

ARTICLE I. ~~DEPARTMENT OF~~COORDINATED FIRE AND RESCUE
SYSTEM

DIVISION I. IN GENERAL

Sec. 6-100. Purpose.

~~_____~~ _____ The board ~~seeks~~of supervisors, determined to provide for the public safety, health and welfare of ~~its~~Albemarle County citizens ~~through an~~and communities, hereby ~~establishes a coordinated and~~ integrated fire and emergency medical ~~services~~service system ~~that is efficiently delivered and equitably administered by a unified department~~currently composed of ~~highly competent and trained~~the following, volunteer fire companies, volunteer rescue squads; and county staff. ~~In so doing, the board recognizes the vast contributions of volunteers over many decades that have protected life and property and vigorously supports the continuation and expansion of volunteer participation, without which the county cannot accomplish its mission.~~the Albemarle County Department of Fire and Rescue:

Charlottesville-Albemarle Rescue Squad
Crozet Volunteer Fire Department
Earlysville Volunteer Fire Company
East Rivanna Volunteer Fire Company
North Garden Volunteer Fire Company
Scottsville Volunteer Fire Department
Scottsville Volunteer Rescue Squad
Seminole Trail Volunteer Fire Department
Stony Point Volunteer Fire Company
Western Albemarle Rescue Squad

In taking this measure to assure the most efficient and effective service possible and to meet the challenges of the growth and development of the jurisdiction, the board of supervisors specifically recognizes the essential and historical contributions of volunteers and the necessity of continuing and expanding volunteer participation, without which the county could not discharge its responsibilities.

~~_____~~ The ~~unified department~~coordinated fire and rescue system shall ~~seek to: employ a work~~ to develop an integrated and seamless systems approach to ~~providing~~the provision of emergency services ~~while preserving volunteer traditions and autonomy to the greatest extent possible;~~ promote the interests and ~~needs of county citizens~~welfare of County citizenry and communities; perform with maximum cost-effectiveness consistent with safety objectives; account for service delivery and resource utilization; and ~~fairly~~ communicate and consider all views regarding ~~these services.~~[†]the system.

[†]~~Section taken largely from Montgomery County, MD.~~

Sec. 6-101. Definitions.

For the purposes of this article and, unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

Advisory Board means the Albemarle County Fire and Rescue Advisory Board.

~~*Ambulance* means any vehicle, vessel or aircraft which holds a valid permit issued by the Office of Emergency Medical Services, that is specially constructed, equipped, maintained and operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid permit.~~

Albemarle County Department of Fire and Rescue means the county agency responsible for delivering fire, rescue and emergency medical services in partnership with the volunteer organizations within the coordinated fire and rescue system.

Board or board of supervisors means the Board of Supervisors of Albemarle County.

Company means a volunteer fire company or department located in, ~~or responding to firefighting calls within,~~ Albemarle County. Each individual fire-fighting organization within the county shall be defined as a "fire company," as provided in Virginia Code §27-8.1.

~~*Emergency medical services vehicle* means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services vehicle permit issued 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.~~

County employees or County staff means employees of the Albemarle County Department of Fire and Rescue who provide fire, rescue, and emergency medical services as members of the coordinated fire and rescue system.

County volunteers mean volunteers of the Albemarle County Department of Fire and Rescue who provide fire, rescue and emergency medical services as members of the coordinated fire and rescue system. County volunteers are not members of incorporated fire companies or rescue squads.

Executive Committee means a committee of the advisory board as provided in section 6-~~107~~108.

Fire and rescue chief - or *chief* means the ~~head~~director of the Albemarle County ~~Unified Department of Coordinated~~ Fire and Rescue System, as established in section 6-104.

Policies mean the rules and regulations of the ~~unified department~~coordinated fire and rescue system, including standard operating guidelines and standard administrative procedures.

~~Volunteer rescue~~ *Rescue squad* means a volunteer rescue squad or emergency medical services organization ~~located in, or responding to emergency medical services calls within, Albemarle County pursuant to~~, as described by Virginia Code §32.1-111.1 *et seq.*, ~~that is located in Albemarle County, as well as the Charlottesville-Albemarle Rescue Squad, which has its principal place of business in the City of Charlottesville.~~

State law reference—Definitions, Virginia Code § 32.1-111.1

DIVISION II. ESTABLISHMENT OF THE ~~UNIFIED DEPARTMENT OF COORDINATED~~ FIRE AND RESCUE SYSTEM

Sec. 6-102. Establishment and composition of the ~~unified department~~coordinated fire and rescue system.

(a) The Albemarle County ~~Unified Department of Coordinated~~ Fire and Rescue (“System” (“the ~~unified department~~”) system” or “the coordinated fire and rescue system”) is hereby established pursuant to Virginia Code §27-6.1. The ~~unified department~~coordinated fire and rescue system shall provide ~~all~~comprehensive fire, rescue, and emergency medical services throughout the county in accordance with state laws, county ordinances, and ~~the~~duly adopted policies issued by the ~~unified department~~system.

(b) The ~~unified department~~coordinated fire and rescue system shall be a combined force of ~~non-employee~~ volunteer ~~and paid personnel that includes~~ members of the ~~several fire companies and rescue squads, county staff employed by~~ employees, and county volunteers of the ~~department and the~~ Albemarle County Department of Fire and Rescue. ~~The~~ following volunteer fire companies and rescue squads, ~~which~~ and any others that may be ~~duly~~ established in the future, along with county volunteers, constitute an ~~integral~~indispensable part of the public safety program for the county: Charlottesville-Albemarle Rescue Squad, Crozet Volunteer Fire ~~Company~~Department, Earlysville Volunteer Fire Company, East Rivanna Volunteer Fire Company, North Garden Volunteer Fire Company, Scottsville Volunteer Fire ~~Company~~Department, Scottsville Volunteer Rescue Squad, Seminole Trail Volunteer Fire ~~Company~~Department, Stony Point Volunteer Fire Company, and Western Albemarle Rescue Squad.

State law reference – Virginia Code §§27-6.1, 27-8.1

Sec. 6-103. Responsibilities of the ~~unified department~~coordinated fire and rescue system.

~~The unified department shall be responsible for~~The coordinated fire and rescue system shall:

- (1) ~~Regulating and managing~~Manage the ~~provision~~delivery of ~~all~~ prehospital emergency patient care and services; ~~through policy development~~ and ~~regulating both providers of~~implementation consistent with state emergency medical services ~~regulations~~ and ~~providers operating private emergency~~the guidance of each organization's operational medical ~~services vehicles for non-emergency transportation~~director.
- (2) ~~Regulating and managing~~Manage the provision of system-wide fire prevention, protection, investigation, suppression, education and rescue services, and ~~those~~ services relating to hazardous materials and other hazards ~~which~~ ~~pose~~posing a threat to life and property, through policy development and implementation.
- (3) ~~Any~~Provide any additional, related, system-wide services that are ~~necessary~~essential for the provision of high-quality fire and emergency medical services.
- (4) Performing and delivering services ~~in accordance~~consistent with state laws, county ordinances, and ~~the~~duly adopted policies of the ~~unified department~~coordinated fire and rescue system.

State law reference – Virginia Code §§27-7, 27-14, and 32.1-111.14

Sec. 6-104. Fire and Rescue Chief.

The ~~operational and administrative head~~director of the ~~unified department~~coordinated fire and rescue system shall be known as the fire and rescue chief, who shall be appointed by the board of supervisors upon recommendation by the county executive following a selection process that includes representation from the Albemarle County Fire and Rescue Advisory Board. The fire and rescue chief shall:

- (1) Provide general oversight and management of the unified department's system's functions ~~and delegate authority to other officials and staff of the department as needed by,~~ including but not limited to:
 - a. ~~Develop strategies~~ Developing, in collaboration with the advisory board ~~that seek to retain,~~ strategies for the retention and ~~increase~~ expansion of the volunteer membership base within the unified department system.
 - b. ~~Establish and enforce departmental policies for all necessary purposes in accordance with this article.~~ Developing, in collaboration with the advisory board, system-wide policies that are essential to the effective and equitable provision of high-quality, countywide fire and rescue services, and overseeing the implementation of those system-level policies. All policies of the unified department coordinated fire and rescue system shall be developed through the collaborative policy procedures established by section 6-109 and shall include, but not be limited to:
 - i. Standard operating guidelines for the system's delivery of fire, rescue, and emergency medical services;
 - ii. System performance standards, such as minimum staffing and response goals;
 - iii. A seamless command structure and incident command system that complies with federal and state incident management standards;
 - ~~d. Fleet size, deployment, and functions;~~
 - ~~e. Minimum personnel standards for all members of the unified department, including training, licensure, rank, and physical fitness;~~
 - iv. Minimum personnel, training, licensure, and reporting requirements for the welfare of county and volunteer personnel and the delivery of high-quality fire and rescue services;
 - v. System fleet size, deployment, and functions;
 - vi. Minimum standards regarding apparatus and equipment;
 - ~~g. System funding by the fire County and rescue chief that affect the status of individual volunteers to the county executive or his designee;~~
 - vii. Funding and system budget matters; and
 - viii. A process for setting and maintaining first due areas, response districts and apparatus response orders.

An integrated

A procedure for volunteer chiefs to grieve decisions

- (2) Provide general management, planning, preparation, response and recovery for any disaster relating to fires, hazardous materials, rescues or emergency medical services that may occur in the county.
- (3) ~~Take all actions on behalf~~ Assume responsibility, under the authority of the county executive, for actions necessary to implement and carry out agreements for mutual aid, disaster preparedness and the provision of services related to hazardous materials, rescues, fire suppression, investigation, medical services or other emergency response services deemed necessary in the judgment of the fire and rescue chief in events exceeding the capabilities of an individual locality or government agency.
- (4) Develop a broadly supported procedure for chiefs of volunteer organizations to contest decisions of the fire and rescue chief to the county executive or his designee in matters affecting individual volunteers, who are not employees of the County. The general management and discipline of volunteers shall be a station level responsibility, as provided in section 6-105(b)(6).
- (5) Exercise all powers authorized by state law as necessary for the provision of fire and emergency medical services.

State law reference – Virginia Code §§27-6.1, 27-7.

Sec. 6-105. Volunteer fire companies and rescue squads; volunteer chiefs.

(a) *General; authority to create by-laws.* Volunteer fire companies and rescue squads may be formed, named and dissolved in accordance with state law and board approval. They shall operate in ~~compliance~~ conformity with state laws, county ordinances, and the ~~policies issued by the unified department. Volunteer fire companies and rescue squads may also make policies governing their stations that are consistent with state laws, county ordinances, and the~~ duly adopted policies of the ~~unified department. Nothing in this article prohibits or restricts a member company or squad from organizing or managing its affairs and personnel according to company or squad by laws which are consistent with state laws, county ordinances, and the policies of the unified department.~~ coordinated fire and rescue system. Boards and governing authorities of volunteer companies and squads shall have full authority to adopt policies, guidelines and protocols for the governance of their stations, except where specifically constrained by state law, county ordinances, or policies of the coordinated fire and rescue system as they are duly adopted. Nothing in this article is

² ~~This paragraph comes partly from Prince William County and partly from state code.~~

intended, nor shall it be construed, to make any member of a volunteer company or squad an employee of the county.³

(b) Responsibilities. Volunteer fire companies and rescue squads shall have all the powers and duties granted to them by state law. They shall also execute the following responsibilities in ~~accordance~~conformity with their respective organizational by-laws, chains of command, and the duly adopted policies of the ~~unified department~~coordinated fire and rescue system:

1. Managing performance by the company or squad, including directing station activity and operations as needed;
2. ~~Providing daily operational command and control of fire and EMS incidents;~~Assuming or delegating the role of incident commander within the system's integrated incident command structure;
3. Providing management of response districts and apparatus response orders;
4. Selecting and promoting officers and other personnel;
5. Recruiting ~~and~~, retaining and advocating on behalf of volunteer members;
6. Managing officers and personnel, including disciplining, training, and keeping records;
7. Preparing ~~budget submittals~~their annual budgets for submission to the county, and managing ~~the budget~~their budgets;
8. Fundraising and managing all funds and assets that derive from private or non-County sources;
9. Collecting and forwarding to the fire and rescue chief such data, statistics and other information as may be necessary to assure the efficient and economical operation of the coordinated fire and rescue system;
10. Caring for and maintaining station facilities, apparatus and equipment; and
11. Managing station procurement of supplies and coordinating station procurement and stewardship of county-supported apparatus, equipment, and tools.

³~~This sentence comes from Prince William County.~~

(c) *Chiefs.* The operational head of each volunteer fire company and rescue squad within the ~~unified department~~coordinated fire and rescue system shall be selected according to the by-laws of the company or squad and shall be known as the chief. Volunteer chiefs shall exercise the authority granted to them by state law and the by-laws of their organizations, so long as their actions do not conflict with the provisions of this article or the duly adopted policies of the ~~unified department~~coordinated fire and rescue system.

State law reference – Virginia Code §§15.2-955, 27-9, 27-10, and 32.1-111.14

Sec. 6-106. Establishment and composition of advisory board.

(a) The Albemarle County Fire and Rescue Advisory Board (“advisory board”) is hereby established ~~in order~~ to accomplish the following:

1. ~~Enable representatives of departmental volunteer companies and squads to advise~~Collaborate with the fire and rescue chief ~~on~~concerning the delivery of fire, rescue and emergency medical services ~~in accordance with~~as representatives of the volunteer companies and squads and as described by this article;
2. Facilitate communication and collaboration between the volunteer and county-employed members of the ~~unified department~~coordinated fire and rescue system; and
3. Communicate issues of importance to the fire and rescue chief concerning individual volunteer organizations or the ~~unified department~~coordinated fire and rescue system.

Nothing in this article abridges the First Amendment rights of private citizens to communicate directly with the county executive or the board of supervisors.

(b) The advisory board shall be composed of the highest ranking operational leader of each of the volunteer organizations listed in section 6-~~403~~102 of this article. The fire and rescue chief shall attend ~~all~~ meetings of the advisory board ~~as the chief executive officer for the unified department~~, but shall not be a member of the advisory board.

Sec. 6-107. Responsibilities of the advisory board.

The advisory board shall perform the following duties ~~in light of the mission of the unified department to best serve the community~~:

- (1) ~~Establish~~Adopt by-laws for its operation consistent with this article, including, but not limited to, by-laws concerning the voting rights of members and the delegation of member responsibilities.
- (2) Review all proposed policies affecting the ~~unified department~~coordinated fire and rescue system and provide ~~recommendations~~comments and advice to the fire and rescue chief ~~in accordance with~~through the collaborative procedures established in section 6-109.
- (3) Appoint a committee or committees to meet regularly with the fire and rescue chief ~~and~~, county staff and, if appropriate, county volunteers, in order to ~~discuss~~consider concerns, ~~and advise the fire and rescue chief, and provide input~~ regarding:
 - a. Incident management;
 - ~~b. Continuing failure of a volunteer company, volunteer squad, or county staff to correct a violation of unified department policy; and~~
 - b. Quality assurance for the ~~Non-conformance with duly adopted system policies; and~~
 - c. Assurance of quality in the delivery of emergency services.
- (4) ~~Establish~~Appoint such ~~other~~additional committees as may be ~~needed to advise the fire and rescue chief on~~ useful to facilitate communication regarding matters of importance to the ~~unified department—coordinated fire and rescue system in the performance of its essential mission, including county staff and county volunteers in such committees, as appropriate.~~
- (5) ~~Provide~~Appoint an executive committee to perform the responsibilities outlined in section 6-108.
- (6) Review and provide input and recommendations to the fire and rescue chief ~~for regarding~~ new initiatives ~~regarding the~~for the system's operating and capital improvement budgets ~~of the unified department.~~
- (7) Meet on a ~~monthly~~regular basis in order to perform its responsibilities under this section, and present ~~an annual~~ a report at least annually to the board of supervisors regarding the health and welfare of the volunteer system.

Sec. 6-108. Executive committee of the advisory board.

(a) *Composition.* The executive committee of the advisory board shall be composed of ~~two (2) volunteer fire company members and two (2) volunteer rescue squad~~ at least three members of the advisory board who are selected by the advisory board in accordance with its by-laws, and with the goal of providing equal representation for the fire companies and

rescue squads. Executive committee members must be active members in good standing with their respective volunteer companies and squads.

(b) *Terms of service.* The advisory board shall ~~select members to serve two-year~~ determine the terms ~~on the~~ of service for committee. ~~Terms should be staggered to allow continuity and ensure that at least one fire company and one rescue squad member~~ members, who ~~served in the previous year remain on the committee.~~ Individuals may serve ~~no more than two (2), consecutive, two-year terms.~~

~~Members may be removed from committee service by a majority vote~~ shall serve at the pleasure of the advisory board ~~or by the fire and rescue chief, after consultation with the advisory board, for failure to discharge their duties under this article or inability to serve as an active member with his or her volunteer organization.~~

(c) *Responsibilities.* The executive committee shall advise the fire and rescue chief in a timely manner on all proposed policies of the ~~unified department~~ coordinated fire and rescue system and on any other ~~departmental~~ system matter for which the fire and rescue chief requests input and advice. The executive committee shall meet as frequently as needed to discharge these responsibilities.

Sec. 6-109. Procedure for developing policies of the ~~unified department~~ coordinated fire and rescue system.

(a) *Purpose.* In adopting this ordinance the board of supervisors recognizes that, to have full effect, policies must be developed through a collaborative process and enjoy the support of a majority of the elements of the coordinated fire and rescue system. The procedures in this section are ~~established in order~~ intended to assist the fire and rescue chief, the advisory board, and the executive committee, ~~and advisory board in carefully considering and collaboratively developing in the collaborative and careful development of~~ policies for the ~~unified department.~~ system. ~~Policies that affect only county employees will not be considered by the executive committee.~~ These procedures may be changed at any time by agreement of the fire and rescue chief and the advisory board ~~and chief~~ by a majority vote. In addition, the fire and rescue chief may at any time seek more input and advice from the executive committee or advisory board than ~~as required by~~ this section requires.

(b) *Initiative and Drafting.* Any member of the ~~unified department may~~ recommend coordinated fire and rescue system may suggest new policies or policy amendments to the fire and rescue chief by utilizing and the advisory board through the member's chain of command. ~~With input from~~ In cooperation with the executive committee, the fire and rescue chief shall ~~prioritize~~ oversee the preparation of new system-level policies ~~or and the~~ review of all existing ~~draft~~ system-level policies. ~~Such draft~~ Policies that affect only county employees or county volunteers will not be considered by the executive committee. Draft policies, prepared by the fire and rescue chief, shall be

submitted to the executive committee for joint consideration and collaborative development. The draft will be accompanied by a written report summarizing the rationale for the policy and the impacts, if any, on volunteer budgets and volunteer members' time.

(c) ~~Executive committee collaboration.~~ Committee Role in Policy Development. The executive committee shall review and evaluate all draft policies proposed by the fire and rescue chief or others in light of the ~~mission of the unified department to best serve the community following~~ standard: whether the policy is essential to the effective and equitable provision of high-quality, countywide fire and rescue services (hereinafter, "system policy standard"). Within thirty (30) calendar days of receiving the initial draft policy, barring ~~exceptional unforeseen~~ circumstances, the executive committee shall review the draft and decide to: support the policy as worded; support the policy with specific, ~~recommended~~ revisions; or decline to support the policy. ~~If the committee decides to decline to support the policy, it must give a clear, written explanation of the reasons for its decision.~~ The committee may accompany its decision with a written explanation of its position, although it must provide a written explanation in the event it declines to support the policy.

The fire and rescue chief shall consider the comments and recommendations of the executive committee ~~in light of the mission of the unified department~~ and shall incorporate such recommendations for revision which, in his judgment, ~~will best serve the community.~~ meet the system policy standard. The fire and rescue chief shall then ~~re-submit any revised draft policy~~ the draft, with any revisions, to the executive committee for additional review and ~~consider any additional recommendations for revision~~ comment, repeating this process until he is satisfied that ~~he has prepared a draft policy that best serves the community~~ the resulting draft meets the system policy standard and addresses the reasonable concerns of the executive committee. Should the ~~fire and rescue~~ chief decline to accept any material recommendation for revision from the executive committee, he shall provide a written explanation of ~~the facts and reasons for~~ his decision to the executive committee and ~~seek~~ attempt to reach a ~~mutual agreement~~ consensus with the committee ~~on the disputed issues~~ prior to submitting the proposed policy to the advisory board.

During the collaborative process described above, the executive committee shall brief other members of the advisory board on the progress of ~~their~~ its work with the fire and rescue chief and ~~raise any questions and concerns expressed by~~ solicit from the advisory board ~~members to the fire and rescue~~ any questions, concerns and suggestions for introduction to the chief.

(d) ~~Advisory board collaboration.~~ Advisory Board Deliberations. After completing ~~the~~ collaborative ~~work with the~~ consultations with the executive committee ~~provided by this section~~ as described above, the fire and rescue chief shall submit the proposed policy, along with any annotations he considers necessary, to the full advisory board for its review. Provided that the proposed policy is submitted to the advisory board at least ~~seven (7)~~ fourteen (14) calendar days before any monthly meeting, the advisory board shall ~~act~~ take action on the policy at that meeting. After considering the draft

policy in light of the ~~mission of the unified department to best serve the community~~system policy standard defined in §6-109(c), the advisory board shall ~~vote to support the policy as worded; support the policy with specific, recommended revisions; or decline to support~~take one of the following actions by majority vote:

1. Accept the draft policy as worded, following which the policy shall be considered adopted.
2. Support the policy in principle, but with specific revisions.
3. Decline to accept the policy. If the advisory board votes to ~~decline to support~~oppose the policy, it must ~~give~~provide a clear explanation ~~of the reasons~~ for its vote at the ~~same~~ meeting~~—~~, and may, at its discretion, follow with a written explanation of the reasons for its opposition.

The fire and rescue chief shall ~~consider any recommendations for revision~~reconsider the draft policy in light of the ~~mission of the unified department~~system policy standard defined in §6-109(c) and incorporate such revisions from the advisory board which, in his judgment, ~~best serve the community~~meet that standard. The chief shall then submit any revised draft policy to the advisory board or the executive committee for additional review and consider any ~~additional~~further recommendations ~~for revision~~, repeating this process until he is satisfied that ~~he has prepared a draft policy that best serves the community~~the resulting draft policy meets the system policy standard and addresses the reasonable concerns of the advisory board. The chief shall submit ~~the revised~~his final draft policy to the advisory board ~~within seven (7)~~at least fourteen (14) calendar days before their next meeting for final consideration.

(e) ~~Adoption of policies~~Policies. The fire and rescue chief shall be authorized to adopt and issue a policy of the ~~unified department~~coordinated fire and rescue system immediately after a vote by the advisory board to support the policy as worded. Should the advisory board vote ~~otherwise (to support the policy with recommended revisions, or decline), the fire and rescue~~ to oppose the policy, the chief may nonetheless notify the advisory board that he ~~nonetheless~~ intends to issue the proposed policy as ~~worded~~submitted. In that event, the proposed policy will take effect the day after the next advisory board meeting, unless otherwise specified within the policy, or unless the advisory board votes to appeal ~~contest~~ the policy at that meeting. ~~If the advisory board votes to appeal, the proposed policy will not take effect until and unless the county executive or his designee renders an opinion that the appeal is unfounded.~~

~~—(f) Appeals. Appeals of proposed policies may be taken in accordance with this subsection. The advisory board may vote to appeal either at the meeting in which the fire and rescue chief provides notification that he intends to issue a proposed policy, or at the next advisory board meeting, but no later.~~Informal Contest of Policies. Should the advisory board vote to contest the policy, written statements from the fire and rescue chief and the

advisory board, explaining their positions for and against the policy, shall be submitted to the county executive no later than fourteen (14) calendar days from the date of the meeting. The county executive or his designee shall either: (1) refer the policy back to the parties for further consideration and collaboration; or (2) determine that the policy meets the system policy standard as defined in §6-109(c). Following the county executive's decision, the advisory board shall vote at its next meeting regarding whether to file a formal appeal of the policy.

(f) Appeals of Policies. Appeals of proposed policies will be taken in accordance with this section. Within seven (7) calendar days of any vote to appeal, the chairman of the advisory board shall submit a written notice of appeal, including a statement of the basis for the appeal, to the county executive.

Within ten (10) calendar days of receiving the notice of appeal, the county executive or his designee shall provide a written decision to the advisory board and the fire and rescue chief ~~concluding that the appeal is either founded or unfounded.~~ Decisions shall be based on whether the proposed policy ~~advances the mission of the unified department to best serve the community. A founded decision~~ meets the system policy standard as defined in §6-109(c). A decision that the appeal has merit may also provide guidance to the fire and rescue chief and the executive committee regarding further work to be undertaken ~~regarding on~~ the disputed ~~matter. An unfounded policy.~~ A decision ~~that the appeal is without merit~~ may be appealed to the board of supervisors by a majority vote of the advisory board at its next meeting.

Within seven (7) calendar days of the vote to appeal to the board of supervisors, the chairman of the advisory board shall submit a written notice of appeal, including a statement of the basis for the appeal, to the clerk of the board of supervisors. The written notice of appeal will be accompanied by a packet, compiled by county staff, containing a copy of the following: all documents submitted by the advisory board, fire and rescue chief, and the County Executive as part of the informal contest and appeal processes; the proposed policy; and the minutes, if any, reflecting advisory board deliberations on the proposed policy. Any party may include such other documents it believes would be helpful for the board of supervisors to consider by providing them to the clerk of the board of supervisors prior to the expiration of the seven (7) calendar days described above. The board of supervisors shall consider the appeal at its next a subsequent meeting and issue a decision that the appeal is founded or unfounded. should be sustained or not sustained, in whole or in part. The basis for the decision shall be whether the proposed policy ~~advances the mission of the unified department to best serve the community~~ meets the system policy standard as defined by §6-109(c).

Sec. 6-110. Office of the Fire Marshal.

- (a) Pursuant to Virginia Code §27-30, the Office of the County Fire Marshal is hereby established. The board shall appoint the fire marshal and such assistant fire marshals as the board deems necessary.
- (b) The fire marshal and his assistants shall, before entering upon their duties, take an oath, before any officer authorized to administer oaths, to faithfully discharge the duties of their offices.
- (c) The fire marshal and his assistants shall be authorized to exercise all of the powers authorized by Title 27, Chapter 3 of the Virginia Code, including the powers enumerated in Virginia Code §§27-34.2, 27-34.3, and 27-37.1.⁴
- (d) The authority granted under this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or rescue squads from performing their normal duties when operating at such emergency incident. Personnel from the news media, when engaged in news-gathering activities, may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the fire marshal or his assistants, or other officer in charge, interfere with the department's ability to manage the emergency. The fire marshal, his assistants, or other officer in charge may order persons who are violating the provisions of this section from the scene of the emergency incident.

State law reference – Virginia Code §§27-30, *et seq.*

Sec. 6-111. Junior Firefighters Program.

~~Persons~~ Any person sixteen years of age or older ~~are~~ is authorized to participate fully in all activities of a volunteer fire company duly authorized to operate in the county ~~under the following conditions~~ after he or she:

- (a) ~~Supply~~ Becomes a member of the volunteer fire company;
- (b) Supplies to the chief fire officer of the volunteer fire company written confirmation that such person is a resident of the Commonwealth of Virginia ⁵and has parental or guardian approval; and

⁴~~I replaced existing section D with new section C because many of the provisions were outdated and failed to reflect the fire marshal's actual role in fire suppression management. The citation to chapter 3 should make it clear that the fire marshal has all the powers provided under state law. The new code citations give express authority to make entry at haz mat scenes and clarify that the marshal may enforce the statewide fire prevention code.~~

⁵~~I added this Commonwealth requirement because it comes from Va. Code 40.1-79.1.~~

- (c) ~~Attain~~Attains certification under National Fire Protection Association 1001, level one, firefighter standards as administered by the Department of Fire Programs.

State law reference – Virginia Code §40.1-79.1.

DRAFT