

Fire Rescue Ordinance Advisory Committee Meeting Summary

Date: December 16, 2008

Attendees: Ken Boyd, Ann Mallek, Chief Doug Smythers, Bryan Elliott, Chief Dan Eggleston, Annie Kim, Ron Williams (alternate for Dayton), Ambassador Nat Howell

Summary of Meeting:

1. Ken opened the meeting by introducing Ambassador Nat Howell, who had been named by the volunteer members as someone that might help to facilitate future committee meetings. Mr. Howell is on the board of the Stony Point Volunteer Fire Company. Ken invited him to attend this meeting.
2. Introductory Focus: Ken said that he'd met recently with the rescue companies. Having talked with the Board of Supervisors, their concern is that the BOS have ultimate responsibility for the fire rescue system, while at the same time not taking away responsibilities and independence from the volunteers. Ken said he wanted to start out by asking whether the committee is at a point where we can start drafting an ordinance in order to have something in writing that people can focus on.
 - a. Doug said that he's done a lot of thinking and considering since the last meeting and he is trying to take a step back to better understand where we are not now. Why not codify the ACFRAB structure as it exists now? Part of the disconnect comes from what the ACFRAB thought they were and what the BOS now thinks are the roles of ACFRAB and the fire chief ("FC" or "career chief"). The ACFRAB states in its by-laws that it is an advisory board to the BOS, but Doug is not sure that the BOS acknowledges that. He is concerned about moving too fast and overshooting what needs to be done. At the last meeting, the committee agreed to eliminate the words "strong fire chief" from the ordinance that will be drafted.
 - b. Dan said that we need to define this collaborative practice. He has been considering things, as well, and wants to be able to present his ideas. He wants to make sure that we collaborate with the advisory board but not overly burden the process.
 - c. Ken said what happened with ACFRAB is that it evolved. It went from a group that tackled how to handle resources to working on budgetary issues and the scope got progressively bigger and bigger.
 - d. Doug said that he thinks there likely was some frustration among the BOS members participating in the strategic planning process, but he believes that now we're headed down a path that was never imagined before. Volunteers may be thinking that Ken knows where he's driving this bus, but the volunteers are not liking their view from the bus. Doug brought up as an

example response time standards – were those just taken from federal standards?

- e. Bryan said that response time standards were drawn from discussions with planning and other staff.
 - f. Ken said that this all evolved and the supervisors want to get their arms around it. He has no preconceived notions about what they need exactly, but the BOS wants a structure built around a fire chief model.
 - g. Ron asked whether we are talking about volunteer stations reporting to the fire chief.
3. Dan's Presentation Regarding Policy Decisionmaking. Dan stood up at the flip chart and explained that we need to build a system built on strong collaboration. The goals are to do this through a: (1) fully collaborative and (2) responsive system. Ken had suggested a smaller work group of ACFRAB members that could meet more often, which could be called an "executive committee." **(A recreation of the first page of this flip chart is at the end of this document, labeled Attachment "1")**
- a. Ron asked where would a volunteer company lie in the "org chart." Bryan said this discussion is coming from last time – about how policy would be developed.
 - b. Dan drew on the second page of the flip chart **(see recreation on Attachment "2")**. The Executive Committee (labeled "EC" on the chart) and the FC would work together to identify key issues and focus on the whole system. The ideas for policies could come from any source. Once key issues with a system approach are identified, the FC would draft the policy to incorporate those matters. This process could go on for a while (Dan demonstrated by tracing the circular path), as it is important to capture those issues before the process moves on.
 - c. Dan said that once the process comes through the Exec. Comm. phase, the policy would go to the full ACFRAB for collaboration with all the players. The ACFRAB could support as is ("Support"), support with additional language ("Support w/ lang.") or take the opportunity to appeal the process that was used ("Appeal"). If the process wasn't collaborative enough, an appeal could go to the County Executive ("CE") and the policy could be bumped back to the Exec. Comm. or FC for further work.
 - d. Dan said this process (whole second page) isn't identified in Hanover or Stafford's ordinances, but we are proposing it because we want a good system. But there's still also the process on the first page through the chain of command: Dan has a boss who has a boss, etc. Dan then asked the group what they thought about this.

4. Response to Dan's Presentation on Policy Decisionmaking Process

- a. Ron asked who would make the policy decisions – Fire Chief or ACFRAB? Dan said that the fire chief would, but it's incumbent on the FC to make sure that he follows the process or it will go back through an appeal to the Exec. Comm.
- b. Ken said that the ultimate decision would lie with the BOS on matters like response times. Those types of matters would go to the BOS for approval in strategic planning.
- c. Mr. Howell asked what "policy" meant – that can be a broad term.
- d. Ken said that he's used the concept of buckets before. There would be decisions that would be in the purview of individual volunteer companies.
- e. Ron asked, who decides on what goes into which bucket? What would happen in a dispute about an ambulance? Ken said that if it comes down to funding and which option is more expensive, it would come to the BOS.
- f. Ron asked, suppose that it comes to cyanokits, which are expensive kits that CARS's board voted to purchase. Would that come within the FC's purview? Dan said that we would need to establish minimum specifications; CARS and Seminole traditionally have gone above and beyond, which is great. Dan said that we're not trying to limit that, but we do want consistency and interoperability. We don't want to say what medications you can or can't use.
- g. Ken said that he has looked at other ordinances and there's a common theme. Not every item needs to be in a general ordinance, and not everything should be there. He hopes that the volunteers and FC would be able to work out many issues. If a volunteer company has its own funds, he expects the company would be able to do initiatives like cyanokits.
- h. Ron said that CARS and Seminole have tried to be leaders in their fields, giving an example about a recent ECC 800 mhz. system failure due to UPS maintenance.
- i. Ron said one of the concerns is that volunteers are opposed to the idea of being "unpaid County employees," which was the term used by Stafford at the BOS's work session. The concern is that if we're on a path where FC is exerting authority over them, it's a plan for dismantling a very special system.
- j. Ken said that that is not at all the BOS's intent. If the FC does not work collaboratively, the County Exec and BOS would step in if needed.
- k. Ron said that they don't question anyone's intent. He thinks putting the FC between volunteers and BOS may, however, have unintended consequences.

- l. Ken asked if anything in Dan's model would do that. Ron said the first page would because of the org chart. At the last meeting Dan made statements about why he would be on the ACFRAB. Ken asked Ron how he would propose to change this model? Ron said that he thinks ACFRAB would report directly to the BOS.
- m. Dan said that he does not want to put volunteers on the org chart – putting them under him would insinuate he's in charge of everything from lug nuts on up. That's not his intent. He is proposing a model for policy making.
- n. Ron said that in the last two meetings Dan said that he does not understand why he needs to consult with volunteers on issues when no other department head has to do that. Dan said that's not really what he said and he has a record of collaboration. Ken said that Dan had said something like that but stated it in a different context.
- o. Doug said that no one thinks it's not okay for the FC to make a decision without consultation if it has to be made on the spot, but he thinks those decisions need to be vetted later.
- p. Ann said that such decisions would need to come to the next ACFRAB meeting to be hashed out.
- q. Doug said that this happens all the time now on scene – people obey whoever is in charge, as everyone understands the paramilitary structure.
- r. Dayton said that the rescue picture is a little different – CARS has to respond to more than one jurisdiction. He doesn't think the City would care for CARS volunteers answering to the County's FC.
- s. Ken said that we need to focus on concrete things. He does not think that the BOS wants to be involved in what happens on-scene. The BOS would be looking at high-level decisions like response times.
- t. Doug asked, do you think that this system would be more collaborative than currently? Ken said that he thinks so.
- u. Ann said that she's not sure ACFRAB was involved in the firehouse location issues. The preamble is very important because it sets out what we are about. Ann said that all the supervisors believe in this, but perhaps volunteers are not yet believing it. The Prince William County ordinance also provides some answers to these issues. That ordinance describes an association with all the agencies' names in it, assuming that they agree to be bound by it. It also lays out an executive committee with slightly different words from what Dan described, in which the chief would be chair, and the vice-chair would be elected by the association.
- v. Ken stood up and drew lines for volunteers below ACFRAB (**see green lines on Attachment "2"**) – not as a reporting structure, but to show that if the

volunteers had problems, they could go through the chain of command for their own stations up through the ACFRAB. Dan's proposal would also allow issues to go up to the Exec. Comm. if they are not resolved.

5. More Discussion about Volunteer and County Government Roles

- a. Doug said that agencies are independent organizations in the county and they have community ties. What we're talking about here is how those companies interact with the Albemarle government.
- b. Dan said that one of the ordinances said that – bylaws of volunteer companies can be made for volunteer stations.
- c. Mr. Howell said that if people view the system as a County entity, they won't support it.
- d. Ron said that he agrees with Dan about having a fair system, but hanging it on a strong fire chief model will not work. Why don't we look at what we have and ask why that doesn't work? We have a structure for the ACFRAB. Perhaps the FC should be part of that. As to where to locate a fire station, the BOS has ultimate authority if it's paying for it, but why should its advice come from the FC instead of through the ACFRAB?
- e. Ken said that timing is often an issue and a full-time chief can be timely, whereas volunteers have day jobs. Doug asked how often the BOS meets, and Ken responded that they normally meet twice a month. Doug said this is more frequent than the ACFRAB's meetings.
- f. Ron said that the volunteers can come up with a structure that meets all of the BOS's needs. Ken said that Ron is talking about a commission approach. That's not what the BOS wants; they want to work through the fire chief.
- g. Ron said that he understands and that the BOS can do that. But he's hearing that it will be a problem and it will have major implications.
- h. Bryan asked what was wrong with Dan's proposal? Ron answered that the decisions ultimately are the FC's decisions.
- i. Doug said that if the FC met with the Exec Comm, even if the Exec Comm didn't agree, the matter would still come to the ACFRAB. Dan said that he would be foolish to move a policy through in the face of unanimous opposition from the Exec. Comm. and ACFRAB, and that he would not do that. But if there is no substance to the opposition, simply statements such as "I don't like it," that would not be a good reason not to move forward. Dan said that he would also be accountable through his supervision by the County Executive's office.
- j. Doug said it's important that volunteers not be in a structure that places them vertically below the FC and the County Executive. If the future structure

moved horizontally, with the ACFRAB and the volunteer companies off to the side, and not below County government, the place where they intersected would be the touch point. He supposes everything could eventually go the BOS in some fashion.

- k. Ann thinks that access to the BOS needs to be spelled out. Ken said that he does not think it needs to be in the ordinance at that level.
- l. Ron said that in talking with ACFRAB members, he believes that some decisions that were carried forward in the past did not necessarily incorporate their comments. You can't treat volunteers like employees.
- m. Bryan asked if that was perception or reality? Mr. Howell said perception is reality.
- n. Ron said that if you treat volunteers like employees, that will make them want to leave.
- o. Ken said that our plan is to try make this collaborative – we don't have that now. If we approve this, it will say that the fire chief must consult with you. Had the FC brought the Ivy and Pantops location ideas through this process, it would have been fully vetted by the ACFRAB. You might still have a tie vote or majority vote – but we can all deal with that. Even if a volunteer company loses on a particular vote, it would still be bound by the vote.
- p. Annie passed out a summary of code provisions about Fire/EMS departments and read out loud the section from Spotsylvania's ordinance about volunteer companies being entitled to make by-laws for themselves as long as they are not inconsistent with state laws, ordinances of the locality, and regulations of the locality's department. This section comes from state code. Hanover and Stafford have fewer provisions about advisory boards than what Dan proposed. **(The hand-out is at the end of this document, labeled Attachment "3").**

6. Revenue Recovery

- a. Ron asked who in this system would decide whether to proceed with revenue recovery? Ken answered that the BOS would.
- b. Ron asked whether the BOS would impose this on volunteers. Ken said that they have not done it yet, but, rather, have been negotiating with the volunteer companies. Ron said that the agencies have acknowledged that the BOS can stop agencies from running calls, but it's important to acknowledge that they cannot be compelled to provide services if the conditions are unacceptable to them.
- c. Ken said that the County's situation was unusual– the County needed to do revenue recovery to fund Fire/Rescue in the County. Revenue recovery is not really what the committee is here to discuss.

- d. Ron said that while the County can regulate how volunteer companies may run, they cannot compel them to run. The other committee members indicated their agreement. Ron said that the volunteers he's talked with might prefer not to run at all, rather than to run under an unacceptable system.
- e. Doug asked for clarification. Ron said they're concerned that they'd be reporting to the FC instead of their own volunteer chiefs.
- f. Ann said that she believed even now the ACFRAB is acknowledged, through documentation, as having an advisory role to the BOS. Doug said that the BOS has not codified it in writing.
- g. Dan said that the committee needs to move in a way that is not coming down to "we're going to quit." Ron said that this one item is poisonous – maybe we need to step away and address this?
- h. Ken asked, what is the system we have now? Loosely knit individual stations. The BOS doesn't think that we can survive that way – but it does not want to take away volunteers' independence. When we didn't fund them, perhaps the considerations were different. Some have said that maybe the BOS does not need to fund them.
- i. Ron said that if CARS could bill and keep their money, they would not need County funding. They have given supplies to other agencies in the past, because that's the right thing to do, and that's probably what they'd do in the future.
- j. Doug said let's talk about revenue recovery as an example – say that the BOS asked about alternative funding and Dan comes up with example. How would that work in Dan's model? Dan said that you'd run it through the Exec. Comm. The EC and the FC would ask what are the key issues and what do we need to look for and address? That would require a lot of work from both sides. He would want to have that matter in good shape before sending it to the ACFRAB. Ken said that we didn't have this structure in the old system.

7. More Discussion about the Roles of the Fire Chief and the ACFRAB

- a. Bryan said we could look at response times as an example – after looking at data you can decide how much you need, set standards, and move forward.
- b. Ron said that all the structure that Dan has proposed makes sense, but it begs the question of why the FC has to be at the pinnacle of this. A person from the ACFRAB could be selected for that. Dan said that some localities are moving away from the association model and going toward a more collaborative model.
- c. Ken said that Dan's proposal mandates that the FC work collaboratively with the ACFRAB, which does not exist now.

- d. Annie said that we need to consider that the BOS is authorized by state code to create a “Fire/EMS department” to carry out the fire rescue system, and the head of the department per state code is the fire chief, not an advisory board or commission. State code does not permit localities to give all the powers and authorities of the department to an advisory board or commission.
- e. Doug asked about volunteer departments – do they need authorization from the BOS under the code? Annie said that the state code has separate sections addressing the creation of volunteer companies.
- f. Doug stood up and went to the flip chart’s second page. All the volunteer companies would be somewhere under the ACFRAB and keep running horizontally (indicating to the right) where they’d eventually connect. Doug said that he envisions the ACFRAB having just a touchpoint to the County.
- g. Ron said that the way Doug is describing it could work. The important distinction is that there isn’t a fire department that subsumes all the other departments. Doug said he agreed. Ann agreed, saying that she wouldn’t want to see that.
- h. Ken said that the ACFRAB is one of the few agencies that has 2 BOS member liasons. Ron said they appreciate that but the volunteers are bringing a lot to the table.
- i. Doug said that the touchpoint is where the volunteer companies interface with the County and funding is accomplished. But this structure would preserve the volunteers’ independence and their ties to the citizens.
- j. Ron said that he still has concerns about why the County should be able to set policies that don’t involve significant money. He thinks the FC shouldn’t make those decisions. Though the FC should have a voice, he should not be making the ultimate call. Volunteers would not be part of that County department.
- k. Dan said that the BOS feels that it’s a County responsibility that citizens are protected – and that they receive consistent and reliable service. If that means we have to make/change policies, we need to do that. The worst thing we can do is tell our constituents that nothing is going to change. We have holes in our system that we need to address.
- l. Ken said that when you agree on policies in the future, they have to be binding on volunteer companies.
- m. Ron said that he agrees with what Ken’s saying, but it’s easier to achieve that if the ACFRAB makes those decisions. If the FC says this is what we have to do for safety, you might have problems. It will be easier for volunteers to accept if it comes from the ACFRAB.

- n. Doug said that the ACFRAB runs pretty well now. Chairing the ACFRAB, of course, takes a lot of responsibility. Doug thinks that Dan needs to be on ACFRAB but does not need to lead the ACFRAB. What he hears is that the whole ACFRAB might meet every other month; the Exec. Comm. might meet more than once a month. Ron said he thinks the problem is the FC making the ultimate decision.
- o. Dan said that is the mission they've been given. He does not see that he would make decisions that are adverse to ACFRAB.
- p. Doug asked whether Dan would still want to have that ultimate decisionmaking? Dan said that he wouldn't move with major opposition from both the Executive Committee and ACFRAB. Ron said that he does not think that the volunteers will accept it.
- q. Dan said that there's no such thing as a dictator in local government – he must be very accountable to both the County and volunteers. He realizes that the volunteers are apprehensive about the future and he has talked with some of them to get at the heart of what they're concerned about, which he sees as autonomy and input. The system he proposes would provide that.
- r. Mr. Howell asked whether MOUs could be drawn up with companies.
- s. Bryan asked how many policies have been adopted by ACFRAB? Dan said that they have adopted many of them by majority vote.
- t. Ann asked whether there could be a majority vote on the Exec. Comm. – if a certain number did not vote in favor of his draft policy, then Dan could not advance to the next step. Ann said that there has been more engagement lately in the strategic planning process – we're just beginning.

8. Discussion about Accountability

- a. Ken asked whether ACFRAB members follow these policies? Dan said that not everyone follows them. Doug said that now people vote sometimes without expecting to comply. The policies that address major issues – not, for example, a no beards policy – have greater success.
- b. Ron said that if the policies developed in the future have teeth and are established at the ACFRAB level, ACFRAB members will be more likely to commit to them.
- c. Doug said that it's important not to have a process in which a volunteer member reports a complaint directly to Dan. It needs to come through the ACFRAB.
- d. Dan said that he has not seen a lot of individual chiefs challenging/holding other chiefs accountable.

- e. Bryan posed the question of what would happen if a volunteer member decided not to follow policy, uses County purchased and provided equipment, and dies on scene as a result. Who will the attorneys sue? Doug said everyone. Bryan said that it would most likely fall on the County – so why wouldn't we want to have reasonable rules and regulations in place that protect members' health and safety?
- f. Doug raised the hypothetical of a volunteer with many years of experience who drives a fire truck. Why couldn't that person have a beard? He would not want to see such a person excluded from being a volunteer.
- g. Ann said what about not letting that volunteer member go into the burning building? Dan said that maybe the policy would be you can be a member, but can't enter the building. Dan said that the policies should address questions like that to make sure that people can participate as much as possible. Bryan said that if the County cannot make sure safety rules are enforced, maybe it can't fund these companies.
- h. Ron asked would the fire chief enforce these types of policies? That's problematic. ACFRAB and its members should enforce such policies. Dan said he agreed: he thinks the chain of command would handle these types of issues. Dan cannot imagine that he would be talking directly with a volunteer about his beard. This is the kind of collaboration that's needed.
- i. Dan said that what's on the books now can be placed back on the table. Dan asked whether the committee can come up with some consensus on these matters.

9. Preparing a Draft Ordinance

- a. Bryan asked whether the committee was ready to ask Annie to come up with language for what we've described now. The committee indicated its agreement. Doug said that the preamble should be drafted. Annie said that the Montgomery County, MD ordinance had good preamble language regarding volunteer values. Bryan said that we can also look at ACFR's statement about values.
- b. Ken said that the committee should review the draft ordinance before it goes out for public discussion. The committee discussed when the draft should be sent out. Bryan suggested that Annie send out a draft to the committee members a few days prior to meeting; the committee would then discuss the draft at its meeting, and it would be sent out to all volunteers afterwards. Doug and Ron said that there would be value in getting the draft out immediately to the volunteers, but they can agree to waiting until after the committee has had a chance to discuss it. That will mean, however, that they will not be able to get feedback from everyone until after the meeting.
- c. Doug said that he wants to make sure that that we don't put anything in the ordinance that will lock the County into saying that career staff cannot

volunteer at volunteer stations due to the Fair Labor Standards Act. Around 2004, he understands that an opinion was issued by the Department of Labor to the County and that the County withheld the opinion from the volunteers.

- d. Dan said the County's legal opinion has been that staff cannot volunteer within the system due to FLSA concerns, and Ken affirmed that.
- e. Annie said that the County will not do anything deliberate to lock the County into an FLSA position, but she cannot guarantee that the ordinance will not have an effect on FLSA determinations or on what the Department of Labor might say. The ordinance will need to be written as it needs to be. She said that the Department of Labor never provided an answer to the County in response to its request for an opinion, that the request itself was a public record, and the County has not withheld any opinions from the volunteers. A public advisory opinion from the Department of Labor was issued around the 2004 timeframe that is very influential, but that opinion was not written for the County.

10. Future Facilitation

- a. Ken asked whether the committee needs a facilitator in the future. Ron said that he thinks we don't, and having one present could have been an impediment tonight. Bryan agreed that no facilitator was needed. Ron said that we've been able to work through these issues.
- b. Doug said that he doesn't think we need a facilitator, but liked that Mr. Howell came tonight and believes that he offers policy understanding. Ken said that he has negotiation experience from being an ambassador in the Middle East.
- c. Mr. Howell said that he thought the discussion tonight was good and candid. He said that he is available for cheap. Ken said that this is Mr. Tucker's committee, and adding Mr. Howell would be adding another person to it, though he doesn't necessarily have a problem with it. Doug said that having someone who can sit back and listen and take a step back is valuable.
- d. Bryan asked whether there was anything Lee Catlin had said or done that was problematic. Doug said that it was nothing she did – just the perception that her presence added more County people. Ron said that some people were angry that Ron wasn't allowed to talk in his role as alternate. Bryan asked whether they had talked with people to explain that Lee was not acting partially.
- e. Doug said that he can't speak for Dayton, but he was okay with Lee facilitating, though he understands the concern raised by the volunteers. Doug said that he called the Jefferson Country Fire and Rescue to ask whether, if needed, they get some assistance to pay for a facilitator.
- f. Ron said that at the last meeting he saw people talking past each other. He observed some times when Lee would summarize comments in a way that he

didn't always agree with. Ken said that being a facilitator means trying to repeat back what you hear.

- g. Dan asked whether the same concern raised about Lee would be present for Mr. Howell? Mr. Howell said that he has feelings, of course, about these matters and we all do, and that sometimes it's more the past that lies behind peoples' comments, rather than the issues being presented.

11. More Discussion on the Ordinance and Concluding Thoughts

- a. Ken said he'd like to move forward and not dwell on the past. Ron said that it's important to learn from the past and face it.
- b. Ron said he wants to be clear that he's referring to the "career chief" because he's referring to the position and not to Dan. Dan said that he appreciates that.
- c. Annie asked whether she should be drafting just a few sections or the whole ordinance. The committee said to take a stab at doing the whole ordinance. Doug said the key for him is the parallel structure – touch point. Ken said that we want to get subtitles for each section even if we end up changing much of the wording within them.
- d. Ron said that if you put the volunteers beneath the FC in reporting that will be a problem.
- e. Doug said that it is important to recognize that the volunteer organizations can and do run themselves; better to make the organization be accountable rather than make the FC the hammer. It's also better, from the volunteers' perspective, to know in advance what we're facing.
- f. Ken said it will be key to draft in the ordinance that people will be held accountable.
- g. Ron said that we have a system now that is very good, and that it is better to identify problems and improve on the system. Doug said that as unorganized as we are, we work well together.
- h. Ken said that he would like to see people working collaboratively and following the policies afterwards.
- i. Doug brought up inconsistencies among ECC dispatchers regarding when they determine that a response has started.
- j. Ron brought up the EMS representation issue as something not to lose sight of. Doug said that perhaps an EMS group could be established as something separate, but part of ACFRAB. Ann and Ken agree that it is important to think about this issue. Ken said that maybe this could be addressed through equal representation for Fire and EMS on the executive committee.

- k. Doug said that when you're coming to the table, you need to think about the whole system, and the ACFRAB needs to take that approach. Ron said that at the CARS board level, they make pretty much every decision based on what's best for the community.
- l. Doug said that CARS right now is unusual in the system, but that its overall influence may decrease in the future, as more EMS volunteers come on. Ann said that perhaps CARS volunteers could be distributed or shared with other stations, and there had been some prior talk about that.
- m. Ron said that he is not concerned about other EMS agencies increasing and taking on more work, and that he had supported the creation of Hollymead because CARS could not respond in a timely fashion to that area.
- n. Annie asked whether the committee was agreeable to her calling individual committee members with questions and requests for suggestions as she drafted the ordinance. The committee agreed this would be a good idea.

ATTACHMENTS:

Attachment #1 – First page of flip chart used by Chief Dan Eggleston

Attachment #2 – Second page of flip chart used by Chief Dan Eggleston

Attachment #3 – Summary of relevant code provisions provided by Annie Kim

BOS



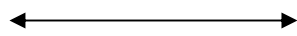
CE



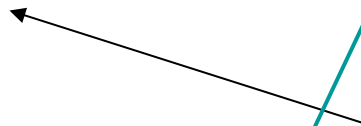
ACE



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ACFRAB



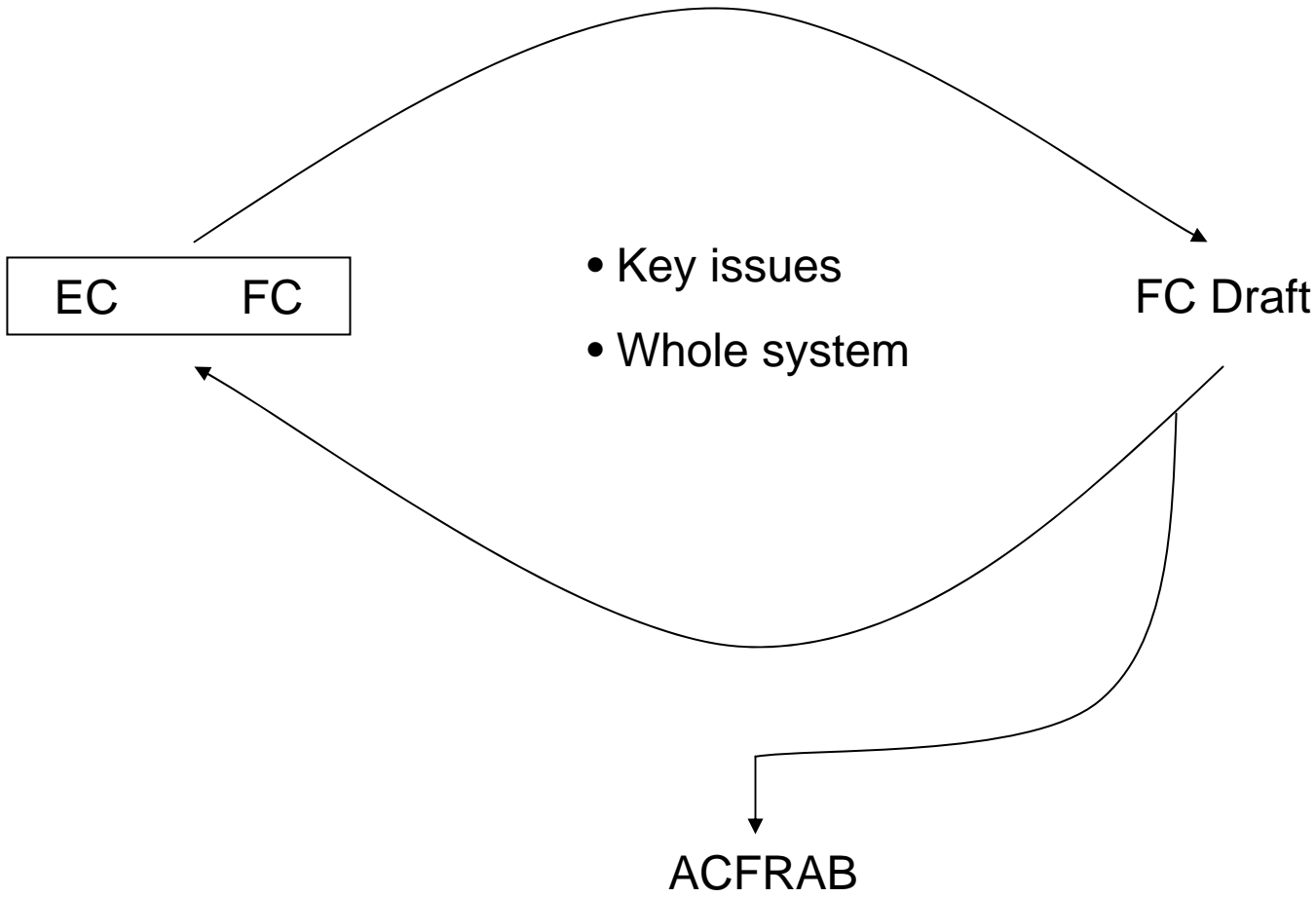
EC

F/RE

1. Fully Collaborative

2. Responsive

* Green lines/words added by Ken Boyd after Dan's presentation (p. 4, Section 4(v)).



Support

Support w/ lang.

Appeal

CE

Attachment # 2

Relevant Code Provisions about Fire/EMS Departments and Companies

§ 27-6.1. Establishment of fire/EMS department; chief, officers and employees.

The governing body of any city, town or county may establish as a department of government a fire/EMS department and may designate it by any name consistent with the names of its other governmental units. The head of such fire department shall be known as "the chief" or "the director." As many other officers and employees may be employed in such fire/EMS department as the governing body may approve.

§ 27-7. Bylaws of fire/EMS department; compensation of officers and employees; information on check stubs, time cards, etc.

The governing body of any city, town or county may empower the fire/EMS department therein to make bylaws to promote its objects consistent with the laws of this Commonwealth and ordinances of the city, town or county, and may provide for the compensation of the officers and employees of such department.

All check stubs or time cards purporting to be a record of time spent on the job by a fire fighter or emergency medical services personnel shall record all hours of employment, regardless of how spent. All check stubs or pay records purporting to show the hourly compensation of a fire fighter or emergency medical services personnel shall show the actual hourly wage to be paid. Nothing in this section shall require the showing of such information on check stubs, time cards or pay records; however, if such information shall be shown, the information shall be in compliance with this section.

§ 27-8. Who may form a fire/EMS company; limit on number of persons in combined companies.

Any number of persons, not less than twenty, may form themselves into a company for extinguishing fires or for performing emergency medical services, or both. In any county in which two or more companies for extinguishing fires or for performing emergency medical services shall join together and singly use one fire/EMS station, the number of persons in the combined companies shall be not less than twenty. The minimum number of persons required by this section shall only apply to the formation of a fire company.

§ 27-8.1. Definitions.

"Emergency medical services personnel" means persons responsible for the direct provision of emergency medical or rescue services in a given medical emergency or emergency rescue including all persons who could be described as attendants, attendants-in-charge, or operators.

"Emergency medical services vehicle" means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services permit issue by the Office of Emergency Medical Services that is

equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

"Fire/EMS company" or "Fire/EMS department" means a volunteer fire-fighting or emergency medical services (EMS) organization organized pursuant to § [27-8](#) in any town, city or county of the Commonwealth, with the approval of the governing body thereof consisting of fire fighters or emergency medical services personnel, or both. (1970, c. 187; 2001, c. 142.)

§ 27-9. Organization of company.

A writing stating the formation of such company, with the names of the members thereof thereto subscribed, shall be recorded in the court of the city or the court of the county wherein such fire company is. After which, the members of the company may make regulations for effecting its objects consistent with the laws of the Commonwealth, the ordinances of the city, town or county, and the bylaws of the fire/EMS department thereof. The principal officer of such fire company shall be known as "the chief."

§27-10. Dissolution of company.

Whenever the fire/EMS department of the city, town, or county to which any fire/EMS company belongs shall ascertain that such company has failed, for three months successively, to consist of twenty effective members in the case of a fire company, or ascertain that it has failed for the like period to have or keep in good and serviceable condition, an engine, hose, emergency medical services vehicle and equipment and other proper implements, or the governing body of the county, city or town for any reason deems it advisable, such governing body may dissolve the company.

§ 27-11. Duty of members on alarm of fire or call of a medical emergency.

Every member of the company shall, upon any alarm of fire or call of a medical emergency, attend according to the ordinances of the city, town or county or the bylaws, rules or regulations of the fire/EMS department or the company's regulations, and endeavor to extinguish such fire or assist in the medical emergency.

§ 27-14. Ordinances as to fire/EMS departments, etc.

A. Such governing body may make such ordinances in relation to the powers and duties of fire/EMS departments, companies, chiefs or directors and other officers as it may deem proper.

B. The ordinances shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

§ 27-15.2. Purchase, maintenance, etc., of equipment.

The governing body of every city, town or county shall have power to provide for the purchase, operation, manning and maintenance of suitable equipment for fighting fires or performing emergency medical services in or upon the property of the city, town or county and of its inhabitants, and to prescribe the terms and conditions upon which the same will be used for fighting fires or performing emergency medical services in or upon privately owned property. All equipment purchased after October 1, 1970, shall be equipped with threads of USA Standard B2.3, B2.4 of the American Standards Association.

§ 27-23.6. Provision of fire-fighting or emergency medical services.

A. Any county, city or town may contract with or provide for any volunteer fire-fighting or emergency medical services companies or associations in the county, city or town for the fighting of fire or provision of emergency medical services in any county, city or town. If such provisions are made by the county, city or town, the fire-fighting or emergency medical services company shall be deemed to be an instrumentality of the county, city or town and as such exempt from suit for damages done incident to fighting fires or providing emergency medical services therein. The county, city or town may elect to provide for the matters authorized in §§ [27-4](#) and [27-39](#).

B. Any county, city or town may provide fire-fighting and emergency medical services to its citizens by using both government-employed and volunteer company or association firefighters and emergency medical services personnel. If such a system is utilized, the volunteer fire-fighting and emergency medical services companies and associations shall be deemed an instrumentality of the county, city or town, and as such exempt from suit for damages done incident to providing fire-fighting and emergency medical services to the county, city or town. The county, city or town may also elect to provide for matters authorized in §§ [27-4](#) and [27-39](#).

"Providing fire-fighting or emergency medical services" includes travel while performing fire, rescue or other emergency operations in fire-fighting apparatus or other emergency vehicles as described in §§ [46.2-1023](#) and [46.2-920](#), respectively.

§ 15.2-955. Approval by local governing body for the establishment of certain rescue emergency services organizations.

A. No volunteer rescue squad, emergency medical service organization or other organization providing similar type services, or volunteer fire-fighting organization shall be established in any locality on or after July 1, 1984, without the prior approval by resolution of the governing body.

B. Each locality shall seek to ensure that emergency medical services are maintained throughout the entire locality.

§ 32.1-111.14. Powers of governing bodies of counties, cities and towns.

A. Upon finding as fact, after notice and public hearing, that exercise of the powers enumerated below is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare, the governing body of any county or city is empowered to:

1. Enact an ordinance making it unlawful to operate emergency medical services vehicles or any class thereof established by the Board in such county or city without having been granted a franchise or permit to do so;
2. Grant franchises or permits to agencies based within or outside the county or city; however, any agency in operation in any county or city on June 28, 1968, that continues to operate as such, up to and including the effective date of any ordinance adopted pursuant to this section, and that submits to the governing body of the county or city satisfactory evidence of such continuing operation, shall be granted a franchise or permit by such governing body to serve at least that part of the county or city in which the agency has continuously operated if all other requirements of this article are met;
3. Limit the number of emergency medical services vehicles to be operated within the county or city and by any agency;
4. Determine and prescribe areas of franchised or permitted service within the county or city;
5. Fix and change from time to time reasonable charges for franchised or permitted services;
6. Set minimum limits of liability insurance coverage for emergency medical services vehicles;
7. Contract with franchised or permitted agencies for transportation to be rendered upon call of a county or municipal agency or department and for transportation of bona fide indigents or persons certified by the local board of social services to be public assistance or social services recipients; and
8. Establish other necessary regulations consistent with statutes or regulations of the Board relating to operation of emergency medical services vehicles.

B. In addition to the powers set forth above, the governing body of any county or city is authorized to provide, or cause to be provided, services of emergency medical services vehicles; to own, operate and maintain emergency medical services vehicles; to make reasonable charges for use of emergency medical services vehicles, including charging insurers for ambulance services as authorized by § [38.2-3407.9](#); and to contract with any agency for the services of its emergency medical services vehicles.

C. Any incorporated town may exercise, within its corporate limits only, all those powers enumerated in subsections A and B either upon the request of a town to the governing body of the county wherein the town lies and upon the adoption by the county governing body of a resolution

permitting such exercise, or after 180 days' written notice to the governing body of the county if the county is not exercising such powers at the end of such 180-day period.

D. No county ordinance enacted, or other county action taken, pursuant to powers granted herein shall be effective within an incorporated town in such county which is at the time exercising such powers until 180 days after written notice to the governing body of the town.

E. Nothing herein shall be construed to authorize any county to regulate in any manner emergency medical services vehicles owned and operated by a town or to authorize any town to regulate in any manner emergency medical services vehicles owned and operated by a county.

F. Any emergency medical services vehicles operated by a county, city or town under authority of this section shall be subject to the provisions of this article and to the regulations of the Board adopted thereunder.