trustee report to the Cache County Council
Administrative complexity	Moderate due to both election administration and appointment procedures	Lowest to moderate due to single appointing authority
Public accountability	Through direct election for five seats and County Council appointment for four seats	Through the County Council appointment process
Legislative code focus	Clear distinction between elected and appointed seats, election procedures, appointment authority, and appointed-trustee reporting requirements	Clear County Council appointment authority and appointed-board reporting process