

Issue Analysis Form



Date: August 10, 2021
Ordinance Amending
Sections 42-1.1, 42-1.3, 42-1.4, 42-1.5, 42-1.6, 42-1.7, 42-1.8, 42-1.10, 42-1.12 to
Change Fire and EMS
Director to Fire and EMS
Chief

Item:
Lead Department(s): County Attorney
Contact Person(s): Dan Whitten

Description and Current Status

The County Code currently references fire and EMS director in Chapter 42 Article I. Such title has been in effect since the establishment of the Prince George Coordinated Fire and Emergency Medical Services System. With the hiring of the new Fire/EMS Director, it is recommended that the title change to Fire and EMS Chief in accordance with the language in the Virginia Code Section 27-6.1.

The proposed amendments to Sections 42-1.1, 42-1.3, 42-1.4, 42-1.5, 42-1.6, 42-1.7, 42-1.8, 42-1.10, and 42-1.12 of the County Code will reference the fire and EMS Director as Chief.

A draft ordinance is attached for consideration; a motion approving the ordinance is requested.

This Ordinance shall be effective immediately.

Sample Motion: I move that the Board approve an Ordinance amending Sections 41-1.1, 42-1.3, 42-1.4, 42-1.5, 42-1.6, 42-1.7, 42-1.8, 42-1.10, and 42-1.12 to change fire and EMS director to Fire and EMS Chief.

Government Path

- | | | |
|---|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does This require Planning Commission Action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a public hearing? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If so, before what date? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Code of Virginia
Title 27. Fire Protection
Chapter 2. Fire/EMS Departments and Fire/EMS Companies

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

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

1970, c. 187; 2001, c. 142; 2008, c. 410; 2015, cc. 502, 503.

ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, BY AMENDING §§ 42-1.1, 42-1.3, 42-1.4, 42-1.5, 42-1.6, 42-1.7, 42-1.8, 42-1.10, and 42-1.12 TO CHANGE THE TERM FIRE & EMS DIRECTOR TO FIRE & EMS CHIEF

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by amending §§ 42-1.1, 42-1.3, 42-1.4, 42-1.5, 42-1.6, 42-1.7, 42-1.8, 42-1.10, and 42-1.12 as follows:

CHAPTER 42 FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 42-1.1. - Establishment of the Prince George Coordinated Fire and Emergency Medical Services System.

a) The Prince George County Coordinated Fire and Emergency Medical Services System is hereby established pursuant to Code of Virginia, § 27-6.1 et seq. The fire and rescue system shall provide comprehensive fire, rescue, emergency disaster management, hazard material ("hazmat") and emergency medical services throughout the county in accordance with state laws, county ordinances, and adopted policies.

(b) The coordinated and integrated fire and emergency medical service system shall be composed of the following volunteer fire companies, volunteer rescue squad and the Prince George County Department of Fire and EMS, including volunteers of the department:

(1) Prince George Volunteer Fire Department, Company 1.

(2) Disputanta Volunteer Fire Department, Company 2

(3) Carson Volunteer Fire Department, Company 3.

(4) Burrowsville Volunteer Fire Department, Company 4.

(5) Jefferson Park Volunteer Fire Department, Company 5.

(6) Prince George Emergency Crew.

(c) The coordinated fire and EMS system shall be a combined force of non-employee volunteer members of the several fire companies and rescue squad, county employees, and county volunteers of the Prince George County Department of Fire and Rescue.

(d) Volunteers reporting to the department of fire and EMS shall be managed and supervised by the fire and EMS ~~director~~ **chief** and may be assigned to various duties including placement in stations and as personnel on apparatus.

Sec. 42-1.3. - Responsibilities of fire and emergency medical services (EMS) ~~director~~ **chief**

The head of the coordinated fire and EMS system shall be known as the fire and EMS ~~director~~ **chief**, who shall be appointed by the county administrator. The fire and EMS ~~director~~ **chief** shall:

(1) Provide oversight and management of the coordinated system's functions by:

a. Developing strategies in collaboration with the Prince George Fire and Emergency Medical Services (PGFEMS) Board, to retain and expand the volunteer base within the system to ensure that the health of the volunteer system remains a high priority for the fire and EMS ~~director~~ **chief**.

b. Develop policies, in consultation with the PGFEMS Board, of system-wide policies that are essential to the effective and fair provision of high-quality, countywide fire and emergency services to include:

1. Standard operating guidelines for the system's delivery of fire, rescue, and emergency medical services;
2. System performance standards, such as minimum staffing and response goals;
3. A seamless command structure and incident command system that complies with federal and state incident management standards;
4. Minimum personnel, training, licensure, and reporting requirements and the delivery of high-quality fire and emergency services;
5. System fleet size, deployment, and functions;
6. Minimum standards regarding apparatus and equipment;
7. System funding by the county, including volunteer companies and monitoring and controlling system volunteer and county budgets and expenditures;
8. A process for setting and maintaining first due areas, response districts and apparatus response orders;

9. Development of a plan for construction and maintenance of stations and substations within the county; and

10. Mutual aid and cooperative agreements.

(2) Make day-to-day operational decisions necessary for an effective coordinated system on matters not addressed by system-wide policies. The fire and EMS ~~director~~ **chief** shall strive to consult with the PGFEMS Board prior to making any significant decision. If circumstances do not permit such prior consultation with the PGFEMS Board, the fire and EMS ~~director~~ **chief** shall advise the PGFEMS Board as soon as practicable after the decision is made and seek its recommendations for future actions.

(3) Serve as the chairman of the PGFEMS Board by participating in PGFEMS Board meetings and activities; providing and managing county staff support, as needed, for the PGFEMS Board; and overseeing the preparation of PGFEMS Board meeting documents. The fire and EMS ~~director~~ **chief** shall also be a full voting member of the PGFEMS Board.

(4) Provide general management, planning, preparation, response and recovery for any disaster relating to fires, hazardous materials, natural or manmade events, weather or emergency medical services that may occur in the county.

(5) Assume responsibility, under the authority of the county administrator, to 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 EMS ~~director~~ **chief** for events exceeding the capabilities of the county.

(6) Exercise all powers authorized by state law as necessary for the provision of coordinated fire and emergency medical services.

Sec. 42-1.4. - Responsibilities of volunteer fire companies, volunteer rescue squad and volunteer chiefs.

(a) Volunteer fire companies and rescue squads shall have all the powers and duties granted to them by state law. They shall also have the following responsibilities while acting in conformity with policies of the coordinated fire and rescue system:

- (1) Managing performance and responses by the company or squad, including directing station activity and operations;
- (2) Assuming or delegating the role of incident commander within the system's integrated incident command structure;
- (3) Providing management within 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 discipline, training, and keeping records; provided, however that the fire and EMS ~~director~~ **chief** may take disciplinary action or other personnel action affecting volunteers in accordance with this article;
- (7) Preparing annual budgets subject to approval by the county and managing expenditures in conformance with the approved budget;
- (8) Fundraising and managing all funds and assets that derive from private or non-county sources;
- (9) Collecting and forwarding to the fire and EMS ~~director~~ **chief** any requested data, statistics and other information as may be necessary to assure the efficient 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 care of county apparatus, equipment, and tools.

(b) The operational head of each volunteer fire company and rescue squad within the system shall be selected according to the by-laws of the company or squad. 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 policies of the coordinated fire and EMS system.

(c) Volunteer companies and squad shall have authority to adopt policies, guidelines and protocols for the governance of their stations, which are consistent with state law, county ordinances, and policies of the coordinated fire and EMS system. Nothing in this article is intended, nor shall it be construed, to make any member of a volunteer fire company and rescue squad an employee of the county.

(d) Additional volunteer fire companies and rescue squads may be formed in accordance with state law and board of supervisors' approval. They shall operate in conformity with state laws, county ordinances, and the policies of the coordinated fire and EMS system.

Sec. 42-1.5. - Establishment of Prince George Fire and EMS Board.

(a) The Prince George County Fire and EMS Board ("PGFEMS Board") is hereby established to perform the following responsibilities:

- (1) Cooperate with and advise the fire and EMS ~~director~~ **chief** on the delivery of fire, rescue and emergency medical services as representatives of the volunteer companies and squad;
- (2) Facilitate communication and collaboration between the volunteer and county-employed members of the coordinated fire and rescue system;
- (3) Communicate issues of importance to the fire and EMS ~~director~~ **chief** concerning individual volunteer organizations or the coordinated fire and emergency medical service system.

(b) The PGFEMS Board shall be composed of the highest ranking operational leader of each of the volunteer organizations and the county fire and EMS ~~director~~ **chief**, who shall also serve as the chairman of the board.

Sec. 42-1.6. - Duties of the Prince George Fire and EMS (PGFEMS) Board.

The PGFEMS 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 EMS system and provide comments and advice to the fire and EMS ~~director~~ **chief** and ensure the communication and compliance with system-level policies to all companies and squads.
- (3) Meet regularly in order to consider concerns affecting the coordinated system and provide input regarding:
 - a. Incident management;
 - b. Nonconformance with system policies; and
 - c. Assurance of quality in the delivery of emergency services.

(4) Review and provide input and recommendations to the fire and EMS ~~director~~ **chief** regarding new initiatives for the coordinated system's operating and capital improvement budgets.

(5) Develop, in collaboration with the fire and EMS ~~director~~ **chief**, a grievance procedure that is consistent with the procedure available to county employees to contest disciplinary or operational matters affecting individual volunteers. The general management and discipline of volunteers shall be a station-level responsibility, unless the fire and EMS ~~director~~ **chief** must act and take personnel actions affecting any volunteer in order to protect the effective operation of the coordinated fire and emergency medical service system.

(6) Meet on a regular basis and present a report annually to the board of supervisors regarding the health of the volunteer system.

Sec. 42-1.7. - Procedure for developing policies of the coordinated fire and EMS system.

All system-wide policies shall be developed through the following system:

(1) The fire and EMS ~~director~~ **chief** shall prepare the new system-level policies and shall review all existing system-wide policies. Any member of the coordinated fire and EMS system may suggest new policies or policy amendments to the fire and EMS ~~director~~ **chief** and the PGFEMS Board through the member's chain of command. Personnel policies that affect only county employees or county volunteers will not be considered by the PGFEMS Board.

(2) The fire and EMS ~~director~~ **chief** shall consider any comments and recommendations on proposed policies from the PGFEMS Board and shall incorporate such recommendations for revision which, in his judgment, meet the system policy standards. Should the chief decline to accept any material recommendation for revision from the PGFEMS Board, he shall provide a written explanation of his decision to the PGFEMS Board after attempting to reach a consensus.

After considering any draft policy, the PGFEMS Board shall take one of the following actions by majority vote:

- a. Accept the draft policy as worded.
- b. Support the policy in principle, but with specific revisions.
- c. Decline to accept the policy.

- (3) By majority vote, the PGFEMS Board may appeal any decision to decline to accept a policy within seven days to the county administrator in writing giving its reasons for appeal. The county administrator shall consider such appeal and deny the appeal or remand to the PGFEMS Board for further review within ten days.

Sec. 42-1.8. - Noncompliance with system policies.

The chiefs of all member organizations may communicate concerns about noncompliance with system policies to the fire and EMS ~~director~~ **chief**.

- (1) As soon as practicable after receiving any such complaint, the fire and EMS ~~director~~ **chief** shall determine whether reasonable cause exists to believe that there has been a material noncompliance with any system policy.

- (2) The PGFEMS Board shall prepare a written report summarizing the investigation and its conclusions and submit the report to the fire and EMS ~~director~~ **chief** no later than ten calendar days following the conclusion of the investigation. If the PGFEMS Board determines, by majority vote, that the charged party has materially noncomplied with system policy, with the concurrence of the fire and EMS ~~director~~ **chief**, the charged party shall comply with all recommended steps for remediation of the noncompliance.

- (3) Should the charged party substantially fail to implement the plan, the fire and EMS ~~director~~ **chief** may modify the plan, discontinue the plan, implement an alternative plan, and/or take other action as needed. Prior to taking these steps, however, the fire and EMS ~~director~~ **chief** must consult with the board about his intended action and consider its recommendations except when immediate action is required, in which case he shall consult with the board as soon as practicable after such action.

- (4) If the board and fire and EMS ~~director~~ **chief** determine that the nature of the noncompliance is so serious as to merit consideration of de-certification of the organization or reduction in its funding by the board of supervisors or repossession of equipment, they shall apprise the county administrator who shall refer the matter to the board of supervisors, which shall be the sole authority to take any punitive action, pursuant to Code of Virginia, § 27-10, and to determine annual appropriations.

Sec. 42-1.10. - Physical examination for firefighters.

- (a) Every firefighter, either salaried or volunteer, entering upon the service of the county, at the time of such entry, shall, at the expense of the county, undergo the physical examination required by Code of Virginia, § 27-40.1 by a physician licensed to practice medicine in the state, which physical examination shall include the examination of the eyes, ear, nose, and throat; the glandular system, chest and lungs, heart and abdomen, inguinal area; the extremities; blood pressure sitting, radial pulse, peripheral pulse; a general neurological examination; and a physical agility examination. In addition, such examination shall include a blood count, routine urinalysis, hemoglobin and hematocrit, blood serology, large chest X-ray (posterior-anterior and lateral), a 12-lead electrocardiogram, and any other specialty tests indicated by abnormal findings from any of the foregoing tests. The physician conducting such examination shall submit a written report thereof to the fire and EMS ~~director~~ **chief** on a prescribed form which sets forth the result of each of the tests and studies, and his findings, based upon the results, as to whether such firefighter is free from respiratory diseases, hypertension, heart disease or any other physical defect that would actually or potentially impair the firefighter's fitness to function as a firefighter.
- (b) The fire and EMS ~~director~~ **chief** shall contract with such physicians, clinics or hospitals for the performance by such physicians, clinics or hospitals of the physical examination and laboratory and diagnostic studies prescribed in subsection (a) of this section.

Sec. 42-1.12. - Criminal history records check.

In accordance with the requirements of Code of Virginia, §§ 32.1-111.5, 15.2-1503.1 and 19.2-389, as amended, all applicants for employment with the Prince George Coordinated Fire and Emergency Medical Services System, or applicants to become volunteers in such system, shall participate in a state and national criminal history records check as required and administered by the county. The ~~director of the fire and EMS system~~ **chief** is hereby designated as the county's representative in coordinating such record checks with the FBI and the Central Criminal Records Exchange. The applicant shall submit to fingerprinting and provide personal descriptive information to be forwarded along with the individual's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of

obtaining criminal history record information. The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall forward it to the designated county governmental employee.

(2) That the Ordinance shall be effective immediately.

**NOTICE OF PUBLIC
HEARING
COUNTY OF PRINCE
GEORGE**

Notice is hereby given to all interested persons that the Prince George Board of Supervisors will hold a public hearing on August 10, 2021 beginning at 7:30 p.m. in the Board of Supervisors Meeting Room, Third Floor of the County Administration Building, 6602 Courts Drive, Prince George, Virginia, (located at the intersection of Laurel Springs Road and Courts Drive in the County Government Complex) pursuant to § 15.2-1427, Code of Virginia (1950), as amended, to consider:

Ordinance Amending Sections 42.1-1, 42-1.3, 42-1.4, 42-1.5, 42-1.6, 42-1.7, 42-1.8, 42-1.10, 42-1.12 to Change Fire and EMS Director to Fire and EMS Chief.

A copy of the proposed Ordinance is available for review in the County Administrator's Office (Tel. 722-8600), 6602 Courts Drive, Prince George, Virginia. All interested persons shall be given an opportunity to be heard.

Percy C. Ashcraft
County Administrator