

ARTICLE I. COORDINATED FIRE AND RESCUE SYSTEM

DIVISION I. IN GENERAL

Sec. 6-100. Purpose.

The board of supervisors, determined to provide for the public safety, health and welfare of Albemarle County citizens and communities, hereby establishes a coordinated and integrated fire and emergency medical service system currently composed of the following, volunteer fire companies, volunteer rescue squads and the Albemarle County Department of Fire and Rescue:

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

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

The coordinated fire and rescue system shall work to develop an integrated and seamless systems approach to the provision of emergency services; promote the interests and welfare of County citizenry and communities; perform with maximum cost-effectiveness consistent with safety objectives; account for service delivery and resource utilization; and communicate and consider all views regarding the system.

Sec. 6-101. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION II. ESTABLISHMENT OF THE COORDINATED FIRE AND RESCUE SYSTEM

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

(a) The Albemarle County Coordinated Fire and Rescue System (“the system” or “the coordinated fire and rescue system”) is hereby established pursuant to Virginia Code

§27-6.1. The coordinated fire and rescue system shall provide comprehensive fire, rescue, and emergency medical services throughout the county in accordance with state laws, county ordinances, and duly adopted policies issued by the system.

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

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

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

The coordinated fire and rescue system shall:

- (1) Manage the delivery of prehospital emergency patient care and services through policy development and implementation consistent with state emergency medical services regulations and the guidance of each organization's operational medical director.
- (2) Manage the provision of system-wide fire prevention, protection, investigation, suppression, education and rescue services, and services relating to hazardous materials and other hazards posing a threat to life and property, through policy development and implementation.
- (3) Provide any additional, related, system-wide services that are essential for the provision of high-quality fire and emergency medical services.
- (4) Perform and deliver services consistent with state laws, county ordinances, and duly adopted policies of the coordinated fire and rescue system.

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

Sec. 6-104. Fire and Rescue Chief.

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

- (1) Provide general oversight and management of the system's functions by ~~including but not limited to:~~
 - a. Developing, in collaboration with the advisory board, strategies for the retention and expansion of the volunteer base within the system.
 - b. Developing, in collaboration with the advisory board, system-wide policies that are essential to the effective and equitable provision of high-quality, countywide fire and rescue services, and overseeing the implementation of those system-level policies. All policies of the coordinated fire and rescue system shall be developed through the collaborative policy procedures established by section 6-109 and shall include, but not be limited to:
 - i. Standard operating guidelines for the system's delivery of fire, rescue, and emergency medical services;
 - ii. System performance standards, such as minimum staffing and response goals;
 - iii. A seamless command structure and incident command system that complies with federal and state incident management standards;
 - iv. Minimum personnel, training, licensure, and reporting requirements for the welfare of county and volunteer personnel and the delivery of high-quality fire and rescue services;
 - v. System fleet size, deployment, and functions;
 - vi. Minimum standards regarding apparatus and equipment;
 - vii. System funding by the County and system budget matters; and
 - viii. A process for setting and maintaining first due areas, response districts and apparatus response orders.

- (2) Make day-to-day operational decisions necessary for the coordinated system on matters not specifically addressed by system-wide policies. Prior to any

significant decision affecting the coordinated system, however, the fire and rescue chief shall consult with the executive committee and consider all reasonable recommendations from the executive committee to the maximum extent possible. If exigent circumstances do not permit such prior consultation with the executive committee, the fire and rescue chief shall advise the executive committee as soon as practicable after the decision is made and seek its recommendations for future actions.

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

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

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

(a) *General; authority to create by-laws.* Volunteer fire companies and rescue squads may be formed, named and dissolved in accordance with state law and board approval. They shall operate in conformity with state laws, county ordinances, and the duly adopted policies of the coordinated fire and rescue system. Boards and governing authorities of volunteer companies and squads shall have full authority to adopt policies, guidelines and protocols for the governance of their stations, except where specifically constrained by state law, county ordinances, or policies of the coordinated fire and rescue system as they are duly adopted. Nothing in this article is intended, nor shall it be construed, to make any member of a volunteer company or squad an employee of the county.

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

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

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

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

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

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

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

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

(b) The advisory board shall be composed of the highest ranking operational leader of each of the volunteer organizations listed in section 6-102 of this article. The fire and rescue chief shall attend meetings of the advisory board, but shall not be a member of the advisory board. Nothing in this section shall be construed to prevent the advisory board from adopting by-laws concerning voting rights and the delegation of duties.

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

The advisory board shall perform the following duties:

- (1) Adopt by-laws for its operation consistent with this article.
- (2) Review all proposed policies affecting the coordinated fire and rescue system and provide comments and advice to the fire and rescue chief through the collaborative procedures established in section 6-109.
- (3) Appoint a committee or committees to meet regularly with the fire and rescue chief, county staff and, if appropriate, county volunteers, in order to consider concerns and provide input regarding:
 - a. Incident management;
 - b. Non-conformance with duly adopted system policies; and

- c. Assurance of quality in the delivery of emergency services.
- (4) Appoint such additional committees as may be useful to facilitate communication regarding matters of importance to the coordinated fire and rescue system in the performance of its essential mission, including county staff and county volunteers in such committees, as appropriate.
- (5) Appoint an executive committee to perform the responsibilities outlined in section 6-108.
- (6) Review and provide input and recommendations to the fire and rescue chief regarding new initiatives for the system's operating and capital improvement budgets.
- (7) Meet on a regular basis in order to perform its responsibilities under this section, and present a report at least annually to the board of supervisors regarding the health and welfare of the volunteer system.

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

(a) *Composition.* The executive committee of the advisory board shall be composed of at least three members of the advisory board who are selected by the advisory board in accordance with its by-laws, and with the goal of providing equal representation for the fire companies and rescue squads. Executive committee members must be active members in good standing with their respective volunteer companies and squads.

(b) *Terms of service.* The advisory board shall determine the terms of service for committee members, who shall serve at the pleasure of the advisory board.

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

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

(a) *Purpose.* In adopting this ordinance the board of supervisors recognizes that, to have full effect, policies must be developed through a collaborative process and enjoy the support of a majority of the elements of the coordinated fire and rescue system. The procedures in this section are intended to assist the fire and rescue chief, the advisory board, and the executive committee in the collaborative and careful development of policies for the

system. These procedures may be changed at any time by agreement of the fire and rescue chief and the advisory board by a majority vote. In addition, the fire and rescue chief may at any time seek more input and advice from the executive committee or advisory board than this section requires.

(b) *Initiative and Drafting.* Any member of the coordinated fire and rescue system may suggest new policies or policy amendments to the fire and rescue chief and the advisory board through the member's chain of command. In cooperation with the executive committee, the fire and rescue chief shall oversee the preparation of new system-level policies and the review of all existing system-level policies. Policies that affect only county employees or county volunteers will not be considered by the executive committee. Draft policies, prepared by the fire and rescue chief, shall be submitted to the executive committee for joint consideration and collaborative development. The draft will be accompanied by a written report summarizing the rationale for the policy and the impacts, if any, on volunteer budgets and volunteer members' time.

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

The fire and rescue chief shall consider the comments and recommendations of the executive committee and shall incorporate such recommendations for revision which, in his judgment, meet the system policy standard. The fire and rescue chief shall then re-submit the draft, with any revisions, to the executive committee for additional review and comment, repeating this process until he is satisfied that the resulting draft meets the system policy standard and addresses the reasonable concerns of the executive committee. Should the chief decline to accept any material recommendation for revision from the executive committee, he shall provide a written explanation of his decision to the executive committee and attempt to reach a consensus with the committee prior to submitting the proposed policy to the advisory board.

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

(d) *Advisory Board Deliberations.* After completing collaborative consultations

with the executive committee as described above, the fire and rescue chief shall submit the proposed policy, along with any annotations he considers necessary, to the full advisory board for its review. Provided that the proposed policy is submitted to the advisory board at least fourteen (14) calendar days before any monthly meeting, the advisory board shall take action on the policy at that meeting. After considering the draft policy in light of the system policy standard defined in §6-109(c), the advisory board shall take one of the following actions by majority vote:

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

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

(e) *Adoption of Policies.* The fire and rescue chief shall be authorized to adopt and issue a policy of the coordinated fire and rescue system immediately after a vote by the advisory board to support the policy as worded. Should the advisory board vote to support the policy with revisions, or to oppose the policy, the chief may nonetheless notify the advisory board that he intends to issue the proposed policy as submitted. In that event, the proposed policy will take effect the day after the next advisory board meeting, unless otherwise specified within the policy, or unless the advisory board votes to contest the policy at that meeting.

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

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

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

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

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

- (a) Pursuant to Virginia Code §27-30, the Office of the County Fire Marshal is hereby established. The board shall appoint the fire marshal and such assistant fire marshals as the board deems necessary.
- (b) The fire marshal and his assistants shall, before entering upon their duties, take an oath, before any officer authorized to administer oaths, to faithfully discharge the duties of their offices.
- (c) The fire marshal and his assistants shall be authorized to exercise all of the powers authorized by Title 27, Chapter 3 of the Virginia Code, including the powers enumerated in Virginia Code §§27-34.2, 27-34.3, and 27-37.1.

- (d) The authority granted under this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or rescue squads from performing their normal duties when operating at such emergency incident. Personnel from the news media, when engaged in news-gathering activities, may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the fire marshal or his assistants, or other officer in charge, interfere with the department's ability to manage the emergency. The fire marshal, his assistants, or other officer in charge may order persons who are violating the provisions of this section from the scene of the emergency incident.

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

Sec. 6-111. Junior Firefighters Program.

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

- (a) Becomes a member of the volunteer fire company;
- (b) Supplies to the chief fire officer of the volunteer fire company written confirmation that such person is a resident of the Commonwealth of Virginia and has parental or guardian approval; and
- (c) Attains certification under National Fire Protection Association 1001, level one, firefighter standards as administered by the Department of Fire Programs.

State law reference – Virginia Code §40.1-79.1.