

Fire Rescue Ordinance Advisory Committee Meeting Summary

Date: December 1, 2008

Attendees: Ken Boyd, Ann Mallek, Chief Dayton Haugh, Chief Doug Smythers, Bryan Elliott, Chief Dan Eggleston, Lee Catlin, Annie Kim, Ron Williams (alternate for Dayton)

Summary of Meeting:

1. Ken opened the meeting by announcing that the agenda, as explained in his email, will be to brainstorm the major questions and concerns that need to be addressed by the ordinance. He stated that he had reviewed the consolidated comments from ACFRAB and wanted to reiterate that this needs to be a collaborative process, not one in which staff and volunteers take opposing sides.

2. Brainstorming Introduction. Lee Catlin posed the following question to help the group focus on brainstorming: “What specific issues need to be addressed in the draft ordinance on governing structure for the Fire Rescue system?” She suggested that each person spend several minutes thinking about his/her comments in light of this question and then the group could go around the room with one question/comment each until all comments were aired. Rules for brainstorming were discussed, such as listing some ideas for the ordinance and others for the “parking list” (longer term consideration outside the ordinance), in the way that was described by the one-page ACFRAB list.
 - a. Ken and Ann discussed the concept of creating “buckets” in which different kinds of decisions would be placed. Ann said that it will be important to know and decide what are system-level decisions and how responsibilities will be handled.
 - b. The group spent several minutes silently brainstorming the key issues that need to be addressed.
 - c. Lee said that no one should judge the ideas that emerge, but the goal for now is to get them all listed.

3. Initial Brainstorming – Broad Areas that Need to be Addressed.
 - a. Definition of department. All ordinances have this. (Ann)
 - b. Codify ACFRAB and its by-laws. (Bryan)
 - c. Authority for system operations. (Dan – reading from ACFR’s list)
 - d. How representation happens within the system – how voices are heard within the system. (Doug)
 - e. Role of ACFRAB – similar to suggestion (b). How will all the components of the system be accountable? (Dayton).
 - f. Decisionmaking process – who develops ideas, who makes recommendations, and who has ultimate decisionmaking authority? (Ken)
Ann added that “who makes policy and carries it out” comes under this.
 - g. Communication process. (Ann)
 - h. What appeals process there may be for decisions. (Bryan)
 - i. Accountability for policy/follow-through. (Dan)

- j. Sub-group for EMS. (Dayton)
- k. How we deal with the budget and CIP. (Ken)
- l. Criminal and driving record checks. (Bryan)
- m. Some framework for EMS recovery. (Bryan)
- n. Under decisionmaking – what decisions would go through an advisory board, what by volunteer chiefs alone, and what by the County? (Dan)
- o. Who are the volunteers volunteering for? As in, are they County volunteers or individual agency volunteers? (Dayton)
- p. Procedures for changing matters such as a grievance process after the ordinance has been adopted? (Ken). Annie clarified that the ordinance itself does not need to state how the ordinance would be changed, but could state how matters like by-laws could be changed.
- q. Fire chief definition. (Doug)

4. Fleshing out areas: Definition of Department/Fire Chief

- a. Ken stated that we need to start by looking at the current structure. In the future model he thinks the structure could look like this (visually going from top to bottom): BOS to County Executive's office (along with Assistant County Executive), to Fire Chief, with the ACFRAB off to the side.
- b. Ken said he's concerned that the ACFRAB may be too large a group to really function as it needs to and asked whether the ordinance should establish a committee of the ACFRAB. Ann said that it already has committees. Ann said that all Fire and Rescue companies/members need to be represented at the table. Dayton said that the ACFRAB's roles are specified in the by-laws but many think they are not being fulfilled. Ken asked whether sub-groups of ACFRAB to advise would be better? Dayton stated he does not know because he has not thought about it.
- c. Ken said that, in his mind, he sees the ACFRAB and Fire Chief being side by side, with arrows going both ways. Ken thinks that the ACFRAB does not need to report directly to the Board of Supervisors (BOS), although he does think there needs to be a dotted line from the ACFRAB to allow for a grievance procedure.
- d. Dan said that there is more Fire representation on the current ACFRAB than EMS.
- e. Lee asked what would happen if the ACFRAB and Fire Chief disagreed—who would they go to? Ann mentioned some ordinances use mediation or arbitration. Dan said that he thinks in most localities the disagreements are resolved at the County administrator level.
- f. Dayton said that he does not want us to have a system like Stafford's, where people feel they have no outlet for complaints/concerns and, therefore, start resorting to message boards and other means.

- g. Ken said that one of the challenges we must address is one where, for instance, the ACFRAB policy committee recommends a policy and the ACFRAB adopts it. Then, he believes that ACFRAB members need to live with the decision even if the vote may not have gone their way. Dayton asked for an example. Ken gave training standards or equipment standards as examples. Doug brought up another example: the backing policy (back-up of vehicles). Doug asked, what happens if you don't follow the policies under the new system?
- h. Ken said that this concern could come under the heading of "enforcement" of policies. Ann said that comes under "accountability."
- i. Dayton said that he agrees with the concept of accountability/enforcement – but how far is the reach of the ACFRAB? An example might be: what color will the t-shirts be? If a policy governing t-shirt colors were made, would individual companies be required to follow them?
- j. Lee recapped the discussion and repeated the statement the group seems to agree with: we need a structure that establishes a fair, representative process. She reminded the group that they all believed the ACFRAB's role and composition needed to be addressed but they do not have to answer this question now.
- k. Bryan asked whether it will be enough to have a subgroup of EMS in the ACFRAB? Doug said that there are many EMS agencies in the County and some do not transport. Doug said that the main concern may be whether fire companies should be voting and making decisions about EMS companies?
- l. Dan said that maybe the advisory board needs to look at bigger picture policy issues and have other issues brought up and studied in-depth by committees. Dan also asked: is the ordinance establishing a confederacy or a unified system? He thinks the charge and direction should be to create a unified system.
- m. Ann read aloud some of the charges for ACFRAB under its by-laws. She suggested that if policies were accomplished at the ACFRAB level in a truly collaborative manner, rather than coming from the top-down, the process would work better and people would more likely be accountable.
- n. Ann asked what "operational" decisions are?
- o. Ken said that he does not want to throw out good work that has been done by volunteer companies before – is there any reason why manuals/policies for individual companies cannot stay unless they conflict with wider policies? He does not think that t-shirt colors, for instance, should be decided by a policy committee/advisory board.

- p. Dayton asked, in follow-up, how do you distinguish between matters that are not for the board and those that are?
 - q. Bryan said that we already have SOGs and SOPs – are they being followed? If not, who's held accountable and how? Ann and Dayton said that they're not all well established or well regarded, and also that we do not have all the policies that we need. Someone raised as an example response times – how do we measure that? Are we succeeding? Ken said that the BOS wants to measure that.
 - r. Doug asked whether the members of ACFRAB need to be responsible – by being a member of ACFRAB, you agree to be part of the solution for the fire rescue system for the whole County. Doug said that the system does not work if each member just watches out for the interest of his own organization, but that all must consider the interests of the whole.
 - s. The group had some discussion about response times and the data that is reported to BOS members and the chiefs. Dan said that they have been working with the ECC to get accurate times. Doug said that the ECC has had an RMS system for a while and we are just now getting data back, and that we have had problems getting accurate data. Ken asked what the problem was? Lee suggested that response times, for now, was one of those “parking lot” issues.
 - t. Dan said maybe we need to talk about the composition of ACFRAB.
 - u. Ann said that other localities use executive committees and boards of directors, but thinks that everyone still needs to be represented at the full board level. Ken said those are other names for what he meant by “policy committee”—a smaller group of people who can work with the fire chief. A committee would also permit the chief to be able to meet quickly with people to consult on decisions.
5. Representation in the system. Lee asked Doug whether that needs more fleshing out now. Doug said that depends on how the structure is set up. He said it relates to how the ACFRAB is set up.
6. Accountability for all elements of the system
- a. Dayton said that Prince William's system provides that if you are going to be a member, you must follow policy. Doug said there is a progressive system in place in which members/companies would get warnings and opportunities to correct problems or violations. Ann said that she thinks those systems have volunteers disciplined by volunteer chiefs—not career chiefs—unless they are extremely serious events.
 - b. Ken said he thinks that is the way it should work. Taking training as an example: if a volunteer does not meet system-wide training standards, that volunteer chief needs to make sure his station complies and should be

responsible for taking the matter up with the volunteer. That is not the career fire chief's role. Ann agreed that is how it should be handled.

- c. Dan raised as an example a policy against beards (which does not exist in Albemarle, but is a state training standard). Beards present a safety issue because of sealing. If we had that policy, what would happen if the career chief told the volunteer chief that his member was violating the policy, but then the volunteer did not take actions to correct that? Doug said that the organizations themselves must agree to be accountable – their boards of directors. If that does not happen, what is the next step? Ann said that, then, probably the individual would not be permitted to go inside the burning building. Dan said that we need a process in place to address this. Ken added, who would then enforce it? The possibilities are the fire chief taking it up with the volunteer chief/member, or the ACFRAB taking it up with the volunteer chief/member.
- d. Dayton said that he was thinking “accountability” had more to do with accountability for performance standards – but perhaps that goes with operational issues.
- e. Ann said that the same rules for volunteers should be applied to paid staff. Doug said that ACFR staff would need to abide by these policies, too. Dan said that there are some standards that employees are held to that volunteers are not necessarily aware of.
- f. Ken said that he generally thinks volunteer chiefs should be the ones taking care of problems/issues at their own stations, and does not envision the career chief disciplining volunteers for behavior at fire scenes.
- g. Doug said that the big problems can arise if only one side (volunteer or career) carries something out, such as mopping floors or cleaning bathrooms. Ken said that he knows the department is trying to keep overtime down and a volunteer might be able to stay around later than career staff for that reason, but what else might be a problem? Dan said that some situations arise in which career staff bear the burden of cleaning up after volunteer crews. Ann said does that mean when a career crew comes back at 5:30 that they will clean the truck before 6, when volunteers come in? Dan said that he expects career staff to clean up their equipment before the end of their shifts. Dayton said that he is sensitive to the fact that career staff should not be treated like paid janitors.

7. Decisionmaking process

- a. Ann read aloud some portions from the Prince William ordinance about the chairman working in concert with the association.
- b. Dayton said that there are distinctions between “discretionary” and “non-discretionary” time decisions – even if one may disagree with the fire chief regarding a non-discretionary time decision, one still needs to follow the

incident command management system. Doug said he agreed with that approach to drawing distinctions. Dan said he would like to know more about what the terms mean and affirmed that policies would need to go to the advisory board.

- c. Ken asked about current incident management – if a senior officer arrives on scene, what happens? Dan said that he's not sure that is clear now. Dayton said that "taking over" the scene is probably the wrong term, but someone needs to be in charge of a scene. Ken said that he would hope that being a senior officer would mean that he/she has a higher level of experience and skill than a less senior person.
- d. Dan said that there are burn ordinance issues right now that are being brought back to the BOS. While he does not think that is an issue that the advisory board would be interested in, is this the kind of issue that the group thinks would need to be brought to the advisory board? Doug answered that his preference is for everything to go to the advisory board unless the board decides that it is not interested. Ken said the burn ordinance presents a good example for discussion. Dayton said that the advisory board would not likely be interested in fire marshal matters, for example. Annie clarified that the office of the fire marshal is a statutorily regulated office that could not be delegated for oversight by volunteers.

8. Communications

- a. Lee asked whether the issues that need to be communicated are for information or for guidance/resolution.
- b. Bryan asked whether communications issues are appropriately addressed at the ordinance level. Dayton echoed the question. Dan said that it is not always easy to figure out what the interest level will be from the volunteer chiefs.
- c. Ann said that she believes it would be a good idea to send out an email letting people know that the career chief will be looking at something in the future, as this would let people have a chance to respond if interested. Ken said that the chief cannot run all of his decisions by other people.
- d. Dan said that he thinks we need to look at matters from a high level and not focus exclusively on the small number of people who are not happy. If an individual member is unhappy, should he call the fire chief directly? Dan said that it may be unrealistic to expect one person—fire chief—to be the sole contact for people. Dayton said that everyone has their own chain of command within the volunteer stations and he would prefer that approach in his own station.
- e. Ken said perhaps appeals could go to an executive committee of the ACFRAB – and if the person is not happy with that decision, he could then go to the County Executive level. He brought up the CIP process as an

example; County department staff are not able to bring individual concerns about their budgets to the BOS. Doug said that he thinks the BOS needs to be mentioned in the appeals process, but as a last resort, as a next step after the administration. Ann said a mediator is another possibility; Ken said that he does not know that the BOS would be as likely to listen to a mediator without knowledge about the system.

9. Budget Issues

- a. Doug said that everyone understands that the BOS makes decisions about the budget – that is not the issue. Dayton asked, do the volunteer companies actually want to be able to review each others' budgets?
- b. Ann said that whatever it is that the ACFRAB finally decides on for budget requests should be what comes to the BOS at its retreat. Ken said that this is not how other County departmental budgets are handled. Ann responded that this situation is different because other County departments do not rely on a volunteer system. Dayton said that perhaps budget issues should be handled differently from other issues in this system. Bryan said that the across the board 5% budget cuts for County departments were not applied to volunteer stations.
- c. Dan asked how the BOS would review budget requests from volunteers without having the full picture of other departments. Bryan said that, for instance, Leadership Council looked at the County's strategic plan and reviewed the competing budgetary needs of departments to offer recommendations on how to prioritize. Ken said that a few years ago, when volunteer training and recruitment budgets were being discussed, volunteers came to the work session. That kind of process will always be there, whether or not it is formalized in an ordinance.

10. Appeals

Ken asked about appeals of policies – would those be brought through an appeals process or go through the chain of command?

11. Personnel/staff standards

- a. Ann said that the necessary data about individual volunteers need to be provided and the ordinance should address this somehow. All organizations need to provide accurate roster information. Dan said that the majority of the volunteer companies provide this, but they still lack some data on people. Even with missing data, however, personal property tax exemptions have been provided.
- b. Doug said that the biggest concern is people not wanting to provide social security numbers. He raised an example about printing out rosters with SSNs and said that SSNs are not truly needed except in rare cases. Dan said that the department recently looked at this issue and the Office of Emergency Medical

Services currently does require SSNs in some circumstances, although that could change.

12. EMS Recovery

Lee mentioned that this category is not something the committee can likely discuss right now, but it has been mentioned as a needed component of the draft ordinance. The committee members did not make any alternative suggestions.

13. Volunteer affiliation

Dayton said that his statement (see p. 2, para. 3) was more a response to a statement that was made at the work session about volunteers being like County employees without pay checks, which was not positively received, and with which he does not agree.

14. Discussion about “Department” and “Strong Fire Chief”

- a. Doug asked what would happen if, for example, Seminole was part of the organization (County wide), retained its independent legal status, but was not necessarily called part of the department? Ken said that he can imagine that individual companies could opt out in some way. Annie asked whether he meant opting out of the system (department) or opting out of the ACFRAB? Ken clarified that he meant opting out of the ACFRAB. Doug said that if the issue is opting out of the system altogether, the BOS would have to take a vote in order to dissolve the company or prevent them from running calls.
- b. Doug said that the number one issue for volunteers is what is the definition of a strong fire chief? The word “dictatorship” was used at the work session. While it is not reflective of Dan, volunteers have concerns about any person being able to abuse power. Dan said that no one in County government, including him, has unchecked power because of the layers of supervision and oversight that exist.
- c. Ann said that we could accomplish everything that we need to without using the word “strong” fire chief. Doug said that the word “strong” makes people concerned. Some people feel that there hasn’t been a good working relationship in the past, and the word “strong” would only compound their concerns.
- d. Ken said that the BOS meant that the fire chief is responsible for the delivery of the fire/rescue system, but in collaboration with the volunteers. Ken said that the BOS cannot look to ACFRAB for all of the BOS’s decisions. Doug said that there are systems that do have such a structure.
- e. Ann said that it would be important to reaffirm that we have a primarily volunteer system supplemented by career staff – the current numbers are approximately 500 volunteers to 50 career staff. Bryan said that kind of language could be part of a preamble or introductory statement.

- f. Annie said that “Fire/EMS department” is the term used in state code to describe the systems that localities can establish by ordinance, but is not the only term that can be used. Also, she has not seen any ordinance using a term like “strong fire chief;” this was the term used by the BOS.
- g. Doug said that the union is an important stakeholder – are they represented well enough by individual chiefs and the career chief, or do they need to be given a seat on the advisory board? Dan said that he would prefer a staff-level person on the board as opposed to an individual officially representing the “association.” Dan said that the group could have much more discussion about the composition of the ACFRAB, but does it make sense for him to be on the board? Ken said that the composition of the advisory board should be on the agenda for the next meeting and the committee members seemed to agree with that focus.

15. Closing Matters.

Lee said that she had seen the statement in ACFRAB’s written comments raising concerns about her facilitating the meeting and wanted to bring this up for the committee’s direction. Dayton said that all of the members had voiced concerns about it. Lee said that is up to the committee, but would recommend that a facilitator with no prior involvement working with our system facilitate, rather than someone who has been involved in the strategic planning process. Dayton suggested that we let the minutes come out and allow the ACFRAB members to think about it further. Doug said that is possible ACFRAB members may be willing to fund another facilitator.