

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 11, 2010, at 4:00 p.m., in Room 241, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from August 4, 2010. The regular night meeting was held at 6:00 p.m., in the Lane Auditorium, County Office Building.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 4:02 p.m., by the Chair, Ms. Mallek.

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Agenda Item No. 2. **Work Session:** Budget Funding Allocations.

Mr. Tom Foley, Assistant County Executive, stated that the Board worked with some big issues in March, such as schools, libraries, agencies, etc. – and when the budget was adopted in April, Mr. Snow commented that the budget process for next year should start now. The Board's June Strategic Planning Retreat focused on setting priorities and budget issues. Mr. Foley said that this is the start of the process to set direction and establish priorities, adding that the five-year financial plan starts today in talking about issues that will drive expenditures in the future. He noted that over the next several months, the Board would be talking about the School funding formula, their current expenditures and future needs; General Government expenditures, both in review of program and service review, and a detailed look at several departments from a zero-based budget concept to be done in October. Mr. Foley stated that the normal process involves compensation discussion (in October) for Schools and General Government employees, based on the survey and the WorldatWork data, and a discussion of capital in November and December. He added that all of these things are part of the five year financial process, but also give staff direction as the County approaches the annual budget process.

Mr. Foley said that staff would be asking through this process for the Board to provide some general direction, not make specific funding decisions, i.e., funding formulas for Schools, funding for agencies, etc. He said that the main purpose of the meeting today is to prepare for next week's work session with the School Board, and changes to some major assumptions such as the school/local government funding formula (60/40 split) driven by the Resource Management Review that recommended it be reviewed. Also, improving communication is an important factor. Mr. Foley stated that Dr. Bill Boucher, former Superintendent of Chesterfield County Schools and State Superintendent appointed by the Governor, would be facilitating the meeting next week. Lane Ramsey, who was County Administrator for 20 years in Chesterfield County, would be another facilitator.

Mr. Foley mentioned that Mr. Elliott would also be discussing agency funding and some new processes proposed for both the long and short-term.

Mr. Foley reiterated that this is the beginning of a process that staff has expanded to help better prepare the Board to provide staff direction. Staff will be bringing forth a balanced five year plan in November so thinks the next couple of months are important in receiving Board direction.

Ms. Lori Allshouse, Director of the Office of Management and Budget, said that for this meeting staff has prepared the following information: 1) a one-page budget in a pie-chart format; 2) excerpt from the *Virginia School Law Deskbook*, which provides some legal guidelines for school/local government involvement; 3) a one-page summary of the County's shared revenue allocation to the School system and how it's calculated; 4) excerpt from the County's Local Governments Resource Management Review recommendations regarding Education funding; 5) excerpt from the School's Resource Management Review regarding fiscal planning, budgeting and related services; 6) information from other jurisdictions' on shared revenues and school allocations formulas; 7) research on shared revenue allocations, long-range budget planning, and information sharing used by other localities; 8) executive summary and minutes from July 1, 2009 Board/School Board joint meeting on financial policies related to School funding allocation; 9) agency information.

Ms. Laura Vinzant, Senior Budget Analyst, said that she would be reviewing the adopted budget for FY11 looking at the four major categories of Schools, General Government, agencies, and other. She explained that the total County budget for FY11 was \$292.0 million, and this includes all appropriated operating and capital funds.

Ms. Vinzant said that funding for the School system totals \$177.0 million in FY11, or just over 60% of the total budget, and includes School operating funds, self-sustaining funds, and their capital and debt service funds. She stated that the School operating category, which comprises 46.6% of their budget, totals \$136.3 million and includes funding for the day-to-day operations, including most instructional salaries and support staff. Ms. Vinzant explained that the self-sustaining funds total \$22.6 million and comprise 7.7% of the total County budget – and some examples under this category would be food services; summer school programs; state and federal programs including stimulus funds; school bus, computer and textbook replacement. She noted that there are grant funds that are used to support this category, along with transfers from the General Fund and other sources; Title I funds and grant-funded positions would be included in this category. Ms. Vinzant noted that there is \$5.0 million, or 1.7% of the total County budget in capital funds, and debt service of \$13.2 million, or 4.5% of the total County budget.

Ms. Vinzant reported that the General Government budget totals \$75.8 million in FY11, and makes up 26% of the total County budget. County departments comprising the largest portion at \$56.7 million or 19% of the total budget; she noted that this is where most General Government personnel and operations are budgeted. Ms. Vinzant said that special revenue funds total \$12.5 million and include the CSA fund, federal housing funds, Bright Stars Program, Towe Park, the vehicle replacement program, and some personnel costs. She explained that the General Government Capital Program is \$3.2 million in FY11, at just over 1% of the total budget, and debt service payments are budgeted to be \$5.0 million.

Ms. Vinzant reported that agencies and joint operations total \$18.3 million, and make up 6.3% of the total FY11 County budget. She pointed out that there are two major processes for evaluating agency requests – the Agency Budget Review Team process run by the Commission on Children and Families, which reviews most of the human service agencies –in total making up less than one-half percent of the total budget or \$1.1 million; and a joint process between City and County staff that reviews the majority of other agencies – totaling \$15.2 million or 5.2% of the total budget. Ms. Vinzant stated that this category also includes the volunteer fire and rescue departments – which are not jointly funded with the City and County – and the City Fire Contract, bringing the other agencies piece to 5.9% of the total budget, or \$17.1 million. She said that the category reflecting “other” expenditures totals \$21.0 million and comprises 7.2% of the total budget; the Revenue Sharing payment to the City of Charlottesville is the largest piece at \$18.5 million, and tax relief, refunds, and reserves are also included in this category.

In summary, Ms. Vinzant said the two largest segments of the County budget are General Government at 19.4% and School operations at 46.6%, making up 66.0% of all budgeted revenues. She noted that there are many areas in which the Schools and General Government collaborate – such as shared funding of Human Resources and capital project management functions; the Finance Department and County Attorney’s office also provide services to both entities; Parks & Recreation use the Schools free of charge and in return maintain some of the athletic facilities; and Social Service programs such as Bright Stars and Family Support are also a joint effort.

Ms. Allshouse reported that there were three recommendations that emerged from the Resource Management Study regarding education funding. She explained that the review team determined that the funding formula over the years remained the same, while the County population grew at a higher rate than the School enrollment. The team recommended that the Board consider adjusting the funding formula up or down – based on previous years’ changes in population versus school enrollment, as well as other programmatic considerations.

Ms. Vinzant said that the funding formula policy currently states that 60% of all new local tax revenues are allocated to the School Division after certain items are deducted. She also pointed out the methodology used to implement the policy. She stated that the first category is shared revenue, which includes general property taxes – such as real estate and personal property taxes. Ms. Vinzant also said that other local taxes include sales tax, utility taxes, businesses license taxes, food and beverage tax, etc.; personal property tax relief is included in the revenues that are shared. She explained that before the revenue is shared, the transfer to the CIP and debt service is deducted as it applies to both School and General Government projects; the City Revenue Sharing payment is deducted first, as is tax relief for the elderly and disabled, tax refunds, and a shared contingency reserve, and any other adjustments approved by the Board of Supervisors.

Mr. Snow asked about money going into the budget that wasn’t divided, as the Board had discussed in a previous work session – and when the Board took it out of the special fund to use in the budget, the Schools didn’t get a portion.

Mr. Foley explained that with programs such as ACE, it was part of capital that was already taken off the top to move over and fund the ACE Program. He said that since the budget crisis, the Board decided to discontinue ACE so that money went back into the General Fund to offset the deficit. Mr. Foley emphasized that the formula only stipulates “new revenue growth” from one year to the next, so the Board could change that policy – but any project in capital before that is decided not to continue would go back into the General Fund, and the Board would have to split that.

Mr. Rooker noted that in the last budget cycle the Board approved a split for the money coming out of the reserves.

Mr. Snow said that moving funds around is somewhat of a shell game, and local government is not being honest with the school system.

Mr. Rooker responded that the schools had a good point when they raised that issue.

Mr. Elliott mentioned that a portion of ACE is funded with transient occupancy taxes, and they were held out of ACE to fund park maintenance – so the transient occupancy taxes weren’t on the list of shared revenues either.

Mr. Dorrier asked about the history of the 60/40 split.

Mr. Tucker explained that the split was based on practice, and predates his employment with the county, but over the years the 60/40 split was what the Schools needed in order to operate and what the Board funded them – so over time, it was what the formula became.

Ms. Mallek commented that there is a wide variety of allocation formulas in other localities, depending on what their needs are.

Mr. Foley said that it would be helpful for staff to have some clarification for the language regarding the funding formula, adding that the item would be a topic of discussion next Tuesday when the Board meets with the School Board

Ms. Vinzant presented a sample of how the calculations are done in a typical year, noting that in this example there would be \$5.0 million revenue to share – with expenditure deductions taken off in this example of \$2.5 million, leaving \$2.5 million to be split 60/40 with the schools. She added that if that number is negative, they share in the decrease as well.

Ms. Allshouse stated that there is information in the Board's notebooks regarding what other jurisdictions do regarding funding formulas. Staff found that what they have in common is that the formulas are used as guidance in budget preparations – with changes possibly made during the budget process.

Mr. Boyd said he has always considered the formula as guidance and not a hard/fast rule.

Ms. Allshouse added that each locality was unique in some regard, and some had different expenditures included/exempted, different percentage ratios or exceptions built-in, etc.

Mr. Rooker asked if there was information available regarding the specific split percentage with schools.

Ms. Allshouse said that some of that information is included in the materials, and staff did some additional research on it for the Board's strategic planning session.

Ms. Vinzant mentioned that some localities include debt service in their contributions to schools, so comparisons need to be made carefully.

Mr. Rooker added that it would be helpful to have the percentages, and each locality's per pupil expenditure.

Ms. Allshouse presented information on some options available to the Board, such as continuing the current funding formula, adopting changes to it, or eliminating it – with future considerations such as the guideline versus hard/fast rule, timing, and key variables. She also noted that staff believes it is important to update the policy to make it a bit clearer.

Mr. Rooker commented that the advantage to having a formula is there isn't a negotiation each year starting from scratch – and it's important to give Schools some indication as to what revenues they have, in order for them to build their budget.

Mr. Boyd agreed, but added that there may be years in which there are exceptions – such as the building of Monticello High School.

Mr. Tucker said that the County has to change the allocation at times, as with the opening of a new school there are also new operating expenses.

Mr. Foley noted that the same is true when a new fire station is opened; it should be looked at annually based on the circumstances.

Mr. Dorrier commented that he doesn't see a need to move off of 60/40, as the County is committed to having world-class schools.

Mr. Foley said that this conversation stems from the Resource Management Review, as staff is close to completing work on the recommendations.

Mr. Boyd mentioned that the recommendation was to base the split on a scale related to population growth versus enrollment growth.

Mr. Foley responded that staff did not find that every locality does that – although they do in Chesterfield – and others deal with it as they go through the budget process and evaluate existing needs.

Ms. Mallek stated that unfunded mandates would likely play a much greater role than population increases or decreases.

Mr. Boyd added that the biggest problem currently is shortfall from state government.

Ms. Allshouse said that the guidelines for the County's policy does provide for a review of it annually.

Mr. Foley said staff is not looking for a decision on the funding policy today, but suggests that it be part of the discussion with the School Board.

Ms. Allshouse then stated that the next recommendation from the Resource Study pertained to the School Fund balance. The Study recommended that "an appropriate fund balance be negotiated between the County and the Schools. While the carryover of unspent expenditures is an incentive for schools, it can also create an imbalance between the two. A good approach could be to create a

maximum dollar amount of fund balance, with anything above it to be allocated between the Schools and General Fund on a pro-rata basis.”

She explained that currently, the School Division keeps their fund balance – and that has provided critical assistance to them during this economic downturn. The Board does not currently ask for that fund balance nor does it cap it.

Mr. Rooker indicated that the Board also has a fund balance, and can build up whatever reserve they can to use for County General Government operations.

Mr. Foley commented that General Government has to ensure that it has 8% undesignated General Fund balance with any year-end money, because after that the money follows another set of rules. Basically the money goes to capital and is for the benefit of Schools and General Government. There is some guidance in policy now that says how General Fund balance goes, and with the School Fund balance that would be one of the possibilities.

Mr. Tucker pointed out that the vast majority of General Government’s fund balance is for cash flow – both Schools and local government.

Mr. Boyd said that there is a clear policy as to what to do when the fund balance gets built up, as it goes to capital, and the same process could be applied to the School system. He also asked how do you keep from over-budgeting.

Mr. Rooker noted that the trade-off is you don’t want to provide an incentive to spend money, if it’s a “use it or lose it” policy.” He added that the Schools have less ability to adjust in mid-year than General Government does, with respect to personnel because their teacher contracts are locked in.

Mr. Foley stated that County staff believes it is good practice to allow Schools to keep their fund balance, and the real issue here is whether there should be some amount after which it goes to a different purpose – and he thinks some School staff thinks that is a reasonable approach.

Mr. Boyd mentioned that the General Government’s excess fund balance goes to capital projects, as the CIP funds most of the school projects anyway.

Mr. Thomas commented that it just came as a surprise when he saw that the schools has a fund balance.

Mr. Rooker indicated that the schools used a good bit of that balance up this year.

Mr. Foley emphasized that some of the controversies this year have arisen because they are in the most unusual of times in terms of General Government using capital funds to balance the budget, and the Schools’ extensive use of their fund balance due to State shortfalls.

Ms. Allshouse reported that the last recommendation from the Resource Management Review was on School system debt service and whether it should be part of the 60/40 formula – and the Board discussed this with the School Board in July 2009, and then came up with the decision not to change it.

Mr. Boyd said that the Board’s establishment last year of criteria for CIP priorities has worked well, and he would like to suggest that to the School Board for maintenance projects as well because it is a large amount of money and should be evaluated on the same basis as new projects.

Ms. Allshouse stated that in preparation for the Board’s Strategic Planning session with the School Board, staff discussed the budget with individual Board members – who indicated that they would like to improve their understanding of the School Board budget, i.e., fund balance, personnel lapse, staffing levels, comparative data. She reported that staff spoke with Budget staff in other General Government offices, and obtained a variety of ideas for consideration locally. The results of the research indicate that in addition to joint discussions regarding programmatic goals/issues, you may want to discuss quantitative measures included in the conversations. A lot of them are in the School budget, although they are not always discussed in work sessions. She then presented a list of informational areas that other localities have indicated are discussed during their budget work sessions: enrollment information, anticipated and historic; three to five years per pupil costs; actual, comparisons and past three to five years; information on staffing such as current number of positions, total number anticipated for upcoming year, historic data; staffing standards and staff/pupil ratios; revenues from all sources-anticipated and actuals; expenditures by summary category; and fund balance information. In summary Ms. Allshouse said some items to consider for discussion is what additional information Board members would like to have included in discussions with the School Division during the upcoming budget conversation to improve its understanding of their budget request.

Mr. Boyd commented that a lot of systems do prior year comparisons on actuals, not budgets, and there is a tendency locally for the School Board to present their budgets – not actuals.

Mr. Rooker agreed that it would be helpful to have comparisons of budget to actual, and actual to actual during the process.

Ms. Allshouse asked the Board if they had any questions on what was presented today.

Mr. Rooker asked if there would be additional comparative information gathered for next week's work session with the School Board.

Mr. Foley responded that staff anticipated the Board having some broader, directional discussion on August 17th and agree on some things that make sense to improve communications; then a work session in a five-year context would be planned for mid-October whereby the School Board could bring forward the information agreed upon, as well as sharing some of their future needs and programs.

Mr. Boyd added that it would be helpful if the School Board could forecast four or five years out, as the Board does.

Mr. Foley said he thinks the School Board does some of that. He added that the School Board has expressed concern that all General Government does is put 60% of shared revenues into the five-year model – and there's not much discussion about addressing actual needs.

Mr. Boyd said that there was a lot of discussion at their last work session about anticipated State allocations and related concerns, so if those projections could be considered now the impact could be better absorbed going forward.

Ms. Mallek noted that it would be helpful to have information available regarding the 50% loss of the hold-harmless money, as discussed in the March 17<sup>th</sup> budget work session.

Mr. Foley said that what hasn't been done before is to have the Schools involved in this five-year planning process and setting out early on the multi-year projections.

Mr. Rooker commented that special circumstances in any given year can't be forecasted at the time a five-year plan is being considered, and there is a balance here with getting overly involved in the School budget versus not being involved enough to understand what their pressure points are and what they are trying to achieve – such as the impact of lost revenue. He would like to see the Board better understand the way that they view the School system, the costs within the School system, the way that they understand how revenue shortfalls that might affect them, and what they are trying to achieve. He added that when the Board considers the local government budget, it goes into great detail, and perhaps a better understanding of what the Schools are dealing with would foster more empathy to their issues.

Mr. Boyd stated that he is focused on new initiatives, new plans schools might have, large maintenance projects, new schools coming on board. He would like to know if they have a long-range plan for that because it would be helpful for the Board to know what part it would have in funding. He added that the Board is aware of capital projects, but not necessarily the impact on operating costs.

Mr. Foley said that in these times, it is difficult to realistically look ahead five years, so the planning should focus on the next two years – as there may be composite index changes. Staff will ask the Schools to come forward with some of these revenue issues and the latest information on changes that could impact.

Mr. Rooker asked if staff had any information about the \$28.0 billion aid to State governments package, which is assumed to drop down to local governments.

Mr. Foley responded that it is uncertain, but the funding would only be there for one year. Staff is waiting for additional information.

Mr. Bryan Elliott, Assistant County Executive, stated that he would be sharing information on the FY12 agency funding proposal and prioritization initiative. County staff has been working with City staff over the summer. He stated that his presentation will cover how current allocations are made for the Agency Budget Review Team and community agencies; the FY12 funding proposal; proposed outcomes/expectations for prioritization initiative and proposed process for prioritization initiative.

Mr. Elliott said that they began a dialog with many of the community agencies this spring, particularly in the Agency Budget Review Team, about this process. Earlier this week they communicated to the agencies that this proposal would be presented to the Board of Supervisors and City Council. Mr. Elliott reiterated the process for agency applications, noting that one approach is the Office of Management and Budget community agencies application, whereby applications go out in August or September and are reviewed by staff upon return. He explained that in FY11, 34 agencies across four functional areas – including human development, public safety, parks, recreation, and culture, and community development were funded. Mr. Elliott stated that 10 of these agencies are funded by multi-jurisdictional agreements – including organizations such as JABA, JAUNT, the Library, ECC, Jail, Blue Ridge Detention Center, etc., anywhere there is a contract supported by one or more jurisdiction in that particular agency.

Mr. Rooker asked what percentage of the total \$14.0 million would be allocated to those agencies. Mr. Elliott responded that 59% of the \$14.0 million is allocated to three agencies – the ECC, the Jail, and the Library. He said that 95% of these agencies are funded through the General fund, with the remaining 5% funded through the transient occupancy tax – such as festivals supported jointly with the City and some other miscellaneous type agencies.

Mr. Elliott noted that this is about 5.2% of the County's overall operating budget. The Agency Budget Review Team process is coordinated for the City and County by the Commission on Children and Families, and about this time every year CCF begins the application process – with a team of County staff,

City staff, and community volunteers reviewing applications as they are submitted and recommendations made to the Board in time for its annual budget preparation. Through ABRT, he said, 19 agencies in these same four functional areas are funded – representing about \$1.15 million in FY11 or .4% of the County's overall budget, with 59% funding four agencies – OAR, the Free Clinic, CHIP, and child care scholarships. He added that all ABRT funding comes from General Fund sources.

Mr. Elliott reported that staff's funding proposal for FY12, related to the ten multi-jurisdictional agreements, is that the requests from these agencies would continue to be reviewed based on the agreements in place, as well as funds that would be made available by the Board and City Council. He said that funding for the ABRT agencies and remaining community agencies would remain level for FY12, assuming both jurisdictions could provide the same amount of funding; any additional increases or cuts would be reflected across the Board. Mr. Elliott said that the majority of agencies have been in favor of this plan, and while no formal application would be submitted this year agencies would be required to submit outcome measures and performance data. In lieu of the application process, he stated, it is proposed that the community – as led by agencies and County and City staff – conduct a comprehensive prioritization study to be used in FY13 going forward for both the ABRT process and the Budget Office program.

Mr. Elliott emphasized that staff and the review team would like to preserve what is working well with the application and process; enhance and protect the outcome and performance measurement data that is already being collected; and consider investing local government funds based on priorities. He indicated that this was attempted in the FY11 budget for the ABRT, but there was a mixed reaction by many of the agencies about the prioritization process utilized. They would like to accomplish the agency budget review in a more streamlined fashion. Mr. Elliott added that a considerable amount of staff time is being spent on this process, and the County can no longer afford to allocate them for that purpose – which has generated the recommendation for streamlining. He noted that the Resource Management Study suggested folding in agencies that are currently in the OMB community agency process into ABRT to provide a better review. Staff also suggests consideration of legacy funding for agencies – as there are a number that have been funded for many years. Mr. Elliott said that the question is whether the community should be funding "seed money" to allow emerging agencies that are meeting critical human services need to be incubated by these funds from the City and County, and then expected to eventually have self-sufficiency.

Mr. Rooker asked if it would be possible to get some analysis from United Way or CCF if there is not sufficient capacity among County staff to be a part of this review process.

Mr. Elliott responded absolutely. He added that the outcome of the United Way process is that they end up funding many of the same agencies as the County, so in some respects it is duplicative, but the timing of the United Way process would need to be evaluated as they typically review after the first of the year. He added that it is definitely something to be discussed with the United Way and CCF.

Ms. Mallek asked if there would be expectations from agencies to become self-sufficient, and the timeframe needed in order to achieve that. Would the agencies be expected to tell us how they would be self-sufficient?

Mr. Elliott responded, "yes". He said that the question becomes whether localities continue to fund the same agencies over and over, or whether that money is used instead to help fund new organizations that are meeting unmet critical needs.

Mr. Boyd responded that he would want to give long-standing agencies an opportunity to demonstrate that they have increased their services, numbers served, etc. He also said that he has been unable to get, even after trying for several years, information from CCF regarding overlap in services. How many of these agencies perform the same services?

Ms. Mallek pointed out that Ms. Ralston, Director of Social Services, mentioned in a recent meeting that different populations and different jurisdictions may impact service areas and the need for seemingly "duplicate" agencies to exist simultaneously.

Mr. Boyd said he agrees with that, but would still like have a better understanding.

Ms. Mallek said she was referring her comments more towards new agencies and does not have a huge replacement source.

Mr. Rooker said that one way to look at investing based upon priorities is to consider functional priorities rather than agency priorities. For example, how much do we want to allocate to assisting seniors in the community, or youth in the community, and then what is the best way to do that.

Mr. Elliott noted that this could be delineated as preschool population (age 0-6), teen programs, and adult/senior programs. He stated that in 2007-08 the community engaged in a human services strategic plan, and out of that came some priorities – with ABRT attempting to utilize those, with a focus on youth services.

Mr. Rooker emphasized that it would be helpful for the Board to look at investment along functional areas, even if the committee is doing it, and for the Board to be able to drive some of the priorities.

Mr. Boyd commented that it is not only about agencies, as there are also mental health issues, etc.

Mr. Rooker asked how much of the \$14.08 million distributed to agencies is discretionary, and how much is driven by formula.

Mr. Elliott responded that subject to appropriation by the Board, it is pretty much driven by formula – over 90%.

Mr. Rooker responded that those arrangements must be considered, such as the formula allocation for the Regional Jail.

Mr. Elliott suggested that he provide a matrix of the 10 agencies receiving formula funding, and essentially being allocated the majority of this money.

Mr. Elliott said that the process going forward plans to utilize CCF – working in conjunction with U.Va. research team, and City and County staff – to conduct the analysis. Mr. Elliott indicated that the plan is to engage agencies, staff, the Board, and Council members in discussions through web surveys and interviews, about the existing process and areas for improvement. He added that they plan to canvass agency funding practices in peer communities and to have it completed and in place for the FY13 budget process, with the assumption going forward that the City and County will provide funding in tandem – whether it is level, increased, or decreased.

Mr. Boyd noted that there are some agencies that would need to be reviewed independently given funding and service changes, such as JAUNT.

Mr. Rooker commented that level funding from the County does not necessarily mean that the agency will get level funding which can create a problem if it is an essential service in the community.

Ms. Mallek asked if Board members had any concerns or questions about the process.

Mr. Rooker said he thinks it is a good plan. Other Board members concurred.

Mr. Foley said that over the next few months there would be joint meetings with the School Board – including one on compensation – and a number of issues would be considered such as health insurance premiums, etc. He stated that the School Board will review their baseline budget with the Board after the work session next Tuesday, and discuss their future needs. Mr. Foley said that the same thing would then be done with local government needs. He commented that the agenda for August 17<sup>th</sup> is being finalized by staff, School staff, and Dr. Boucher – but what was discussed today represents the essence of what's planned for that meeting. Mr. Foley noted that there would be discussions regarding improving communication, understanding, and cooperation in the five-year and annual budget processes; discussing the County-related budget formula, Resource Management Review recommendations for schools and local governments; consider the research brought forth from other jurisdictions; and identify beneficial changes moving forward in regard to information sharing, mutual understanding, and budget processes and practices. He indicated that the School Board has the same information as the Board and is meeting tomorrow in preparation for next week's meeting.

Mr. Rooker commented that during times of budget stress, schools find they are down in revenue and come forward with a plan to address the shortfall. He said that Dr. Moran did an excellent job last year of establishing tiered cuts, and it would be helpful for her to elaborate on the details of how budget gaps might be addressed.

Mr. Snow said that he hopes to accomplish that in these early budget meetings, so that the lines of communications are kept open and comments from constituents can be handled consistently from both local governments and schools.

Mr. Rooker agreed, adding that there are always going to be anecdotal emails and calls that aren't necessarily an accurate reflection of the actual situation. He commented that if the Board goes down the road of examining the School Board budget at the \$10,000 or \$25,000 level, they (the Board) are going to be doing their (the School Board's) job.

Mr. Tucker added that there will always be a public perception that certain expenditures are unnecessary, but there is usually more to the situation than meets the eye.

Mr. Snow said it helps him to understand upfront what is going on rather than on the tail end, after a debate has continued for months on some issue.

Mr. Rooker suggested that the budget be viewed historically, with last year's situation replayed to help the Board understand how and why the schools made their decisions and what the alternatives may have been.

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Agenda Item No. 3. Recess. At 5:27 p.m., the Board took a recess.

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Agenda Item No. 4. The meeting was called back to order at 6:02 p.m., by the Chair, Ms. Mallek.

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Agenda Item No. 5. Pledge of Allegiance.  
Agenda Item No. 6. Moment of Silence.

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Agenda Item No. 7a. Recognition: Proclamation Recognizing the 90th Anniversary of Women Obtaining the Right to Vote and Recognizing August 26, 2010 as Women's Equality Day.

Ms. Mallek read the following Proclamation and presented to Kobby Hoffman:

**PROCLAMATION**

**WHEREAS**, this is the **90th Anniversary** of the Nineteenth Amendment to the U.S. Constitution giving women the right to vote in 1920; and

**WHEREAS**, in 1848, 162 years ago in Seneca Falls, the need was recognized and proclaimed, but after great effort there is still no reliable protection in the U.S. Constitution for women against sex discrimination in general; and

**WHEREAS**, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia, does hereby proclaim

**August 26, 2010,**  
as  
**WOMEN'S EQUALITY DAY**

in remembrance of all those women and men who have worked to develop a more equitable community, which acknowledges both the real similarities and the important differences between women and men, with liberty and justice for all.

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Agenda Item No. 8. From the Board: Matters Not Listed on the Agenda.

Ms. Mallek announced that because of the large number of people wanting to speak tonight, the Board would institute a two-minute time limit instead of the regular three minutes.

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Mr. Boyd stated that he would like to proceed with scheduling a meeting in September of the four boards (Board of Supervisors, ACSA, City Council and RWSA) to discuss the water plan. Other Board members concurred.

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Mr. Snow said that he toured the Meadow Creek Parkway recently, and it is going to be opened in two months for a six-week period – then closed for a year until completion.

Mr. Boyd commented that he also took the tour and it is a beautiful road that people will enjoy either on the road or the pathway.

Mr. Rooker added that it will have the best pedestrian and bicycle facilities of any transportation project every built in this area.

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Mr. Dorrier recognized Mr. Tim Cersley, Chief of the Scottsville Volunteer Fire Department, and presented him with a check for \$7,500.00 from Dave Matthews, resident of the Scottsville District, and his family for the Fire Department.

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Agenda Item No. 9. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Jeff Werner, of the Piedmont Environmental Council, provided Board members with a copy of information on cash proffer policies in a number of Virginia counties. (**Note:** Because of technical difficulties with the recording system, his comments were not recorded.)

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Agenda Item No. 10. Consent Agenda. Mr. Rooker **moved** to approve Item 10.2 on the Consent Agenda, and to pull Item 10.1. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.  
NAYS: None.

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Item No. 10.1. Approval of Minutes: May 5, 2010.

Ms. Mallek stated that she had not read her minutes and asked that they be pulled.

**By the above-recorded vote, the May 5, 2010 minutes were moved to the next meeting.**

Item No. 10.2. Resolution: Proposed Plan of Financing for Martha Jefferson Hospital and MJH Foundation.

The following letter dated August 10, 2010, from the Chairman of the Economic Development Authority was received:

"Martha Jefferson Hospital and its affiliates (collectively, "Martha Jefferson Hospital") have requested that the Economic Development Authority of Albemarle County, Virginia ("Authority") approve the deemed reissuance of allocable bonds (the "Deemed Reissuance") on account of the proposed sale of Martha Jefferson Hospital's existing acute care hospital facility in the City of Charlottesville. The allocable bonds are up to \$7,000,000 aggregate face amount of the Authority's Hospital Revenue Bonds (Martha Jefferson Hospital), Series 2002 and 2003. The proceeds from the sale will be used to finance costs associated with the acquisition, construction, equipping and furnishing of an approximately 456,358 square foot, five-story replacement acute care hospital facility consisting of approximately 176 beds currently under construction at the Peter Jefferson Place business office park near the intersection of Willis Drive and Peter Jefferson Parkway in Albemarle County, Virginia.

As set forth in the resolution of the Authority attached hereto ("Resolution"), the Authority has agreed to approve the Deemed Reissuance as requested. The Authority has conducted a public hearing and has recommended that you approve the Deemed Reissuance as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

Attached hereto is (1) a certificate evidencing the conduct of the public hearing and the action taken by the Authority, (2) the Fiscal Impact Statement required pursuant to Virginia Code Section 15.2-4907, and (3) the form of resolution suggested by counsel to evidence your approval."

**By the above-recorded vote, the Board adopted the following resolution:**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ALBEMARLE COUNTY, VIRGINIA**

WHEREAS, the Economic Development Authority of Albemarle County, Virginia ("Authority") has considered the request of Martha Jefferson Hospital and its affiliates (collectively, "Martha Jefferson Hospital") requesting the Authority to approve the deemed reissuance of allocable bonds (the "Deemed Reissuance") on account of the proposed sale of Martha Jefferson Hospital's existing acute care hospital facility in the City of Charlottesville. The allocable bonds are up to \$7,000,000 aggregate face amount of the Authority's Hospital Revenue Bonds (Martha Jefferson Hospital), Series 2002 and 2003. The proceeds from the sale will be used to finance costs associated with the acquisition, construction, equipping and furnishing of an approximately 456,358 square foot, five-story replacement acute care hospital facility (the "Replacement Hospital") consisting of approximately 176 beds currently under construction at the Peter Jefferson Place business office park near the intersection of Willis Drive and Peter Jefferson Parkway in Albemarle County, Virginia.

WHEREAS, the Authority held a public hearing on August 10, 2010 as required by Section 147(f) of the Internal Revenue Code of 1986, as amended ("Code") and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code").

WHEREAS, Section 147(f) of the Code also provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds.

WHEREAS, the Authority issues its bonds on behalf of Albemarle County, Virginia ("County"); the Project is to be located in the County; and the Board of Supervisors of Albemarle County, Virginia ("Board") constitutes the highest elected governmental unit of the County.

WHEREAS, the Authority has recommended that the Board approve the Deemed Reissuance.

WHEREAS, a copy of the Authority's resolution approving the Deemed Reissuance, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:

1. The Board approves the Deemed Reissuance, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code.

2. This resolution shall take effect immediately upon its adoption.

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Agenda Item No. 11. **Public Hearing** to receive comments on an ordinance to amend Chapter 6, Fire Protection, Article I, In General, of the Albemarle County Code. The ordinance would establish a coordinated fire and rescue system, encompassing the County's volunteer and career memberships, under the direction of a fire and rescue chief. Section 6-100 regarding the office of the fire marshal and section 6-102 regarding the Junior Firefighters Program would be renumbered and updated to further clarify their responsibilities and to conform with State Code. Section 6-101 regarding precautions to prevent the spread of fire and related penalties would be repealed because this provision is set forth in Virginia Code § 10.1-1142, which may be enforced by the Fire Marshal without an ordinance. (*Advertised in the Daily Progress on July 26 and August 2, 2010.*)

Mr. Tucker summarized the following executive summary which was forwarded to Board members:

#### Board Direction for the Ordinance

On October 22, 2008, the Board held a work session to examine the organizational structure of the County's fire and rescue system. Career chiefs from Hanover and Stafford Counties, as well as the retired Hanover County Administrator, presented information about their recent experiences in creating, by ordinance, clear organizational structures for their combination fire and rescue systems. Hanover adopted an ordinance codifying its unified system structure in 2000; Stafford adopted a similar ordinance and structure in 2005. Specifically, the following, relevant facts about the two systems were shared:

- Both Hanover and Stafford were concerned that creating unified systems would lead to decreased membership in their volunteer companies, departments and squads, many of which had existed decades before their career departments. The two boards of supervisors were—and remain—committed to maintaining a true combination system that relies heavily upon a robust and thriving volunteer base.
- Both localities experienced *increases* in volunteer membership after the passage of their ordinances. Stafford's volunteer base increased from 350 to 550 members. Hanover's volunteer base increased by 2%, bringing their current total to over 1,000 volunteers. Stafford employs 98 career personnel, while Hanover employs 162 career personnel.
- Both combined systems depend upon the creation of a strong, collaborative relationship between the volunteer and career memberships. However, both ordinances place ultimate responsibility for their systems on the career chief and grant him the authority to execute board goals for their systems.

Following the Hanover and Stafford presentations, the Board considered the comments and questions raised by various volunteer chiefs. Among the many concerns expressed, several chiefs stated that more time was needed for the Albemarle County Fire and Rescue Advisory Board ("ACFRAB") to consider different ordinances and organizational structures, and to provide their input to the Board regarding the creation of a unified system. Recognizing these concerns, the Board resolved that an ordinance should be developed over the next six months for its consideration in April, 2009, and further directed staff to work collaboratively with the ACFRAB membership to research other ordinances and work with the County Attorney's Office to prepare a draft ordinance. The minutes of this work session are provided in Attachment C.

At the its October 24, 2008 Strategic Planning retreat, the Board directed, by motion, that the County Executive form a committee consisting of two Board members, two ACFRAB members, and two staff members, one consisting of Chief Dan Eggleston. The Board charged the committee to develop a strong fire chief structure that values and respects the volunteer fire and rescue system. The retreat minutes excerpted in Attachment D contain the full text of the motion.

#### Collaborative Development of the Ordinance

The County Executive appointed to the ordinance committee supervisors Ken Boyd and Ann Mallek; ACFRAB members Chief Doug Smythers and Chief Dayton Haugh; Assistant County Executive Bryan Elliott; and Chief Dan Eggleston. Senior Assistant County Attorney Annie Kim also worked with the committee to provide legal information and to prepare ordinance language. The committee met eight times, beginning on November 18, 2008, with Supervisor Ken Boyd serving as chair. Using a website created by Chief Smythers, committee-reviewed drafts of the ordinance and roughly 80 pages of detailed minutes for each meeting were published on a timely basis in order to give volunteers an accurate understanding of the committee's work. See: <http://sites.google.com/site/albemarlevolunteers/>. At Mr. Boyd's request, Ambassador Nathaniel Howell, who also serves on the board of the Stony Point Volunteer Fire Company, attended the majority of the meetings as the committee's facilitator.

Since the initial draft ordinance in January 2009, major revisions have been made over the course of six drafts, including a significant number of changes authored by Ambassador Howell. The committee presented its first official draft to the ACFRAB at its February 26, 2009 meeting. Nearly all of the recommended revisions from ACFRAB were incorporated into a second official draft. The committee presented its second draft at the ACFRAB's March 25, 2009 meeting for further comment. A few minor revisions suggested by ACFRAB on that date were added to the draft ordinance. Shortly thereafter, the Board decided to delay holding a public hearing on the draft ordinance in order to focus its efforts on implementing an EMS Cost Recovery program.

In April 2010, the Board asked that the ordinance committee be reconvened to again review the final draft ordinance and to provide ACFRAB an opportunity to provide additional comments and suggestions. The committee met on June 23 and, while in general the volunteers remain opposed to the final draft ordinance, additional feedback was received and further revisions to the ordinance were made. See minutes of committee meeting (Attachment E). The final revision includes further revisions to § 6-104 to clarify the role of the fire chief and to specifically require the fire chief to first consult with the volunteer executive committee before making significant decisions affecting the coordinated system.

In order to give the Board a sense for how the ordinance has changed throughout this collaborative process, a document redlining all revisions since the initial committee draft is being provided as Attachment B.

It should be noted that while the ACFRAB representatives worked diligently in their committee roles throughout this process—and in many instances proposed the revisions reflected in the ordinance—they continue to oppose the creation of a fire chief organizational structure and the establishment of the proposed ordinance. Notwithstanding that fundamental difference in opinion, the ACFRAB representatives have stated that the ordinance represents the committee's best effort to craft an ordinance within the confines of the Board's charge. Chiefs Haugh and Smythers and alternate members, Chiefs Ron Williams and George Stephens, should be commended for the many hours they devoted to improving the ordinance and facilitating communication between the committee and the larger ACFRAB membership.

On July 7, the Board directed staff to bring the ordinance forward for a public hearing and Board consideration. The ordinance was advertised for an August 11, 2010 public hearing.

#### Overview of the Current System

Fire, rescue and emergency services in Albemarle County are provided through a combination of 7 independent volunteer fire departments, 3 independent volunteer rescue squads, 2 County-owned/operated fire and rescue stations, and the City of Charlottesville (through a fire service contract). Approximately 700 volunteers, consisting of both operational and administrative personnel, and 79 County career staff comprise this system. The County provides career staffing to 4 of the volunteer fire departments and 2 of the volunteer rescue squads from 6 a.m. to 6 p.m., Monday through Friday. The County also staffs the two County owned/operated stations 24 hours a day, 7 days a week with career and volunteer staff. In addition, the County employs 19 uniformed and non-uniformed staff assigned to various duties: administration, operations, training, investigations, code enforcement, and prevention.

For FY11, the Board adopted a \$9,213,501 Operating Budget to support the County's fire and rescue system as more specifically described below:

- ❖ \$5,265,029 for salary, benefits, and equipment for career staff that are stationed at 6 volunteer fire and rescue stations, at their request, as well as the 2 county owned/operated stations
- ❖ \$1,369,447 for volunteer/career training, prevention, recruitment & retention, and administration
- ❖ \$1,727,026 to volunteer fire and rescue departments for basic operational funding, insurance, and tax credits
- ❖ \$764,647 for the City fire contract
- ❖ \$42,852 for other supporting agencies (Thomas Jefferson EMS Council, Department of Forestry)
- ❖ \$44,500 for fees and expenses related to EMS Cost Recovery

In addition, the Board has programmed \$9,899,000 for the total capital budget of the fire and rescue system in FY11-15 allocated to apparatus acquisition and replacement throughout the system.

Currently, the system lacks a legally binding, enforceable process for developing and implementing system-wide policies, although a few policies have been created with ACFRAB consent and the understanding that member agencies will follow them. Nothing mandates that the Fire and Rescue Chief collaborate with the volunteer organizations on matters of system-wide importance. As the ACFRAB members recognized when addressing the Board in October 2008, the current system needs improved communications and trust between the volunteer and career elements, as well as greater clarity about the roles and responsibilities of the ACFRAB, volunteer organizations, and the Albemarle County Department of Fire and Rescue.

#### The Expected Benefits of the Ordinance

Given the growing demand for services and their increasingly complex nature, localities throughout Virginia and the country have formalized their governing structures to ensure well-coordinated and integrated public safety programs. Albemarle County needs a solid framework for partnership in order to harness the significant system changes that have occurred in the last decade: increased urbanization and population; creation of a County department and two County stations; operation of blended stations staffed by career and volunteer personnel; and the decision to commit increased County funds toward the operational and capital costs of the volunteer agencies. Under the proposed ordinance, the coordinated fire and rescue system will:

- Institute system-wide coordination, accountability and oversight. Specifically, the coordinated system will:

- Define responsibilities for each member of the system and hold the Fire and Rescue Chief ultimately responsible to the County Executive and to the Board.
- Permit the Board's strategic plans to be effectively and efficiently executed.
- Maximize the use of limited County resources to achieve the Board's strategic plans and secure the welfare of County citizens.
- Ensure that every emergency fire and rescue call in the County receives a consistent, predictable, high-quality response.
- Through collaboratively developed policies, create and enforce necessary standards throughout the system while preserving volunteer autonomy at the station level.
- Increase collaboration and trust between the volunteer and career components of the system through mandated collaborative practices and the creation of checks and balances.

#### Critical Components of the Ordinance

Over the course of six drafts, the committee has prepared an ordinance tailored to the unique needs and character of our system. While the committee discussed ordinances from many jurisdictions, including Prince William, Loudoun, Montgomery County (MD), Hanover, Stafford and Spotsylvania, none of these ordinances incorporated the collaboration and checks and balances as desired. In nearly all respects, the proposed ordinance exceeds the required collaborative procedures found in other jurisdictions with a centralized fire chief organization. Highlights of the ordinance follow:

- Name of the System (§ 6-102). After much discussion, a majority of the committee recommended the name "coordinated fire and rescue system" over "unified department," due to the perceived loss of identity that would result from volunteer organizations becoming part of a "department."
- Volunteer Autonomy (§ 6-105). The ordinance enumerates all the areas in which the volunteer agencies will continue to exercise management and control as they do today, subject to applicable state and County laws, and duly adopted system policies. Volunteer agencies will still be responsible for station-level operations, management, discipline of volunteers, budgets, facilities and apparatus, among other things.
- Advisory Board Role & Expansion (§§ 6-106, 6-107, 6-108). The advisory board will maintain its current membership structure, except that the Fire and Rescue Chief will not be a member of the board. The advisory board will be a mandated, collaborative partner with the chief, providing its advice and input, as well as reviewing and voting on all system policies. The advisory board will also be a recognized part of the selection process for the hiring of the Fire and Rescue Chief. Importantly, as well, the advisory board will select an Executive Committee of the advisory board that will work to initiate, review and evaluate all policies at the development stage, and serve as an advisory body to the Fire and Rescue Chief on other matters as needed. Finally, the advisory board will appoint committees to review system-wide issues concerning incident management, quality assurance, and non-conformance with system policies.
- Policy Development (§ 6-109). Section 6-104 mandates 9 areas in which system policies will be developed, based on their importance to the system. Section 6-109 outlines the procedures by which system policies will be developed, evaluated, and appealed. This section provides that any member of the system—volunteer or career staff—may recommend new policies or policy changes. From that point forward, the ordinance creates a structured process by which the Fire and Rescue Chief and Executive Committee must collaborate to draft and revise policies, with subsequent steps for review and direction by the full advisory board. In order to protect the volunteer agencies from unnecessary or burdensome policies, the committee created stringent requirements for their development, justification, and appeal. Under the ordinance, any system policy may be appealed by the advisory board to the County Executive and, ultimately, to the Board. While the ordinance provides a highly structured and formal process for both the development and appeal of policies, it also allows the chief and advisory board to deviate from that process upon mutual agreement.
- Fire & Rescue Chief (§ 6-104). At its early meetings, the committee recognized that the term "strong fire chief" created significant concerns for volunteers and did not need to be included in the ordinance. (12/1/08 Meeting Summary, pp. 8-9, ¶ 14; 2/2/09 Meeting Summary, p. 3, ¶ 4(q)-(s)). Committee members also observed that the fire chief model created by the ordinance departs from the "strong fire chief" models found in other jurisdictions' ordinances. Therefore, while this section reflects the Board's directives that the Fire and Rescue Chief exercise system-level responsibilities and be ultimately accountable to the County Executive and the Board, it requires the chief to work more collaboratively with the volunteer agencies than do the ordinances of localities such as Hanover and Stafford.

The ordinance recognizes, as do all Virginia ordinances built on a fire chief structure, the chief's role in the general oversight and management of the system. It requires him, however, to develop policies in accordance with the collaborative procedures of §6-109. In addition, the Fire and Rescue Chief will exercise the powers as chief authorized by state law, and assume responsibility in mutual aid scenarios and in disasters. Importantly, as well, the ordinance creates a check against the power of the Fire and Rescue Chief in matters affecting individual volunteers. While the ordinance provides that volunteer agencies are responsible for the discipline of their members, it also recognizes that in highly unusual or emergency situations, the chief might need to act in a manner that affects an individual volunteer. This section requires the chief to develop a broadly supported policy that will permit the chief of an individual volunteer aggrieved by such actions to appeal the Fire and Rescue Chief's decision to the County Executive. Finally, this section codifies the County's practice of including ACFRAB in the chief selection process.

In addition, sections of the ordinance relating to the fire marshal's office and junior firefighters were updated to further clarify their responsibilities and conform with State Code. Section 6-101 is recommended for repeal because it repeats existing language in Virginia Code §10.1-1142, which may be enforced by the Fire Marshal without an ordinance.

Although there is no immediate budget impact associated with the proposed fire and rescue structure, the amount of staff time to support the ACFRAB and the new ACFRAB Executive Committee will need to be evaluated over time to determine if a sustained amount of support can be provided with existing staff.

Mr. Tucker said after the public hearing, staff recommends that the Board adopt the proposed ordinance (Attachment A).

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Mr. Tucker said that the Board has had the opportunity to become very familiar with the proposed ordinance itself, but he did want to emphasize how the ordinance focuses on coordination and collaboration since that it is obviously a major point of discussion. Under the proposed ordinance, he said, the coordinated fire and rescue system will create a clearly defined, collaborative process by providing collaboration at multiple levels, timelines that allow full input at all stages, and an appeal process for policy development to the Board of Supervisors. Mr. Tucker indicated that the ordinance also provides a codified process that mandates volunteer input on all issues – including response districts, volunteer recruiting strategy, and performance standards. He reiterated that the ordinance as proposed does not create a strong chief system, as each volunteer agency would continue to exercise daily management control over its station-level operations, budgets, facilities, apparatus, and volunteer personnel. Mr. Tucker stated that the Advisory Board functions as a mandated partner for the career chief on all significant system-wide decisions and disagreements can be appealed to the Board of Supervisors. An organized structure for the County's Fire and Rescue system will help to ensure that citizens receive consistent, predictable, and high quality response to every emergency fire and rescue call now and in the future as we continue to urbanize as a County.

Based on other localities that have adopted a similar ordinance, Mr. Tucker said, volunteer membership should stay the same or even increase under the organized system envisioned by the ordinance. In Hanover and Stafford, he said, volunteer participation through their academies has increased since the adoption of an ordinance because in their assessment, the implementation of some standardization in training, equipment, response priorities and operations provides a better environment within which volunteers can participate. Mr. Tucker stated that the ordinance requires the career chief to develop strategies for volunteer recruitment and expansion in cooperation with the Advisory Board.

To conclude, Mr. Tucker emphasized that the County sees benefits from the outcomes of the proposed ordinance: it provides a coordinated fire and rescue system, ensuring that every emergency fire and rescue call in the county receives a consistent, predictable and high-quality response; it is a collaborative process that mandates volunteer input and Advisory Board involvement on all significant system decisions; it will provide better fiscal accountability for the millions of dollars in public funds contributed each year to volunteer departments. In summary, he said, the County is very committed to and places a very high value on the use of a combined system utilizing both public and volunteer resources to deliver these critical services. Mr. Tucker added that roles and responsibilities in a service so critical to the well-being of County citizens need clear definition and should be reflected in adopted policy and County Code so that everyone involved in the system understands the structure and can respond and interact appropriately.

Prior to receiving public comment, Ms. Mallek stated that all points of view are welcome and comments should be addressed to the Board and related to the ordinance. She again stated that all speakers would be allowed two minutes to speak.

At this time Ms. Mallek opened the public hearing.

Mr. Micaiah Ledford, said that he has grown up and lived in the White Hall District since 1987. He currently owns his family home and has been employed with Albemarle County Fire and Rescue since 2002. Mr. Ledford reported that he volunteered from 1997 to 2002 with the Seminole Trail Volunteer Fire Department, leaving in good standing when he was hired by ACFR. He said that he is concerned with many issues that currently exist with the fire and rescue services, and came today to bring focus to the system and what everyone should expect as citizens, volunteer members and employees of ACFR. They

can no longer be a functional system of independent organizations; historically self-governing fire and rescue departments have failed. They have failed in counties that in many ways are similar to Albemarle County – they have failed in Spotsylvania, Prince William, Stafford, and Hanover. He added that all of those localities have implemented fire and rescue ordinances to streamline their services to the communities, and it needs to be brought to the forefront that operating as a system of independent organizations may provide good service from some of the fire and rescue agencies, but not the fire and rescue system as a whole. Mr. Ledford commented that, “no longer can we accept anything less than the best services capable,” and this can only occur when there is collaboration of the independent fire and rescue organizations and Albemarle County Fire and Rescue. Currently, there is little defined cohesion amongst Albemarle County Fire and Rescue and all the independent agencies, and little to no cohesion among all the independent fire and rescue agencies represented by ACFRAB – which is detrimental to the service delivery to citizens of the County by not having a standardized system in delivery of fire and rescue services. Mr. Ledford emphasized that this negatively affects the work environment amongst volunteer and career responders by having different policies and guidelines, and unnecessary confusion can be averted by implementing a structured system answering to one authoritative figure – removing the inability to make decisions and established policies and guidelines for an advisory board. He compared the structure to a school system, whereby all independent schools operate by the same standard curriculum overseen by a Superintendent and advised upon by a School Board. Mr. Ledford said that the proposed ordinance is one of the most collaborative of its kind in the state of Virginia – as it preserves the autonomy of all volunteer organizations. He added that the ordinance benefits all parties involved, but most importantly the citizens of the County. He asked why turn down this collaborative approach that has been adopted and implemented in other localities.

Mr. Mark Scott said that he has never appeared before the Board before. His father – Thomas H. Scott – was a charter member of the rescue squad. Mr. Scott said that he has grown up around the rescue squad environment, adding that Charlottesville was recently voted the “best place in America to have a heart attack” because of the training, equipment, personnel, and response times of the dedicated CARS volunteers. He stated that contributors have already been “confused” because the County has implemented fees for rescue squad transport – and this has led to diminished contributions. Mr. Scott said that eventually there will be no contributions and there will be an anti-government intrusion backlash if the county takes over the services and controls the rescue squads. They do not need any more government in their lives. He added that there isn’t enough money now to run a school system, and asked where the money would come from for an entire rescue squad. The County has a system that works. It’s worked properly for 50 years. He asked that it be left alone.

Mr. Ron Slaughter, a member of the Seminole Trail Fire Department Board of Directors, said he has been part of the volunteer fire service for more than 50 years, with 22 years as a Chief. He urged the Board to vote against the proposed ordinance because it will be local history repeating itself. He noted that when he joined the Charlottesville Volunteer Fire Company in 1955 the City had a Volunteer Chief and in the mid-70s the City changed to a paid Chief – as they wanted someone who could be held accountable to the City Manager. Mr. Slaughter mentioned that at the time there were 75 volunteers and about 50 paid firefighters, but that has changed to present levels of 25-30 City volunteers and 89 paid firefighters. He said that the volunteers in the City are used primarily to assist the department in special projects and non fire-fighting activities; they are rarely called to assist on the fire ground. Mr. Slaughter indicated that when additional fire and EMS resources are needed, they are provided by the County and its 650 fire/EMS personnel. He ended by saying “If it ain’t broke, don’t fix it, and we must learn from the past so that the same mistakes are not repeated.” He, again, urged the Board to vote “no” on the proposed fire ordinance.

Mr. David Zimmerman said he believes most of the Board members have already made up their minds on the proposed ordinance, but he has given a lot of time and energy to this County. He was upset to read in the staff report that “volunteers wanted this” because they need direction from the Board. Mr. Zimmerman stated that they don’t need this supervision, whether direct or indirect. The volunteers have been running their operations for years with the aid of County financial support. He said that for 50 years, the Charlottesville Albemarle Rescue Squad has been in operation and is internationally renowned – and it is not necessary to have someone from the County to oversee this operation. They have audits and are professionally run by individuals who know what they are doing. Mr. Zimmerman emphasized that the County wants to get their hands on revenue recovery money and wants control. If the County did not want the control and the money, none of them would be here tonight. He implored the Board to get out of the ambulance business and leave these rescue squads and fire departments alone.

Mr. Gerald Perry thanked the Board for its willingness to address this issue. Mr. Perry said that he is a resident of Forest Lakes and an employee of the Fire and Rescue Department. He also stated that he was a volunteer in Spotsylvania for many years, where there have recently been some tragic events. An investigation by an independent commission determined that these tragic events – which resulted in the death of a citizen in the fire – are the direct result of an unwillingness to approach this important issue. Mr. Perry stated that fire and rescue agencies are inherently paramilitary organizations, because they require an organized structure to be effective during emergency situations. He said that organizations that have expressed their displeasure with the ordinance are organized in a very similar manner, so it must be asked why these organizations are resistant to a fire and rescue system that unifies them into a framework they are already familiar with. Mr. Perry said it is his view that the organizational preservation is taking precedent over the Board’s desire to develop a system of effective emergency responders, adding that these agencies have a wonderful history of serving citizens – and under this ordinance will continue to do so as volunteers with this collaborative effort. This ordinance will not destroy the community pride that has been developed by years of service nor will it suppress the spirit of volunteerism that the men and women exhibit. It will simply make it safer and more efficient for them and all agencies to work together for the good of Albemarle County instead of just their local jurisdiction. He urged the Board to consider the numerous examples of jurisdictions that have resisted enacting this similar type of

ordinance. He emphasized that the Board has a chance to avoid the negative outcomes of a disorganized system while protecting the collaborative nature they seek to ensure. Mr. Perry stated that while many are initially concerned or fearful, they will rapidly see that the Board has boldly acted in the best interest of your citizens. He added that County citizens will have a Chief who is responsible for developing a system that is safe, responsive, and efficient.

Mr. James Moore said that his wife is a Charlottesville volunteer firefighter and he has attended the volunteer conventions for the last 20 years or so. Mr. Moore said that he is very concerned that the County is following in the City's footsteps, as this will yield a much different organization at a much different cost than what is in place now. He stated that today volunteerism is down 65% from what it once was, and the costs are unsustainable. Mr. Moore reported that the 2007 City/County Consolidation Study says that the response time in the County is faster than that in the City, with the dollar percentage loss of property of the two organizations being identical. He said that the County has better fire services now than the City of Charlottesville has, but City residents pay over four times what the County pays for fire services – with the average household cost for the county at \$108, and \$488 for those in the City. Mr. Moore stated that other urban areas have found better ways to work with both volunteers and paid staff – such as Hampton, which provides operational equality based on training and rank regardless of volunteer or paid staff. He added that the staff report lacks any quantification of issues, costs, or benefits.

Mr. Greg Paquin said that he is Vice President at the Western Albemarle Rescue Squad and he has been in fire and rescue since 1978 as both a paramedic and a firefighter. Mr. Paquin said that the ordinance is flawed, and will just be the beginning of the demise of the volunteer fire and rescue in Albemarle County. He stated that the ordinance gives the advisory power to ACFRAB to make the decisions, but that Board unanimously rejected this ordinance as it was written. ACFRAB does not believe the Board would take its word tomorrow when it won't take it today. Mr. Paquin commented that the ordinance just provides a way to supersede ACFRAB and allow Albemarle County administration to run the rescue squad through a paid chief. He does not think the administration has the knowledge, experience or ability to run the rescue squad. He cannot even find the mission statement for the fire and rescue department on their webpage.

Mr. Bill Wood said that he is President of Western Albemarle Rescue. He said that volunteers give their serve and time out of passion and he encouraged the Board to give serious thought to the affect this ordinance would have on the volunteers.

Mr. George Stephens, Chief of North Garden Volunteer Fire Company and past Chair of the Advisory Board, said he was the Chair at the time when the Board and County Fire and Rescue invited Chief Rob Brown and Fred Crosby from Stafford County Fire and Rescue and Hanover County Fire and Rescue to speak before that Board. At that time, Mr. Stephens said, Chief Rob Brown of Stafford reported that the locality had 550 active volunteers; currently they have 350 combined volunteer and career – with about 100 of those as career. That is a 55% reduction in volunteer forces in less than two years. He stated that there are currently 10-20 open positions for career staff, and they have recently hired two assistant chiefs. Mr. Stephens pointed out that their funding for career positions has increased 481% from 2002 to 2010 – from \$2.77 million to \$13.33 million. In addition, he said, Chief Fred Crosby of Hanover reported 1,000 active volunteer firefighters – but now there are only 500. Both of these were County Chiefs who brought in to explain how well their system is working and how productive they are.

Mr. John Oprandy said that he is the Deputy Chief of the County Fire and Rescue Department. He said that he has been involved with fire and EMS services in the Charlottesville-Albemarle area for over 20 years, and is a life member at the Crozet Volunteer Fire Department. Mr. Oprandy stated his support for the proposed ordinance, as adopting it is the right decision because it will provide structure, delineate clear roles and responsibilities, and is a model framework for collaboration. He said that the adoption of this ordinance will not cause volunteers to quit or not join, as Hanover County reorganized under a similar ordinance and today has a thriving volunteer membership – with 80 new volunteers being trained this fall through two concurrent academies. Mr. Oprandy stated that Hanover attributes a small amount of volunteer loss to their ordinance, and a higher percentage to improving data quality on volunteer membership; their current success shows a commitment to volunteer support and recruitment. He envisions that same level of success in Albemarle. He said that adopting this ordinance provides the best chance for the fire and EMS system to sustain a long future of volunteer involvement, adding that clear roles and responsibilities are fundamental to the success and a positive volunteer experience. He encouraged the Board to vote in support of the proposed ordinance.

Mr. Lanny Moore, said that he is past Chief and current President of the East Rivanna Fire Department – as well as Chairman of the Apparatus Committee for the County that provides specifications for equipment, etc. Mr. Moore said that one of the reasons for the ordinance was to have consistency with training and with equipment; on June 23, 2004, ACFRAB suggested forming a committee of paid and volunteer members to address the apparatus issues – with the mission of accomplishing the goal of a County-wide apparatus maintenance program, defining County-wide standards for pumpers, tankers, brush trucks, ambulances, and special pieces, and minimum specifications. For the next two years, he said, specs were written and given to the Advisory Board for approval and were all passed – and the County has purchased six tankers, five engines, four brush trucks, one ladder truck, a Hazmat truck, multiple ambulances, and command cars. He said that all units are built by the same standards and specs so they will work well on the fire scene as a standalone unit or in conjunction with other companies. Mr. Moore stated that it is also user-friendly in training when all the standards are the same.

Ms. Wendy Roberman, Management/Budget Analyst for Albemarle County Fire and Rescue, asked the Board to adopt the proposed ordinance. Ms. Roberman said that most people here tonight understand that in addition to the County Fire and Rescue Department there are seven independent fire

stations and three independent rescue squads, but most County citizens think it's one system and that the County is in charge of all the fire and rescue. She stated that there is an assumption that volunteers volunteer for the County, but do so at their individual stations. Ms. Roberman said that most people are surprised that the County provides funding but has no oversight, and that the County Fire Chief has no say in matters related to volunteers – who sometimes make decisions based on what is best for their individual station, not the County. She stated that citizens expect that the County has ultimate authority, but individual stations do have a say in matters affecting them and are allowed to exercise individual preferences where useful and appropriate. Ms. Roberman said that she is confident the proposed ordinance will provide that balance of structure and input, adding that an ACFRAB reporting directly to the Board is clearly not the answer. She added that Prince William was repeatedly pointed to as an alternative to the chief model, and the two tragic line-of-duty deaths and the uncovering of financial malfeasance by a volunteer chief prompted an independent report that showed a clear need for accountability and oversight by the County government. Ms. Roberman noted that Prince William is now moving to a model that is more in line with the ordinance before the Board. This is not about career versus volunteer. Passing an ordinance will not cause the demise of the volunteer system – it will actually help turn around what is in decline due to cultural changes locally and nationally by bolstering a unified vision instead of a splintered one. She said that adopting this ordinance is necessary and hopes that the Board will pass it.

Mr. Kevin Boyer, President of the Albemarle Professional Firefighters Association, stated that he is a Captain with Albemarle County Fire and Rescue. Mr. Boyer said that the primary reason for adopting this ordinance is safety, as it is imperative that when firefighters and rescue personnel arrive on scene the safest possible environment exists for all players – career staff and volunteers alike. He stated that the best way to ensure everyone's safety is for all players to have the same knowledge of common equipment and the best strategies for utilizing it most effectively. Mr. Boyer commented that a common playbook and a common language are needed for both career and volunteer firefighters so that all players understand their roles when multiple organizations have to cooperate as closely as they routinely do at every incident. He added that this ordinance is the foundation for that common playbook, and without it the safest and most effective service cannot be provided to citizens who depend on the system. Mr. Boyer emphasized that the system needs all players, but problems arise when separate structures have to work together – and this growing community is too intertwined to function well with 11 separate systems. Under the ordinance, he said, the organizations can maintain their individual identities but learn to better work together toward the common goal of public safety. Mr. Boyer added that under this ordinance individual organizations can maintain their identities, but when it comes to system issues independence is not an option. He said that most of what they do is coordinated well, but it is naive and untrue to suggest that there isn't room for improvement.

Mr. Scott Lambert said that he serves as a training officer for the Department of Fire and Rescue. He said that he has worked for the County for eight years, but has also donated just as much time as a member of the Seminole Trail Fire Department. Mr. Lambert stated that the group here tonight is comprised of dedicated individuals with good intentions – just on different sides of the coin. He noted that his emphasis is not on the differing viewpoints of volunteer versus career, but more on the management aspect of the system that the Board desires. Mr. Lambert stated that the Board provided direction to create a management structure that is in line with a County Executive form of government – with the goal of a collaborative system that would ensure a high level of service delivery to constituents. He said that it is now time for action, and failure to endorse a document that meets the direction of the Board will only further complicate this issue – and neither side has ever questioned the need for a management structure, nor has the Board waived on this. Mr. Lambert stated that closure to the issue will be passing the proposed ordinance.

Ms. Naomi Roberts said that she is a City resident speaking on behalf of volunteers. Ms. Roberts said that CARS has been wonderful, adding that during holidays most paid personnel are on holiday pay at time and a half. She does not support putting everyone under this ordinance. She stated that when an ambulance responded to her daughter's recent health incident, she interpreted their question "do you want to go to the hospital" as an attempt to get money. She opposes the proposed ordinance.

Mr. Preston Gentry said that when he entered the fire service 34 years ago there were training standards set by the Virginia Department of Fire Programs – with levels at 30, 60, 90, or 120 hours and a minimum of 30 hours before firefighting. Mr. Gentry stated that today, there is a minimum of 210 hours required for "Firefighter I" status. He said that EMS service requires training before treating patients and in order to be a licensed provider, EMS units must meet these requirements. In April 2006, Mr. Gentry reported, ACFRAB voted to adopt the Department of Fire Programs minimum standard for Firefighter I to be a release firefighter; in May 2006 Chief Eggleston approved this and the requirement has been followed by all County Fire Departments since then. Mr. Gentry emphasized that the companies do have minimum standards and are constantly coming up with new and innovative ways to fight fires. Instead of being at the station tonight training on firefighting he is here fighting politics.

Mr. Phil Eaton said that he has changed his mind several times about this issue. His own home in Crozet caught on fire and was saved by the department there. Mr. Eaton emphasized that this ordinance is not needed at all, and if training is needed they can be trained at other stations such as Crozet – which is a very experienced unit. He said that if a council is needed, all of the volunteer Chiefs could form that and save the expense of hired personnel. He asked that the Board not vote for the ordinance.

Mr. Larry Barnett said that he lives on Hatton Ferry Road in Scottsville. Mr. Barnett said that he and his wife are heavily invested in Scottsville real estate and pay about \$13,000 annually in property taxes. Mr. Barnett emphasized that this ordinance will lead to even higher taxes, adding that the

Scottsville Volunteer Fire Department has been in business for 75 years and does an outstanding job. He encouraged the Board to look very closely at the impact of their actions and to vote no on the ordinance.

Mr. Richard Dorman said that he is a resident of Coveseville. It is apparent to him that this ordinance was not drafted with volunteer involvement. He said that as a Postal employee he worked in a system of employee involvement where nothing came out unless it was unanimous. He asked why the Board is bringing this forward when all the kinks have not been worked out. Albemarle is different from other counties. Mr. Dorman said that the system here has had 97% efficiency with volunteers and paid staff, and there is no need to create a situation that will inherently bring more financial burden to the County.

Mr. Bob Brown, Assistant Chief of Operations for Albemarle County Fire and Rescue, asked the Board to pass the propose ordinance. Mr. Brown said that the County is served by the finest EMS providers and firefighters, but there is a lack of clear direction. He stated that day to day operations at each station are conducted effectively, but there is not a structured system that affords citizens the consistent, reliable service they deserve. Mr. Brown said that there is no agreement to abide by common policies or practices, and Advisory Board policies adopted by consensus are not always followed. He added that there are resources within the County that are not always utilized to best effect in the delivery of service because they may conflict with organizational interests. Mr. Brown said that each year, millions in taxpayer dollars are spent in support of both career and volunteer department operations – and each citizen deserve accountability and effectiveness in the fire and rescue system they fund. He stated that it is difficult to see how that can be accomplished without a clear and singular chain of command for a County-wide fire and EMS system. Mr. Brown commented that public safety involves the most precious of all things – the very lives and properties of our citizens. He emphasized that it is a governmental concern and must be accountable directly to the Board, adding that the results of such ordinances are almost always positive and change can lead to better performance, better safety, better customer satisfaction, and better health of volunteer organizations and their membership. Mr. Brown stated that what this proposed ordinance includes is a commitment to full volunteer and career partnership, and seems far more collaborative than other ordinances he has seen. He added that he and his staff are committed to meeting the Board's expectations to the best of their ability no matter the outcome.

Mr. Lea Schultz thanked Board members for their service and dedication to the County. Mr. Schultz stated that this ordinance, as it's written, is a good start but doesn't satisfy all the needs that exist. He said that the system needs to remain volunteer-based, and in his own Stony Point neighborhood, residents have worked to clear trees and such without engaging the County in the effort. The strength of the County is the volunteering of its citizens. There needs to be less government in the community.

Mr. Charlie Souter said that he is not in favor of the ordinance and doesn't see an explanation as to why this needs to be done now. He asked what a government-paid Fire and Rescue Chief do better than what is currently being done. Mr. Souter commented that when government supervision grows, so does the financial burden – and asked why the County would risk replacement of volunteers with County employees.

Mr. Greg Quinn said that he fought fires for the U.S. Forest Service for several years and if paid staff are brought in to control the service, volunteers are likely going to be upset. Mr. Quinn said that he has seen disappointed volunteers at the federal level when they were asked to leave the fire scene, and they should be left alone to do their business. Everything is fine the way it is.

Mr. Philip Burkett thanked the Board for addressing public safety through the formation of the ordinance – and thanked the many volunteer and career members here tonight to speak on the matter. Mr. Burkett stated that he is a career captain with Albemarle County Fire and Rescue, and is Vice President of the Albemarle County Professional Firefighters Association. He said that he started his career as a volunteer at Seminole Trail, and has operated as a firefighter, an EMT, a medic, a driver/pump operator, an aerial operator, and finally as a captain. He has seen the importance of having common goals and well-defined objectives while operating in each of these roles. Mr. Burkett urged the Board to pass the ordinance, stating that the firefighters and EMS responders in the County need a clear set of operating guidelines, clear expectations, and accountability. He compared the fire and rescue system to the School system, asking about the possibility of each school running independently without supervision. Each station operates with an independent chief, has different expectations and has different standards. Mr. Burkett stated that the validation of this ordinance will create the desired common goals, expectations and standards. He asked the Board to vote in support of the proposed ordinance.

Mr. Larry Claytor said that he has been around the volunteer scene since 1975. Mr. Claytor stated that there is currently lack of trust and communication between volunteers, paid staff, and County representatives. He also said that in checking Hanover's website, their budget for personnel costs only went from \$6.55 million to \$10.39 million from 2006 to 2010 while their volunteer participation dropped significantly. Mr. Claytor said that Stafford County also had a marked decrease in volunteer numbers while their fire and rescue personnel budget went from \$2.77 million in 2005 to \$13.33 million in 2010. He has been told repeatedly from volunteers that their voice is not being heard; they were told that their suggestions did not fit in with the plan that is going forward. He added that in 1995 there was a strategic planning group established and through a FOIA request it became evident that County staff had met with a facilitator to change the dynamics of the meeting; in October 2008, a similar situation transpired with another meeting and facilitator. On behalf of all the volunteers, if there is a problem, they will help to fix it. They have repeatedly asked what the problems are and the response has only been minimal things. The volunteers are present and are ready to work with the County.

Mr. Andrew Goss said that he grew up in Albemarle and is a Virginia State Trooper – recently transferred to Prince Edward County, where his current residence is. Mr. Goss said that his father has spent 36 years with the East Rivanna Volunteer Fire Company, and has essentially saved the County taxpayers \$1.36 million over his career. He believes that the same thing that happened when the Board created the Police Department, even though the State pays for a Sheriff's Department, will happen with fire and rescue, if this goes forward. He stated that if someone's home catches fire on any major holiday they will not get response from an Albemarle County fire and rescue paid staff person – they will get response from a volunteer.

Mr. Andy Zehman, a County resident, said that he began volunteering with the Seminole Trail Fire Department about a year ago. He emphasized that if the Board is really a County administration here to do the will of the people, the will of the majority of people who have spoken against the ordinance should be taken into account. Mr. Zehman said that he also wants the Board to think about this as a business, and not allow the area to become another Northern Virginia.

Mr. John Vermillion said that he is a lifelong resident of Albemarle County and a local businessperson. Mr. Vermillion said that in Stony Point, where he lives, there is the Ruritan Club, the Stony Point Elementary School, and the Stony Point Volunteer Fire Company – all central locations to the citizens of Stony Point and focal points of the community. He stated that if this ordinance passes, there will be a gradual change of attitude within the firehouses and the community aspect will be diminished as they become more homogenized and the area becomes more urbanized. Mr. Vermillion commented that he does not want to see this type of shift, and the volunteers should be supported.

Mr. Tim Cersley, Chief of the Scottsville Fire Department and Chief of the ACFRAB Committee addressed the Board. The Board has heard compelling facts as to why this proposed ordinance is not conducive for the current system. On its website, ACFR's vision: "Building the model career volunteer system". To be a model is to be different; to be different would be to allow ACFRAB to be the ordinance and ordained as a policy maker and given the ability to hold each station accountable to the policy passed. Mr. Cersley said that ACFRAB is the collaborative effort looked for and has a representative from every fire and rescue station in the County – along with the paid Chief for Albemarle County Fire and Rescue. He stated that an after-action policy has been enacted and an accountability system has been enacted within the last month, having been worked on through committees underneath of ACFRAB with volunteers and paid staff. Mr. Cersley explained that the after-action review will streamline incidents or situations that happen on fire ground scenes and allow them to be dealt with. He said that the accountability system enacts within the County and with the City, so there will be the same playbook across the board. Mr. Cersley stated that as Chairman, he and the other members are committed to providing fire and rescue service to the citizens of the County which they do for free, and ask for the Board's support tonight to not enact this ordinance. He ended with a quote from Thomas Jefferson: "My reading of history convinces me that bad government results from too much government."

Ms. Linda Ehlein said that she has been a resident of the County for 30 years and started volunteering with CARS before she moved, then was a member of WARS. Ms. Ehlein said that the volunteers who have served are representative of what has made America so strong and have helped citizens. She was surprised and very impressed at the professionalism and high education among volunteers. She encouraged the Board to vote no on the ordinance presented tonight. They enjoy being volunteers.

Ms. Betty James said that her husband has been a Crozet firefighter for 54 years and her son is also a volunteer firefighter. Ms. James pointed out that volunteers love the community and do their jobs for service, not for pay. She cited several personal incidents involving positive responses from volunteers, and encouraged the Board to vote no on the ordinance.

Mr. Matthew Reid, a resident of 1023 Holmes Avenue in the City, and Mr. Jamie Brady, a resident of Crozet, addressed the Board, stating that a skill sheet is a means to assign a task and a tool to assess the success of that task – based on the performance of its outcome. Mr. Brady said that some of the components of a skill sheet are its effectiveness, its efficiency, its safety, and its accountability. Mr. Reid and Mr. Brady asked that whatever decision is made tonight by the Board, it be effective, efficient, safe, and accountable.

Mr. L.F. Wood stated that he was here to express his support of the volunteer fire system in the County – as their response times and service has been outstanding. Mr. Wood indicated that he was on the Board of Supervisors in the late 1960s and early 1970s when the first engine was purchased for Seminole Trail, where he has served on their Board since that time including service as President for many years. The training is top notch, response times good and efficiency great. He said that he would like the Board to vote no, to recognize and value the great job the volunteers have done – and for the potential impact on the budget.

Ms. Rachel Sprinkel said that she is a volunteer and a County resident. Ms. Sprinkel said that she has volunteered for almost two years, and it took about 18 months for her to be released as a firefighter. She stated that there is no way the County could get enough personnel with a high level of experience if they had to pay for it, adding that many citizens do not have a complaint because they see the system as working. She does not understand what is trying to be fixed if there is not a problem.

Mr. Chase Corvin, a Lieutenant at Seminole Trail and a medic at CARS, as well as a career firefighter outside of Charlottesville, said that he has been at Seminole Trail since he was a student at U.Va. – and he has never felt unsafe on the scene of a fire. He stated that he has been exposed to a lot of the system, and one issue lately has been with training – not the volunteers' desire but the ability to

actually take classes. Mr. Corvin commented that there is a better way to coordinate and fund this, without having more career staff.

Mr. Ken Kips said that he is served by the Stony Point Fire Company. Mr. Kips said that all of the people who spoke in favor of this tonight are on the County payroll, and those in opposition are part of ACFRAB. He asked the Board to vote against the ordinance.

There being no further public comments, the public hearing was closed and the matter was placed before the Board.

Mr. Thomas said that over the last 20 years he has helped raise money for the volunteer units – specifically CARS, where he was fund drive chairman. He stated that he has served on the Seminole Trail Volunteer Fire Department Board of Directors for six years. Mr. Thomas said that he believes that the County Fire and Rescue needs an ordinance in order for all 12 stations to operate on the same page, and the County needs volunteers to buy into an ordinance. He stated that perhaps ACFRAB has not had the support or the opportunity to have total input into the operation of the volunteers, nor the ordinance. He emphasized that the County must have a unified fire and rescue operation with volunteers and career firefighters reading from the same book – a forced ordinance or legitimate collaborative ordinance that the volunteers can agree to and buy into. Mr. Thomas said he supports an ordinance, but on the other hand he agrees with the volunteers. He is the Board's representative attending ACFRAB meetings. Mr. Thomas said that he has asked volunteers numerous times what part of the ordinance they disagree with, and the only response has been the "strong Chief" statement. He also received the response that some of them do not like any part of the ordinance. He thinks that 100% of the volunteers are opposed to the ordinance. He added that this is a very complicated matter, and the County citizens deserve to be provided with health, safety and welfare. This is all about EMS, firefighting, and saving lives. It's not about the volunteers, it's not about the Board, and it's not about the County staff. Mr. Thomas said that if the ordinance is defeated – or enacted – he recommends that ACFRAB be codified and, working with the Board of Supervisors, set policy by using the ordinance as the starting example, and with a more collaborative method to make a decision as to the correct wording.

Mr. Dorrier commented that the County has a wonderful volunteer system now, with improvements made in training and professionalism. He agrees with the statement "If it ain't broke, don't fix it". He said that the volunteer firemen in the Scottsville area serve three counties outside of Albemarle – Nelson, Fluvanna, and Buckingham – and deserve the Board's full support. Mr. Dorrier stated that some sort of agreement is needed, but he would prefer an ACFRAB Board to be set up to take comments from volunteers, hammering it out, and coming up with results. The County Fire Chief can implement those results. There could be a system where the volunteers would be in control and they would run the show. He noted that the counties mentioned, such as Hanover and Stafford, have tripled their fire and rescue budgets over the five years since making similar changes which is indicative of what would happen in Albemarle. The County will end up breaking the bank, and then will wish they had the volunteers. He asked where the volunteer will be when that happens. They are not going to be on board, and he is not willing to take that risk. He thinks that is a terrific risk the Board would take and would do it at its own peril. He thinks the Board needs to get back on track of giving ACFRAB the power they need to do their job.

Mr. Boyd stated that tonight seven chiefs addressed the Board, and all of the independent fire stations feel there is a need for command structure and chief, but not a chief overseeing the entire system. He believes that they need a system and a structure, which is the beginning of this ordinance, where they can all come together and do the best for this community. Mr. Boyd said that just as individual units have a chain of command and a chief, it can't be expected that there not be a chief for the whole system. He supported this step from the beginning. He stated that he doesn't know of any single recommendation made in the committee meetings that were turned down, except for not using a fire chief. The volunteers do not have committee approaches to their chain of command in the individual stations. The Board voted to not have that as a methodology. With the exception of the fire chief, every single legal suggestion brought forward was included in the document. They tried to make this process as collaborative as possible. This ordinance requires the fire chief to get volunteer input. Many comments were made about budgets in other communities, but he asked if anyone has looked at the County's budget and the County's number of paid firefighters under the current system. That number has also doubled and quadrupled. Mr. Boyd said that he is sorry to see a national decline in volunteering, but in his mind this is a step to try to reverse that – by recruiting the people needed and eventually turning to an all-volunteer system. He, personally, would also like to see a volunteer fire chief over the system, but it does not change that he thinks there needs to be a fire chief over the County's system.

Mr. Snow said that he has also waived over this issue, but if there is a better way of doing something it should be adopted. This nation wouldn't be where it is technology-wise had we not constantly been looking for better ways of doing things. He stated that he has asked chiefs from other areas if they would go back to what they had before if they had the chance, but both said no and stated that they came up with standard operating procedures that work better and are on the same page. Mr. Snow commented that the chiefs are doing a terrific job, but there is a need for structure and order overall. He said that he has spoken with volunteer units in other localities, and the issues have related primarily to lack of input on policies. Mr. Snow asked if policies would be enacted without ACFRAB involvement.

Mr. Dan Eggleston, Chief of Fire and Rescue, responded that it's mandated in the ordinance that policies have to go through the Advisory Board, and any decision made outside of those policies the Executive Committee will be notified and their input would be sought prior to those decisions being made.

Mr. Snow also said that there were concerns mentioned that recruiting was being done by a central office, rather than individual chiefs and their departments, and asked how recruiting would be handled.

Mr. Eggleston responded that the Department felt that it might be more successful with the Human Resources Department (Brodie Downs) working in conjunction with a consultant and individual volunteer chiefs to put together an overall recruiting strategy. He stated that the Advisory Board got a preview of the strategy last month, and if a County-wide strategy is implemented it will be very successful.

Mr. Boyd commented that the effort is being driven by ACFRAB.

Ms. Mallek said that it will be important to get the announcements out, as Fall is the best time to reach and recruit people.

Mr. Snow commented that he also heard that the process of hiring full-time staff was a concern, and asked what role ACFRAB plays in the hiring of staff.

Mr. Eggleston responded that historically the policy has been to rely on volunteer agencies to ask for help, and once they ask the central office works with them to determine what their needs are – then a decision goes before the Board for budget funding for those people. He said that all daytime stations that are owned by volunteers and operated at night by volunteers, that have career people in them, have been at the request at the volunteer stations.

Mr. Snow asked if there were any fire chiefs present who disputed anything that was said.

Chief Dayton Haugh said the policy states that if ACFRAB votes against it, the Chief can still impose a policy if he wants to – or choose not to implement one that is voted on.

Mr. Boyd stated that there is a built-in appeal process where he cannot instigate a policy without appealing it up to the Board of Supervisors.

Mr. Haugh said that the Chief could implement the policy, then the unit chiefs could appeal to Mr. Tucker, and then to the Board.

Mr. Snow stated that in his opinion, the ordinance will not work without everyone buying into it and working together – and once a decision is made there needs to be some mechanism to ensure that the policy is enacted and followed. He will support the proposed ordinance.

Mr. Rooker commented that it is unfortunate there is a situation that appears to be volunteers versus professionals, and everyone here honors the time, effort, and dedication of both – who put themselves on the line to provide this extremely important service in the community. He said that the situation has a very long history, and the ordinance has been discussed for about two years now. Mr. Rooker added that huge changes were made along the way to make this the most collaborative ordinance in the State, and that is what's before the Board tonight. Any business or system to be effective needs some recognized chain of command – that's true at the fire station level and it's true at the system level. There are certain decisions that are system-wide decisions and the County needs to have some good mechanism for making certain that there is a system in place. He said that ACFRAB has voted to do things by majority vote, and those who didn't like the outcome just didn't comply because there really are no teeth there. A collaborative with a defined chain of command is important because the County has to deliver good services to its citizens. Mr. Rooker said that the County is spending about \$10.0 million annually on fire and rescue services, and pays all operational expenses of the volunteer organizations. He noted that the County pays substantial capital expenses, based upon budgets that are submitted and agreed upon. There was a time when virtually all those expenses were paid by the volunteer stations which is no longer the case. Mr. Rooker added that there are certifications that are made annually to ensure things happen in a systematic way throughout the multiple organizations in order to qualify for federal grants. He is concerned as to whether or not the County will qualify without having some kind of reasonable command in place on a system-wide basis. He believes that the proposed ordinance is the most collaborative possible, recognizing that there is a Fire Chief in the County who has been hired to do a job; any decision he makes of a policy nature has two appeals – ultimately to the Board. Mr. Rooker stated that this has been "like a festering sore" for two years now, and not taking action would be the worst possible move. He commented that he hopes a decision can be made tonight, and everyone will continue to provide fire and rescue services in the community.

Mr. Rooker noted that the statistics he has seen have shown that almost every community of any size in the State has an ordinance, and the ones that have adopted an ordinance have not lost volunteers over time. He said he would like to have some clarification of those statistics.

Mr. Snow commented that the Chief from Stafford indicated that with a volunteer staff, someone will stop volunteering as they get older – but their names remain the rolls. He said that when those numbers were evaluated for actual participants, the statistics reflect a drop. Mr. Snow asked Chief Stephens for some clarification.

Mr. Stephens responded that Stafford had lost some volunteers due to the age of firefighters, and some in the system did not meet the training or physical standards that were adopted later on. Mr. Stephens also said that the Stafford Chief mentioned that a hole in the system was recruitment, and they have lost many volunteer positions because of that. The Chief also indicated that from October 2008 until February 2009, they did cleanup their rolls. There was a 200 member reduction because the report had

350 volunteers although today he is reporting 250 volunteers. Since that time is another 100 volunteers that have left the ranks which is concerning. It is also concerning that they are unable to recruit new members. He added that Stafford County has "very deep pockets" and compensate volunteer companies even more - upwards to \$190,000 - if they staff their buildings 24 hours per day - and are given \$40,000 if they don't staff their units every day, in addition to full funding, paying for stations, and paying for apparatus. Mr. Stephens said that for three years locally they have been operating on level funding.

Mr. Eggleston said that he isn't sure what recruitment standards are being used in Stafford and Hanover, but one strategy locally is that any person who wants to volunteer will have a place - even if it's not on the ground at a fire. He thinks that is one of the reasons for Albemarle's success.

Mr. Stephens responded that the number one method of recruitment is word of mouth, and in his own company there have been significant increases in volunteerism.

Ms. Mallek commented that as a rural area child in Albemarle meant there wasn't a County Office Building - there was a firehouse. In many regions of the County, the firehouse is the center of organization. She said that the firehouse in Earlysville is used for many community meetings, and her constituents have told her that the volunteers are the "core of what Albemarle County is all about." Ms. Mallek stated that she is not going to vote in favor of this as it's written now, but possibly would if some suggestions are incorporated.

With the enforceable process for developing and implementing system-wide policies, under goals, she would suggest codifying the Advisory Board and providing it with the power to require participation of agencies, consistent with adopted policy, as it would achieve accountability and might have support of the chiefs. She said that nothing here mandates that the Fire and Rescue Chief collaborate with the volunteer organizations, but it could easily be done by the County Executive adding it to that job description - but that doesn't require an ordinance. They need to make sure they ask the Chief to do what they want him to do. She also stated that the Advisory Board was begun as an advisory group to the Board and this Board has never assigned specific tasks, so it is unfair now to criticize them for not doing things they weren't expected to in the first place. She is prepared to give the Advisory Board a long list of assignments and a chance to step up and do them. She said that the ordinance should have a formal annual evaluation and be discussed in a joint meeting with the Advisory Board. The Board has asked the Advisory Board to make annual reports and that needs to continue.

Ms. Mallek said in the minutes of the committee development section, there was a big debate in 2009 over the phrase "shall include but not be limited to" as it seemed to be a "major thorn in the trust" if the current chief or a future chief might turn an issue into a system issue. She said that any chief has the legal authority to take control in an emergency situation, and that is already granted without the ordinance. She proposes that "shall include but not be limited to" be removed.

Mr. Davis responded that the language she mentioned has been removed from this ordinance.

In Sec. 6-104, Fire and Rescue Chief, Item #1b, it reads: "All policies of the 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..." Ms. Mallek said that she thinks this sentence should stop after "section 6-109" and then say "Examples of these system policies are..." That also removes another thorn that the Chief can turn anything into a system policy. In that same section, she also suggests adding in each of these individual phases "in collaboration with Advisory Board, the Chief is to develop a procedure for chiefs of volunteer organizations". This would make it cleaner and less misunderstood.

In Sec. 6-105, 11(c), Chiefs, it states that "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... system". Ms. Mallek stated that she would like the phrase "as long as their actions don't conflict with" be removed. That phrase assumes they will do something that is in conflict. She added that there will be a phase-in period if the ordinance is adopted so that policies that may be in conflict can be revamped.

In Sec. 6-106, Establishment and composition of advisory Board, Ms. Mallek said she would like to add a new #1 and #2, to include "in collaboration with the Fire and Rescue Chief." The Advisory Board in collaboration with the Fire and Rescue Chief develops strategies for the retention and expansion of the volunteer base." "The Advisory Board develops in collaboration with the Fire and Rescue Chief system-wide policies that are essential to the effective and equitable provision of high quality County-wide fire services." Ms. Mallek said these are things that are already stated as what the Chief will do but it makes it straightforward that the Advisory Board would be involved.

She also recommended adding language stipulating that the "Advisory Board shall have the authority to require its member agencies to be in compliance with adopted policy" to help solve the criticism regarding lack of compliance with adopted policies. Ms. Mallek said this would be new language.

In Sec. 6-107, Responsibilities of the Advisory Board, Ms. Mallek suggested added a new #1: "To require its members to participate in EMS services in a manner consistent with adopted policies of the coordinated fire and rescue system". Ms. Mallek said these things that she has been struggling with were ways to try to address concerns she has heard from many people that if the County is going to have an ordinance that will address other issues that a better job could be done in this draft. She commented that how safety is going to be increased, and how fiscal accountability is going to improve, are both unclear in this ordinance. She is not sure that by just having an organized system, the costs will be more accountable. She said that the access to classes has been a concern for her for a long time, as are one-

size-fits-all regulations – and young volunteer firefighters in Earlysville have told her that in every volunteer group there is an expert in one specific area of operations. As a unit they work together and train the young volunteers.

Mr. Rooker said that Ms. Mallek has made some specific changes to the ordinance, but the advertisement for this public hearing has been out there for a long time – and there may actually be legal issues with some of the ideas she has brought forth.

Ms. Mallek said she is not expecting the Board to just adopt all her recommendations, but she wanted to raise these issues because they are changes that could make the ordinance better if it moves forward.

Mr. Snow noted that some of these issues have been addressed in the questions he has asked, and many of them could be written up in policies and procedures. He thinks this is an ongoing policy of clarifying and organizing the Standards of Procedures for the Fire Department.

Mr. Boyd emphasized that one of the goals in developing this ordinance was setting the ground rules for how to accomplish things, but with a collaborative effort between with ACFRAB and the Chief to work through these issues. He is also a little concerned because there have been at least two months since the Board asked for input on the proposed draft ordinance.

Mr. Dorrier asked fellow Board members if they are in favor of making ACFRAB a strong, policy-making body.

Mr. Thomas said he is.

Ms. Mallek said she is.

Mr. Rooker said it is under this ordinance. This ordinance codifies ACFRAB's role, which it is not as it exists today under the present structure.

Mr. Boyd said that is the intent of this ordinance.

Ms. Mallek asked what in the ordinance is going to achieve this compliance and accountability. She does not think this ordinance does not do that.

Mr. Thomas stated that codifying is necessary so the Advisory Board can have a stronger hand.

Mr. Boyd pointed out that the ordinance says they have to be consulted.

Ms. Mallek said that consulted is different from required.

Mr. Rooker stated that all policy decisions must go through ACFRAB and a collaborative process, but at the end of the day in any organization there has to be someone who makes a decision; individual decisions for the stations themselves are within the sole parameters of the chiefs. This is about system-wide decisions. He said that "collaboration" appears about 20 times in this document, and if there were language changes they should have been brought forth prior to advertising the public hearing.

Mr. Snow then **moved** to adopt the ordinance as presented. Mr. Boyd **seconded** the motion. Roll was called and the motion failed by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow and Mr. Boyd.

NAYS: Mr. Dorrier, Ms. Mallek and Mr. Thomas.

Mr. Rooker said that if there are specific recommendations for language changes, they should be brought forward, and it seems that she and Mr. Thomas should make those suggestions and bring them back to the Board in a work session so that something can move forward.

Ms. Mallek said they would get it done.

Mr. Snow then expressed his appreciation to everyone who fight fires and are responsible for the citizen's safety and welfare.

Board members concurred with that sentiment.

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Agenda Item No. 12. From the Board: Matters Not Listed on the Agenda.

There were none.

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Agenda Item No. 13. Adjourn to August 17, 2010, 1:00 p.m., CitySpace, for Joint Strategic Planning Retreat with School Board.

At 8:24 p.m., Ms. Mallek **moved** that the Board adjourn to August 17, 2010, 1:00 p.m. CitySpace. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.  
NAYS: None.

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Chairman

Approved by Board
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Date: 12/01/2010
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Initials: EWJ
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