

# Clarke County Board of Supervisors

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To: Board of Supervisors

From: Chris Boies

Re: Fire-EMS Commission

Date: December 20, 2023

As you are aware, the Board voted on December 19<sup>th</sup> to set a public hearing for January 16, 2024 at 6:30 p.m. on text amendments to Chapter 17 of the Code of Clarke County: Fire, Emergency Medical Services (EMS), and Emergency Management. The attached text amendments remove all references to the Fire and EMS Commission, effectively dissolving the Commission. The Fire and EMS Commission recommended this action at their December 14<sup>th</sup> meeting.

This proposed change comes about a year after County staff worked with the three volunteer companies on a new governance structure. Under the new structure, a Fire Rescue Advisory Group (FRAG) was created, which consists of leadership from each volunteer company and County staff. One citizen is also on the group and serves as the Chairperson. For the past year, this group has met to review and approve a number of standard operating guidelines, and has conducted various other business. The Fire and EMS Commission felt the FRAG was operating at a level where the Commission was no longer needed. Under this new structure, the County Fire Chief will annually present an update on the status of the fire-rescue system to the Board in an open meeting. In addition, the FRAG Chair will also present annually to the Board on the status of the advisory group.

A technical correction to Chapter 17 is also proposed and would fix an error concerning billing for ambulance transport. Currently Section 17-11.D.1 states that we bill for ambulance transport when the point of origin is within the County. Per our mutual aid agreements with surrounding localities, we do bill for service for calls outside of the County limits. The text change corrects this misstatement and aligns with current practice.

# Chapter 17 Fire, Emergency Medical Services (EMS), and Emergency Management

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## Chapter 17 Fire, Emergency Medical Services (EMS), and Emergency Management

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[HISTORY: Adopted by the Board of Supervisors of Clarke County 10-21-2014 as Chapter 17 of the 1997 Code as. Amendments noted where applicable.]

### Code of Virginia References

§ 18.2-414.1. Obstructing members of rescue squad in performance of mission; penalty.

§ 27-14. Ordinances as to fire/EMS departments, etc.

§ 27-15.1. Authority of chief or other officer in charge when answering alarm or operating at an emergency incident; penalty for refusal to obey orders.

§ 27-23.6. Provision of fire-fighting or emergency medical services.

§ 44-146.19. Powers and duties of political subdivisions.

### *§17-1 Establishment of the Department of Fire, Emergency Medical Services (EMS), and Emergency Management*

- A. In order to help ensure the protection of citizens, visitors, and property of Clarke County, the firefighting, emergency medical services (EMS), and emergency management services are organized under a Department of Fire, Emergency Medical Services (EMS), and Emergency Management (“the Department”). These services shall be provided by using both County-employed and volunteer company firefighters and EMS personnel. As such, the County-recognized volunteer fire-fighting and EMS entities shall be deemed an instrumentality of the County and shall receive the full benefit and protections of the law while acting in that capacity.
- B. In order to effectively carry out the provisions of Subsection A of this section, the Department shall be organized to coordinate all fire, EMS, and emergency management and preparedness services within the County.
- C. The Department shall be composed of the County officials and County-employed staff (“the Staff”) of the Department, and the volunteer fire and EMS companies. The volunteer fire and EMS companies are recognized as entities of the Department and are an integral part of the County’s public safety program.

### *§17-2 Appointment of the Chief*

- A. The County Administrator shall appoint the head of the Department, who shall be known as the “Chief”. The Chief shall carry out the responsibilities set forth in §17.5. The Chief shall have no jurisdiction over the internal affairs of the volunteer companies. The Chief

shall report to the County Administrator and the Department Staff shall report to the Chief.

### *§17-3 Emergency Management*

- A. The County Administrator shall serve as the County's Director of Emergency Management. The responsibilities of the Director of Emergency Management may be delegated at the discretion of the County Administrator.
- B. The Chief shall serve as the County's Coordinator of Emergency Management and shall provide general management of the planning, preparation, and response for any disaster which impacts the County and requires implementation of the County's emergency operations plan.

### *§17-4 Responsibilities of the Department*

- A. The Department shall be responsible for coordinating and managing the services and functions as described above in §17-1 and in the sections below.
- B. The Department may employ Staff to perform a variety of functions to support fire, EMS, and emergency management services. These functions include but are not limited to firefighting, emergency medical services/EMT, volunteer recruitment/retention, grant writing, and administrative services. The Chief shall manage and oversee the Staff unless otherwise designated by the County Administrator.

### *§17-5 Responsibilities of the Chief*

- A. The Chief shall carry out the responsibilities and general management of the Department, shall establish and enforce Departmental policies, procedures, and guidelines consistent with this Chapter for the administration and operation of the Department. The Chief's specific responsibilities shall be as assigned by the County Administrator.
- B. The Chief shall have management oversight of the Department's Staff. Management oversight of the volunteer companies and volunteer staff shall be the responsibility of the chiefs of the individual companies and their respective governing boards.
- C. The Chief shall make periodic recommendations to the County Administrator and Board of Supervisors on how to effectively provide the best fire and emergency services available based on risk management principles within the parameters established by the Board for fiscal management and emergency response service level objectives. ~~Any recommendations proposed by the Chief that will have a substantive impact on the County's emergency response system or infrastructure impacting service delivery shall be reviewed by the Fire and EMS Commission prior to presenting the recommendations to the Board of Supervisors. The results of the Commission's review shall also be provided to the Board of Supervisors.~~

D. The Chief shall serve as a senior officer for fire and/or EMS and shall have the authority to take command of an incident on an as-needed basis in the absence of, or directed by, a volunteer chief. The Chief shall possess the skills, training, and certifications necessary to serve as a senior fire officer, senior EMS officer, or both. The Chief shall have the authorities granted by the Code of Virginia §27-15.1, §27-17, and §27-17.1.

### ~~§17-6 Fire and EMS Commission~~

~~A. The Board of Supervisors shall appoint a Fire and EMS Commission (“the Commission”) to provide planning level oversight of the Fire and EMS systems in the County; to oversee strategic planning efforts; and to provide a mechanism for collaboration and coordination among the Chief, the County Sheriff, volunteer companies, and the Board of Supervisors on issues impacting fire, EMS, and emergency management services.~~

~~A. The Commission shall work in coordination with the Chief on these issues, and the Chief shall provide staff support to the Commission. Membership Composition; Term. The Commission shall consist of eight (8) members including:~~

~~— One (1) member of the Board of Supervisors;~~

~~— The Clarke County Sheriff;~~

~~— One (1) representative from each of the volunteer fire and EMS companies; and~~

~~— Three (3) citizens at large representing consumers of fire and EMS services.~~

~~The three (3) volunteer fire and EMS company representatives shall serve one year terms and shall be appointed by the Board of Supervisors with recommendation to be provided by the volunteer companies.~~

~~The three (3) citizens at large shall be appointed for initial terms of one (1) year, two (2) years, and three (3) years and thereafter for four (4) year terms.~~

~~The Sheriff shall serve a term coterminous with the term of office.~~

~~The Board of Supervisors shall appoint a representative annually at or shortly after its annual organizational meeting to serve a one year term.~~

~~A. Responsibilities of the Commission. The Commission shall have the following specific responsibilities to be completed in cooperation with the Chief:~~

~~1. Develop and maintain a Fire & EMS Strategic Plan.~~

~~1. Annually review the Emergency Operations Plan (EOP) and provide recommendations on changes to the Board of Supervisors.~~

~~1. Review and advise on implementation strategies for policy and protocol changes for Fire & EMS operations.~~

~~1. Provide platform for resolving policy and protocol disputes among the companies, the career staff, and/or with the emergency communications center.~~

- ~~1. Review and provide recommendations on budgetary matters including recommending the use of funding and service agreements.~~
- ~~1. Evaluate compliance with established performance objectives and develop recommendations to address deficiencies.~~
- ~~1. Support and promote annual emergency preparedness exercises.~~
- ~~1. Evaluate other related issues as requested by the Board of Supervisors.~~

~~The Commission shall also review and provide recommendations on any proposals by the Chief that will have a substantive impact on the County's emergency response system or infrastructure impacting service delivery.~~

### *§17-7 Recognition of Providers of Fire and Emergency Services*

- A. Volunteer organizations. The following volunteer organizations are hereby recognized as entities of the Clarke County Department of Fire, Emergency Medical Services (EMS), and Emergency Management and are hereby permitted to provide fire and EMS services in Clarke County:
  1. John H. Enders Fire Company and Rescue Squad
  2. Boyce Volunteer Fire Company
  3. Blue Ridge Volunteer Fire and Rescue Company 8
- B. Other organizations and groups. The following organizations and groups are hereby recognized as non-jurisdictional entities that are hereby permitted to provide fire and EMS services in Clarke County:
  1. Mount Weather Emergency Operations Center.
  2. Entities responding to Clarke County emergencies in accordance with mutual aid agreements.
- C. Response areas. Each of the organizations listed in §17-7(A) shall be assigned response areas that provide the best services to the citizens of the County. Response areas shall be determined among the volunteer companies and a written copy of the response areas shall be provided to the Chief, who shall maintain the copy and make it available to the Emergency Communications Center, ~~Commission~~, and the general public. Response areas may be reviewed and updated periodically. Non-jurisdictional entities listed in §17-7(B) may be assigned a response area if determined to be appropriate by the volunteer companies.

### *§17-8 Entities of County Fire and EMS Department*

- A. Each of the organizations listed in §17-7(A) and (B) shall coordinate their operations and activities with the Department and shall carry out their assigned tasks to the best of their ability.

- B. Each volunteer organization listed in §17-7(A) shall appoint a chief who shall be responsible for the overall direction and control of fire and EMS activities using federally-mandated NIMS protocols within the organization's respective first due response areas. Additionally, the chief shall ensure that the organization complies with all of the provisions of applicable laws, ordinances, and standard operating procedures/guidelines in coordination with the Department and shall advise and communicate the organization's operations and activities with the Chief.
- C. The fire and EMS Staff, when responding to calls, shall follow all applicable federal, state, and local regulations and will function under the same standards incorporating NIMS as noted in subsection B above.

*§17-9 Personnel Responsibility and Authority*

- A. All officially recognized members of the organizations listed in §17-7(A) and (B) shall perform their respective duties, as outlined in the standard operating procedures/guidelines and applicable laws and ordinances, to the best of their ability.
- B. All officially recognized members of the organizations listed in §17-7(A) and (B) shall be subject any procedures and practices established by the Board of Supervisors.
- C. While performing in their official capacity, each of the members of the organizations and groups listed in in §17-7(A) and (B) shall have the authority to carry out their respective assignments as provided for in applicable laws, ordinances, and standard operating procedures/guidelines.
- D. While performing in their official capacity and acting within the guidelines of the Department, each of the members of the organizations and groups listed in in §17-7(A) and (B) shall be afforded all of the privileges, rights, and remedies available to them under the law.

*§17-10 Obedience to orders of the senior officer in charge at the scene of accidents, disasters, and other fire, medical, and rescue oriented incidents*

Every person present at the scene of any fire, medical, or rescue emergency shall be obedient to the orders of the senior officer in charge in any matter related to fire/medical/rescue matters; freedom of fire and EMS company, personnel, and apparatus to perform their duties or to function properly; and the maintenance of order at or near the scene of the emergency.

It shall be unlawful for any person to disobey any such order of the senior officer in charge.

The senior officer in charge shall have the authority to cause the arrest of persons who disobey such orders and to hold them in custody until the incident or danger is abated, at which time the violator shall be dealt with according to law.

*§17-11 Service fee for ambulance transport*

Code of Virginia References (§18.2-414.1; §27-14; 15.1; and 23.6; §44-146.19; §32.1-111.14; §38.2-3407.9)

*A. Purpose.* A service fee is hereby established for basic life support transport (BLS), advanced life support level 1 transport (ALS 1), advanced life support level 2 transport (ALS 2), and for ground transportation mileage on each person being transported by an emergency services organization that is authorized to provide emergency medical services in accordance with this Chapter.

*B. Definitions.* As used in this article, the following terms shall have the meanings indicated:

1. Advanced life support level 1 (ALS 1) – Medical treatment or procedures provided to a patient beyond the training of an EMT-Basic as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician – Basic (EMT-Basic), but not ALS 2.
2. Advanced life support level 2 (ALS 2) – Advanced life support services provided to a patient, including one or more of the following medical procedures:
  - a. Defibrillation/cardioversion
  - b. Endotracheal intubation
  - c. Cardiac pacing
  - d. Chest decompression
  - e. Intraosseous line
  - f. Administration of three or more medications

*C. Fee Schedule.* The schedule of fees for emergency ambulance transport services shall be set by resolution of the



Clarke County Board of Supervisors and may be updated from time to time.

*D. Billing.*

1. Clarke County or its agent shall generate a bill for ambulance transports ~~whose point of origin is within the boundaries of Clarke County.~~ Billing, payment, and collection policies shall be established by resolution of the Board of Supervisors.
2. Clarke County may contract with a third-party that shall be designated as the County's agent for billing and related services.
3. Emergency medical services organizations shall submit information required for the County or its agent to generate a bill for such services including but not limited to call sheets/patient care reports. Due to the fact that patient care information is highly confidential under several state and Federal laws, such information will remain the responsibility of the organization responding to individual calls. Information shared under this subsection shall be that information reasonably necessary to accomplish the billing process or other arrangement as mutually agreed to by the providing agency and the County.

## Amendments Chapter 17

2014-10-21

Chapter 17 Added CC-2014-3

2015-01-20

Chapter 17 Fire, Emergency Medical Services (EMS), and Emergency Management, Department Of, Amendment to establish a service fee for ambulance transport. CC-2015-01

2016-09-20

Chapter 17 §17-6 Fire and EMS Commission B. Membership Composition