

Fire Rescue Ordinance Advisory Committee Meeting Summary

Date: February 10, 2009

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

Summary of Meeting:

1. Ken opened the meeting by suggesting that the committee continue looking at the draft ordinance. George said that he was unable to review the ordinance ahead of time because it had been sent that morning.
2. Annie started providing a brief overview of the revised changes in which the following comments were made about the Purpose and Definitions sections:
 - a. George: ACFR should be listed, as well as County volunteers, in the purpose or definition sections. How are County volunteers referenced?
 - b. Dayton: it may be confusing to list "board" in various places in the ordinance without writing out "Board of Supervisors" or BOS. Ann said she had the same confusion.
 - c. Annie: should we list ACFR "and its volunteers" or just ACFT?
 - d. Dan: suggested that we list ACFR, since that includes both staff and volunteers for ACFR.
 - e. George: would the ACFR volunteers feel left out if we did not specifically mention them?
 - f. Bryan: perhaps the definition of ACFR could include county staff and their volunteers.
 - g. Ken: we may have County volunteers at other stations, too, so we don't want to be too limiting by mentioning volunteers at particular stations.
 - h. Doug suggested that we include in §6-101: "department" after "volunteer company."
 - i. Annie: suggested that we un-delete "volunteer" in one of the definitions because the other definition has the word volunteer, and now we are adding ACFR in the definitions.
 - j. George: is something needed to clarify that CARS is being singled out in the rescue squad definition? Annie said that it was singled out because of its location in the City of Charlottesville.
 - k. Dayton: he's not sure that including an explanation would matter.
 - l. Annie: how about putting "principal place of business in the City of Charlottesville" after CARS? Dayton said that would be fine.
3. §6-103 – Responsibilities of the coordinated system:
 - a. Annie went over the changes in §6-103, including the standard that begins with "essential to...". She inserted "high-quality" to that standard because it seemed to capture the board's vision and the level of services that the system aspires to.
 - i. Ann: not sure that the addition has any real impact on the meaning.

- ii. Dayton: the main goal of articulating “essential” is to avoid creating millions of policies.
 - b. Annie reviewed the changes deleting “regulating” and inserting “through policy development and implementation.” This was done to make clear, as the committee decided previously, that the goal was to focus on system level policies.
 - i. The committee members did not raise any questions or comments in response.
- 4. §6-104 – Fire and rescue chief (subsections that had been discussed last time)
 - a. Annie explained that she had incorporated the committee’s comments and Nat’s draft language, but that she had retained the concept of minimum personnel standards, rather than solely safety-oriented personnel standards.
 - i. Doug or Dayton asked Nat what was the intent behind the personnel/training standards.
 - ii. Nat: he was trying to address the problems Dan had raised before.
 - iii. Dan asked Nat whether Annie’s language addressed his concern? Nat said it did.
- 5. §6-104 – Subsections not previously discussed:
 - a. Fleet section:
 - i. Dayton: is this the whole fleet, including ACFR?
 - ii. Dan: yes. There is a difference now between how parts of the fleet are covered in the CIP process.
 - iii. Ken: is there a problem with doing it together? Dan: no, it should be the entire fleet.
 - iv. Dayton: when he looked recently at a County list it included only the volunteer fleet.
 - v. Dan: that is because now it’s for budgetary reasons, there are 2 budgets for the fleet.
 - vi. Doug: it would be good to have them separated – the plan should have 2 CIPs.
 - vii. Ken: does the CIP have different line items? Bryan: yes.
 - viii. Dan: all the decisions about fleet would need to go through process again after this ordinance is established.
 - b. System funding and budget:
 - i. Dayton: does this cover funding and budget matters for the entire system? Annie thinks so, but there is also a section later in the ordinance about volunteer budgetary matters (§6-105(b)(8)).
 - ii. Bryan: we need to be careful how far we take the concept of putting all volunteer budgets under County policies, as right now volunteer budgets have not been subject to the 5% cut that has been applied for County departmental budgets.

- iii. Ken: in the past we have considered the volunteers' budgets like other agencies' budgets. In the new system, do we keep that concept, or do we treat them differently?
 - iv. Ann: for transparency, we need to have that discussion.
 - v. Ken: what we discuss here does not mean that the full BOS is bound to that later.
 - vi. George: this shows volunteers are part of the same budgetary process as the County.
 - vii. Dan said something about how County staff has to mobilize early to get the budget prepared according to various County deadlines.
 - viii. Ken: does ACFRAB approve individual budgets? Is that satisfactory?
 - ix. Dayton: you must have information about the whole system if you are going to make decisions.
 - x. Ken: if you have \$10 million allocated, is it going to be up to the ACFRAB as to how to split up the money, or is OMB going to allocate?
 - xi. Doug: currently the volunteer companies put the information together and let OMB to do all the processing/resolution.
 - xii. Ken: if things are working now, let's not change the process.
- c. Dayton recommended that "system" be inserted also in subsections five and seven so that it is clear that these, too, are at the system level.
- d. Doug asked, what about also inserting "system" under subsection 1, standard operating guidelines? This should not be read as meaning that guidelines will dictate how people should mop the floors. The committee agreed.
- i. Ken: ACFRAB does not even get involved right now in individual budgets.
- e. Annie asked about Nat's language requiring the collection and collation of certain data.
- i. Dayton asked: what's the administrative burden and what's the benefit? This may be creating a lot more work and potential costs for volunteers.
 - ii. Annie: this collection of data may in part be implied by other policies.
 - iii. Bryan: examples could be training, after action reports, etc.
 - iv. Nat: collection of certain data would help resolve some of the problems we have now.
 - v. Dan: an example is that rosters need to be updated sometimes.
 - vi. Doug: we have information in Fire/RMS. That information is what needs to be captured.
 - vii. Dayton: CARS has information in its system.
 - viii. Doug: rescue doesn't have good data system right now.
 - ix. Ken: he, also, is not sure that collection of data is a significant item for now.
 - x. Doug: the BOS can also come back and require it if needed.
 - xi. Dan: do we have a consensus?
 - xii. Dayton: okay. Doug: leave it in.
 - xiii. Ann: is this already reported to the state? Will the new system structure then require double forms?
 - xiv. Dan: we'd want to avoid having any requirement of double forms. The state's data is not what he'd use because it's not specific enough and not filterable.

Ideally, we want a system that would only require useful information to be reported.

- xv. Doug: said the old CARS sheets used to be 10 minutes each to fill out.
Dayton: the state is no longer paying for call sheets.

- f. Contesting fire and rescue chief decisions. Annie said that she prefers Nat's language about the creation of this policy to her original wording, but said that such contests about decisions affecting individual volunteers should end with the County Executive or designee, rather than the BOS.
 - i. Dayton asked why.
 - ii. Annie said, that in the example of a DUI convicted driver being removed from driving, that is the kind of decision that she believes the BOS would not want to hear, and she has not heard of any other governing body reviewing these types of decision. Ken acknowledged that he did not think the BOS would want to hear those types of decisions.
 - iii. Dayton: EMS and Fire are regulated differently by the state. The state has few regulations for the fire service, whereas EMS regulations are tight. An EMS provider could not have certain convictions and continue to run calls.
 - iv. Ken: does anyone have an objection to that? No one voiced an objection.

6. §6-105 – Volunteer fire companies and rescue squads:

- a. Someone suggested that the references to "board" in the first paragraph be clarified to state the BOS.
- b. Dayton: how about adding "as duly adopted by the coordinated system" to the reference on policy?
- c. Annie: Nat's suggestion about adding "advocating" on behalf of volunteers is a good idea.
- d. Dayton: under subsection ii – what about the effect on career staff in volunteer stations? Should this just state something indicates the command structure will be in accordance with NIMS? We could use the same language for incident command that was used on page 5 – iii.
- e. The group discussed inserting Nat's language regarding the collection and forwarding of data to the fire and rescue chief and agreed that would make sense.
- f. Dayton: Nat's language, "apparati" – may sound strange to some. Annie: thought it sounded obscure and would prefer to use "apparatus" even for the plural.
- g. Annie asked whether the addition of Nat's language regarding "stewardship" of County supported apparatus, equipment presented a concern to anyone. No one had a concern with that. Ann said that volunteers are good at stewardship.
- h. George: we have administrative and operational sides in volunteer companies; county staff tend to look at the chief as the sole point of contact for the volunteer

organizations. We don't want to exacerbate that unintentionally in a section about volunteer chiefs.

- i. Dayton: but it says only "operational head." What would be the conflict?
- ii. George: Crozet's by-laws are similar. With Nat's language about boards or other authorities, that should be okay.
- iii. Dan: for some things like ACFRAB membership, the chief would be the point of contact for the County, but for others it should be the administrative head.

7. §6-106 – Advisory Board:

- a. Annie asked about Nat's suggested language that the advisory board have a "mandate" to accomplish certain tasks (as the introductory statement for this section).
 - i. Nat: this gives them a charge, rather than just being created in order to do certain things. This tells them what they must do.
 - ii. Dayton: the draft ordinance changes what the ACFRAB currently believes is its mission and what is in the current by-laws because it has the ACFRAB advising the chief as opposed to the BOS.
 - iii. Ken: that is a different situation.
 - iv. Bryan: if you're looking at "mandate" – look at the next pages.
 - v. Dayton: it's probably all the same with or without the word "mandate."
 - vi. Doug: the word "mandate" will draw disproportionate attention and may cause misunderstanding.
 - vii. Ron: let's do whichever wording reflects our intention.
 - viii. Annie: so what is the best? She suggested alternate words such as "duty," "responsibility," "charge," and "mission."
 - ix. George: suggested "mission" or strike out the other words.
 - x. Bryan: just "establish to accomplish." The committee agreed that would be best.
- b. Subsection 1 –
 - i. Annie said that Nat's language, "interact with" the fire and rescue chief, was not clear. What words would be better than that? The group agreed on "collaborate with."
- c. Annie: Nat had also drafted language about the First Amendment rights of members of ACFRAB to communicate with the County Executive or BOS on matters of importance when agreed by a majority vote of the ACFRAB. We can't abridge anyone's First Amendment rights and we risk doing that if we put any limitations such as a majority vote by the ACFRAB. She suggested being broader and saying simply that the ordinance will not abridge any member's First Amendment rights.
 - i. Dayton: how about stating the article will do nothing to abridge rights of private citizens to communicate with County Exec or BOS.
 - ii. Ann: end the sentence after "Board."
- d. Subsection (b) on the career chief attending meetings of ACFRAB:
 - i. Annie asked why Nat suggested a wording change from "shall" go to an entitlement to attend those meetings.

- ii. Nat: he is not sure if the chief will always want to go or will always be able to go.
- iii. Dayton: thinks that “shall” might be too strict because someone might interpret this to mean that if the career chief does not attend one meeting, it would be violating the ordinance. It might be better to say that the BOS expects the chief to attend those meetings.

8. §6-107 – Responsibilities of Advisory Board:

- a. Annie asked about Nat’s wording of “adopt” by-laws, rather than “establish.” Is there a group preference?
 - i. Someone pointed out that “adopt” is used for policies later on, so that might be more consistent.
 - ii. Nat said that “adopt” is more specific than “establish,” since a board might establish but not adopt something. Annie agreed that “adopt” would be preferable.
- b. Annie said that Nat’s language regarding “chronic failure” by a volunteer company in (3) (b) is better than her original wording about “continuing violations.”
- c. Ann: add current 4 for the creation of additional committee as part of 3, so that it will all be in one place.
- d. Annie asked whether the creation of additional committees should be permitted as “necessary,” which was her original wording, or only if “useful” and “essential” to the system, under Nat’s language.
 - i. Dayton: perhaps it should not be limited to “necessary” or “essential”. There could be something like a social committee. We don’t want to tie ourselves to that strict of a standard since there may need to be delegation of work by the advisory board. Useful is fine. Add “useful” and drop the essential mission part.
- e. Subsection (6) – budget review and development:
 - i. Annie said Nat’s language is more expansive: it deletes the original wording about “new initiatives” regarding the budget.
 - ii. Doug: this language solidifies the roles of the volunteers in the budgeting process.
 - iii. Annie: this section is not about reviewing individual budgets.
 - iv. Ann: believes this section would be about the budget for the coordinated service.
- f. Subsection (7) – meetings of the ACFRAB
 - i. Annie raised that Nat’s language says the body would meet “at least” once a month, as opposed to just “monthly.” Does he think they need to meet more often? What if we said simply that a regular basis as established under by-laws in order to accomplish its responsibilities? The only concern for her

would be that if policies were pending, the board would need to meet monthly in order to review the policies and take any appeals.

1. The group agreed that a more open-ended requirement about meetings tied to the ability to carry out its tasks would be good.
- ii. Ann: regarding annual reports to the BOS: is that frequent enough?
 1. Bryan: most agencies make annual presentations.
 2. Dayton: how about "at least on an annual basis"? The group agreed.

9. 6-108 – Executive Committee:

a. Composition (a):

- i. Dayton: we need to separate EMS from Fire as a general matter.
- ii. Ann: can that be done through ACFRAB by-laws? Dayton: yes, that's something ACFRAB has thought about for a long time.
- iii. Dayton: not sure that he wants a locked commitment about the number of EMS representatives on the Executive Committee.
- iv. Ken: the intent is to make sure there's equal representation for EMS and Fire.
- v. Dayton: appreciates that, but there may be issues that have nothing to do with EMS and would not require an EMS representative.
- vi. Dan: 2/3 of rescue squads would need to be part of that Executive Committee, so he appreciates the time commitment that would require.
- vii. Dayton: for what we're doing tonight, we should not change anything because restructuring this requires further thought, and that cannot be accomplished in one night.
- viii. Doug: there may be crossover areas where each side would need County staff to be present.
- ix. Dayton: we need more thought before a final draft.
- x. Nat: what about a committee of 4 members to be determined later.
- xi. Ken: leave it there and then leave it to others to figure this out in detail later.
- xii. Annie: we can build in flexibility.

b. Terms of Service (b):

- i. Annie raised Nat's comments about not allowing the fire and rescue chief the ability to remove an Executive Committee member with consultation of the advisory board.
 1. Dayton: if people are not showing up and serving that is a problem; we can't make the process so burdensome that they can't be removed.
 2. Nat: thinks it blurs the lines to allow the chief make that call. Dayton agrees.
 3. Dayton: What about saying that the expected term be a certain length and ACFRAB can remove? The members would serve at the pleasure of ACFRAB?
- ii. Ann: what about alternates for members? The group said that could be handled in ACFRAB's by-laws.
 1. Doug: we don't need to get too detailed about alternates, etc.
- iii. Dan: it's important to have an active Executive Committee that meets regularly.

- iv. Ron: term limits may be tough for EMS.
- v. Annie: maybe we should take out the term limit section that is in the draft and leave that to the ACFRAB.
- vi. Dayton: take out the number of people – as many as needed, with equal representation.
- vii. Annie: minimum of 3 is needed for a vote; the group agreed.
- viii. Dayton: let's put in a minimum of 3, and leave who serves for how long, etc. to the ACFRAB, along with the goal of equal representation to the extent possible.
- ix. George: let's also put in selection of the executive committee as a responsibility for ACFRAB. Annie agreed.

10. §6-109 – Procedures for Developing Policies:

a. Purpose

- i. Nat's language: he explained that he had put in a little philosophy in the red language section; this was not meant for final ordinance language.
 - 1. Annie said that his "in order to adopt"/"support" by the majority of elements language is good. The group agreed.
- ii. Dayton: who decides what policy relates to career staff only? That can be tricky, such as when we deal with holidays.
- iii. Dan: there may be a few crossovers.
- iv. Dayton: he doesn't think there's a need to fix this language.

b. Initiative and drafting

- i. Annie said that Nat's first two sentences looked fine.
- ii. Annie asked about Nat's language regarding "written justification" for any additional cost and benefits imposed by a proposed policy.
- iii. Dayton: there should be an analysis for the cost and benefits for each policy and a consideration of the impact on volunteer time.
 - 1. Dan: we do something like that currently when we develop executive summaries for policies to be reviewed by ACFRAB. Is that appropriate for the future?
 - 2. Dayton: same form is fine.
 - 3. Bryan: the words "cost/benefit" might seem to imply a detailed document. How about "budgetary impact and resources"?
 - 4. Dayton and others agreed – impact on volunteer time and resources.
 - 5. Ann: what about a practice of running an idea by the Exec Comm first, and then seeing if it's worth it to go back and do the homework? The group agreed that made sense.
 - 6. Dan: what about any policy change that has just very little budgetary/time impact?
 - 7. Dayton: take for example the helmet policy – right now everyone has one. People should think through policies and think about cost and time before proposing them.
 - 8. Doug: an example like harnesses is relevant.

- iv. Ann: in the section about reviewing existing policies, we should take out the word “draft”. Dan agreed: all current policies would need to be reviewed under the new system. And in the future, all policies should be reviewed on a regular basis.

c. Executive Committee role

- i. Annie asked about the headings – no comments were made.
- ii. Dayton: he would generally prefer 14 days prior submission to the ACFRAB before its meeting. The group agreed. He also suggested that if all days are calendar days, we should clarify that. Annie agreed.
- iii. Dayton: let’s use 10 calendar days instead of 7 calendar days.
- iv. Annie: suggested that throughout the whole policy development section and appeal section we use the same standard re: essential to effective and equitable...along with “high quality.” The group seemed to agree.

d. Adoption of policies

- i. Annie raised discussion on Nat’s insertion of a briefing requirement and remand to the parties.
 - 1. Ann asked who would write the brief?
 - 2. Nat doesn’t believe that would mean legal help.
 - 3. Dayton: you will at that point have something written already.
 - 4. Annie: it’s like a decision before the decision.
 - 5. Dan: if it’s value added, he’s okay with it, but with the time and effort needed?
 - 6. George: that might delay process. Take the timeline later on and truncate it.
 - 7. Nat: this process will allow you to see how the County Executive views the matter.
- ii. Ann: asked whether this process in 6-109 applies to other decisions, like operational decisions or just to policies.
 - 1. Annie: this section is only about policies.
 - 2. Dayton: everything is going to be tied to policy because that’s where chief’s gotten his authority.
 - 3. Ann: what about the implementation of policy?
 - 4. Annie said it’s not set up for that.
 - 5. Dayton: if the policy isn’t being implemented, something can be proposed to amend an existing policy.
 - 6. Annie: this isn’t intended to be the process for contesting individual decisions by the chief about an operational matter. If it’s part of a proposed policy, you could use this process to challenge the development of the proposed policy.
 - 7. Ken: this merits discussion.
 - 8. Nat: this gives the ACFRAB a majority vote role.
 - 9. Doug: before, a majority vote of ACFRAB didn’t mean the same thing as it would under this system.

10. Annie: what about letting the ACFRAB decide how to decide on a fair voting system?
11. Ken asked whether there were any comments on the Fire Marshal or Junior Firefighters program sections. The group did not have any comments.
12. The committee discussed how and when to communicate the ordinance to other members of the ACFRAB?
 - a. Doug: would like to release the ordinance as soon as possible.
 - b. Ken: it would be good to send one clean draft with all changes.
 - c. Bryan: give Annie time to create a fully revised ordinance draft and then the committee members time to review it before sending it out.
 - d. Ann: doesn't want to rush the process and thwart it somehow.
 - e. Annie: she can do this in the next couple of days on her end.
 - f. Doug: thinks we should do this once we've all given any comments and have given the revised draft out to people.
 - g. Dayton: let's not nitpick the draft now, but let's clearly mark it as draft. Wants to have it out before the next ACFRAB meeting.
 - h. Annie: she will send out the revised draft to committee members by Friday, then they will have 2 days to get back anything glaring.
 - i. Bryan: need someone to set the stage for this discussion.
 - j. Ken would like to introduce this at the ACFRAB meeting. When we send out for comments – we need to devote time to go over this and explain anything they have questions about.
 - k. Bryan: what about the 2/24 meeting? Let's meet and discuss any questions/comments
 - l. Ken: what about a point of contact for people? EMS: Dayton. Fire: Doug. They agreed.
13. The group agreed to 5:00 as the time for the next 2/24 meeting.
14. Bryan said the resource management study will go out tomorrow; Bryan will get the report live on the County website and forward that link. The BOS will have questions; they haven't seen it yet. Bryan said they will ask for staff prioritization of recommendations.
15. Annie asked for a statement from the volunteer representatives to include in the cover memo – in addition to a statement from Ken. Dayton said he would think over what they could say.