



FIRE RESCUE

ALBEMARLE COUNTY

460 Stagecoach Road, Suite F Charlottesville, VA 22902-6489
 Voice: 434-296-5833 FAX: 434-972-4123

www.ACFireRescue.org

Albemarle County Fire and Emergency Medical Services Executive Committee Agenda

Monday, March 6, 2023 | 1630 Hours | Fire Rescue Conference Room 2

Agenda Item	Name
I. Call to Order A. From the Board: Matters Not Listed on the Agenda	H. Childress
II. Approval of Consent Agenda A. February 6, 2023 Minutes	H. Childress
III. Unfinished Business A. EMS Call Types	D. Puckett
IV. New Business A. Policy 202	D. Puckett
V. Next Meeting A. May 8, 2023 at 1630 hours – Fire Rescue Conference Room 2	

ALBEMARLE COUNTY FIRE/EMS BOARD
FEMS BOARD EXECUTIVE COMMITTEE
MONDAY, FEBRUARY 6, 2023 – 1630 HOURS

A virtual meeting of the Albemarle County Fire/EMS Board Executive Committee was held on Monday, February 6, 2023, at 1630 hours.

The following members were in attendance:

Dan Eggleston, Albemarle County Fire Rescue
Michael Grandstaff, Scottsville Volunteer Fire Department
(arrived for second half of meeting)
Virginia Leavell, Charlottesville/Albemarle Rescue Squad
Dennis Hahn, Seminole Trail Volunteer Fire Department
Kostas Alibertis, Western Albemarle Rescue Squad

Others in attendance:

Heather Childress, Albemarle County Fire Rescue
Christina Davis, Albemarle County Fire Rescue
Amanda Farley, Albemarle County Attorney's Office
Dustin Lang, Stony Point Volunteer Fire Company
David Puckett, Albemarle County Fire Rescue

I. Call to Order

Chief Eggleston called the meeting to order at 1630 hrs.

A. From the Board: Matters Not Listed on the Agenda

Chief Eggleston noted that an item related to EVOC training would be added to the agenda.

II. Consent Agenda

A. January 9, 2023 Minutes.

MOTION: Chief Alibertis motioned, seconded by Chief Hahn, to approve the Consent Agenda as presented. The motion passed unanimously (4-0), with Chief Grandstaff not yet present at the meeting.

III. Unfinished Business

A. There was no unfinished business presented.

IV. New Business

A. Review of Material Noncompliance Complaint

Senior Assistant County Attorney Amanda Farley stated that the County Attorney felt it would be a good idea to attend a meeting to answer questions and provide some statutory interpretation related to this matter. She referenced several County Code sections and provided copies.

Ms. Farley reported that ideas she had identified were whether this body was the proper mechanism or vehicle for consideration of this kind of complaint; whether the fire chief was the proper subject of this kind of complaint; whether this body can provide relief for the complaint; and whether the complaint satisfactory alleges material noncompliance. She asked the chiefs if they felt there were other relevant aspects, noting that this was based on the complaint that Chief Lang had submitted.

Chief Lang stated that this was principally about the minimum staffing issue and system policy, as there were allegations made in the letter to Stony Point for which they had asked for evidence but had never received it. Chief Lang said there were allegations made about not satisfactorily staffing engines, when the frequency is commensurate with what ACFR is doing—according to their own data.

Ms. Farley asked if there was anything about the complaint or relief he wanted to change or modify, and Chief Lang responded that there was not.

Ms. Farley explained that the charge of the FEMS Board is an advisory board to the Fire and Rescue Chief, and that was constituted and written in code that it would be the primary charge of the board and the Executive Committee by extension. She stated that in that role and specifically Section 6.110, which is the basis for Chief Lang's complaint, there is a task here for the EC, but the section stipulates that in every step of considering complaints, the Fire and Rescue Chief is in consultation with the EC.

Ms. Farley further explained that this relates to "peer organizations," or a company bringing a complaint about a company, and the only relief this committee can offer is a remedial plan for the organization—and if it's a serious material noncompliance, a recommendation to the Fire and Rescue Chief to send out to the Board of Supervisors for either dissolution or defunding, in whole or in part. She emphasized that this was the scope of relief possible under a material noncompliance complaint.

Ms. Farley stated that the Fire and Rescue Chief is integral to all that and was not restricted by the remedial plan; he has independent powers to do something in addition to a remedial plan. She said that he could execute something more extreme, if necessary, and the code provides for that.

Ms. Farley said that it is her opinion that the Fire and Rescue Chief is not a proper subject of a complaint of this kind because it is meant to be for organizations, and there is no adjudication process or power of this body toward an individual—it would need to look at the organization as a whole. She continued that the definition of "material noncompliance" is a failure to adhere to a system policy adopted in accordance with Section 6.109, and regarding Chief Lang's complaint, this was not a policy adopted.

Ms. Farley stated that the de facto policy was a memo specific only to Stony Point; if it had systemwide application, every company would be subject to the particulars of that memo. She emphasized that because it does not fall within that definition, it is not

proper for this body to consider. She also said that material noncompliance specifies relevance to “a policy which is committed on two or more separate occasions, or on a single occasion if the conduct involves either civil legal violations or actions by multiple members in the organization’s leadership, or is committed intentionally after notice that the conduct would violate system policy.

Ms. Farley stated that it also includes one of the four criteria: threatens health, safety or welfare; impairs operational readiness; violates law; or involves violation of a policy or provision regarding public funds. She said that on the face of the complaint, it does not allege any of those components. She stated that therefore, this is not regarding a policy that follows under the definition, doesn’t allege multiple occasions, and doesn’t allege that if it were on a single occasion, it involves any other subcomponents that would make it fall under material noncompliance.

Ms. Farley said that in conclusion, the Executive Committee is not the proper vehicle to entertain the complaint as stated by Chief Lang. She asked if there were any questions.

Chief Hahn asked what the mechanism would be, as the idea of the EC was to help Chief Eggleston manage the system. Chief Hahn stated that if there was a problem at this point, the restriction could be relaxed—and he wanted to clarify that they did not have that discretion.

Ms. Farley confirmed that they do not.

Chief Eggleston stated that this issue goes back about five years and was a fairly complex matter related to safety concerns and the partnership with the County Executive. He said that he had no desire to go back and revisit that ground, but he received an email from Cara Metcalf on February 6, 2023 requesting information—and ACFR turned around all source data, including the assessment itself, on February 17. He suggested that Chief Lang check with her about that.

Chief Eggleston reiterated that he did not want to go back through this, as it was a decision between the County and Stony Point, it was discussed at length, and he felt comfortable about the decision. He added that at this point, he was not making a change.

Ms. Farley commented that she has no decision-making power, and they could disregard her advice.

Chief Hahn stated that she had indicated the EC couldn’t make changes to the policy.

Ms. Farley clarified that no policy had been proposed by the EC or FEMS Board at large. She stated that the County Code section that talks about Fire and Rescue Chief responsibilities was 6.104, and under 2, it said “make day-to-day operational decisions necessary for the system on matters not specifically addressed by systemwide policies.” She said that she has no opinion about the contents of the memo or the restrictions, but

a fair interpretation is that when a memo is related to a specific company and behavior, it would fall under that. She added that under 4, it said the “Fire and Rescue Chief must provide general management and in preparation for response and recovery...related to fire, rescues, or emergency medical services that may occur in the County...[and] exercise all powers authorized by state law.”

Chief Alibertis said that what he is hearing is that any discussion would be between the two of them and would not involve the committee and/or FEMS Board.

Chief Eggleston responded that it had been productive, and ACFR has offered resources to help release training of individuals so that Stony Point can start staffing apparatus—and that offer still stands.

Ms. Farley asked if Chief Lang had questions.

Chief Lang commented that if he knew they were going to be “steamrolled” by having a County Attorney present, he would have brought counsel. He said that the letter that was sent had allegations that Stony Point only staffs an engine 33% of the time, with a memo dated January 2022. He said that in 2022, ACFR career staff at Stony Point staffed an engine 38% of the time—so the frequency is the same. He noted that in the last 90 days, 28% of those shifts have staffed an engine.

Chief Lang stated that if this was such a big deal, it should be applied across the system, and it seemed to him that they were being unfairly targeted. He said that in 2022, there were 556 engine responses that were less than three people; that’s a response that is authorized today by the FOG. He said that 19% of those were career staff, and Stony Point had 0%, with 61 already with less than three staff this year, with Stony Point again having 0%.

Chief Lang emphasized that while they can call it “minimum staffing” in this memo, it is de facto system policy that is being unfairly applied. He said that they have been trying to resolve it amicably, and his understanding was that the group could weigh in on it. He stated that a majority of the FEMS Board at their last meeting voted to table the item on interim policies and reconsider it, as it was ambiguous at best. He added that by ACFR imposing minimum staffing requirements and texting with a battalion chief every night before they can put a truck up in CAD is an overreach. He said the only exception under 6.109 to issuing systemwide policies is exigent circumstance.

Chief Eggleston said that was incorrect information, and he was not going to relitigate this—but he had never worked with a company in the County that had this much trouble in the past, and he took all of that into consideration to make a decision. He emphasized that the decision was made in consultation with many other people beyond himself and his staff, and he stands by. He stated that Stony Point is not ready to run reduced staff with the history of the department, until they can gain some confidence and trained people so that they can respond safely—not only for their members, but for the public.

Chief Eggleston stated that he would not allow Chief Lang to put himself and the members of that department at risk.

Chief Lang asked what the appropriate avenue would be for a grievance.

Ms. Farley responded that “everybody has a boss.”

Chief Hahn said it was spelled out in the ordinance that if the stations don’t agree, Chief Eggleston can apply and it will go before the Board of Supervisors.

Ms. Farley explained that if it’s not an agreed policy that Chief Eggleston takes to the next level, he can appeal it to the County Executive first; if they are not satisfied at that point, they can appeal it to the Board of Supervisors.

Chief Alibertis clarified that this applied to a systemwide policy, so the process wouldn’t apply to this particular situation.

Ms. Farley confirmed that this was her opinion. She said that it wasn’t because of the process, it was because everyone has a boss.

Recess

The Executive Committee recessed its meeting at 16:50 hours.

B. Mutual Aid Arrangement – ERVFC

Chief Eggleston reported that they have had some discussions with East Rivanna about the mutual aid arrangement in place, which that department does not particularly like. He said that they want to make their own decisions about when to go to mutual aid, but over the weekend, there was a situation in which Louisa requested a mutual aid resource—and Chief Lambert turned it down, but Chief Tetterton overheard the radio tracking and self-dispatched to it.

Chief Eggleston explained that Stony Point was not staffed, Engine 11 was on a call, others had responded to a brush fire, so the whole east end of the County was empty. He said that Chief Lambert made the decision not to fulfill the call because there was a blocking unit on the interstate, but ERVFC went anyway. He stated that Chief Puckett followed up with an email that indicated this was against the directive, as the battalion chief makes the decision on resources.

Chief Eggleston said that ACFR would be reengaging with East Rivanna, and this is somewhat related to what Chief Lang has implicated in terms of Chief Eggleston not having the authority to make these decisions. He stated that they spent a lot of time talking about this and are very sensitive about the mutual aid requests, and he could not recall who was involved with those conversations—but suddenly there were issues.

Chief Hahn stated that just recently, they took Engine 22 to Culpeper.

Chief Eggleston commented that it was for a funeral.

Chief Hahn said he had called and asked Chief Lambert what was going on.

Chief Eggleston stated that East Rivanna asked why they needed to let ACFR know they were going to the funeral, but the point is making sure there's coverage.

Chief Hahn noted that it was a resource issue.

Chief Alibertis said that maybe they have six people hanging out at the station and have enough to do a blocking piece—but they should still go through Chief Lambert.

Chief Puckett stated that in this case, East Rivanna had spoken directly with Chief Lambert, who said not to go and gave many reasons, but they were at Pantops at the time and went anyway with the 136 protocol.

Chief Alibertis said it would be like Western helping out Nelson County even when Chief Lambert had said not to.

Chief Eggleston stated that they talk to battalion chiefs all the time about these things.

Chief Hahn said that he had talked to Chief Lambert earlier today and went to collapse because he was by himself.

Chief Alibertis said they had dealt with the same thing, and they were on modified response Sunday night when no one else in the County was doing anything because the weather event was all rain except in Crozet.

Chief Eggleston stated that he had left word with the Louisa chief, because East Rivanna had said it was a matter between those two stations. Chief Eggleston said that the chief would be calling him back, but he felt certain that he would have heard about any issues. He also mentioned that the policy that got kicked back was coming up to the FEMS Board, and Chief Lang had provided additional language but other stations had not provided any suggestions.

Chief Puckett indicated that he had sent that out and received feedback from several stations, at least the EC members, and it was similar to Chief Lang's perspective.

Chief Grandstaff stated that at some point they all have to work together—and he did not see Chief Eggleston coming down with something unreasonable. Chief Grandstaff said that they had a lot of discussions around Scottsville mutual aid, and while he didn't like the outcome, he understood the need for it and just agreed to live with it.

Chief Eggleston mentioned that the ability to issue the directive had been in place since the ordinance was adopted, and to his knowledge, this is the first one he had done. He said that he would prefer to walk through solutions.

Chief Grandstaff suggested that they take that and put it into policy.

Chief Eggleston agreed that it would probably be a good idea.

Chief Alibertis said they work Afton Mountain as mutual aid, but perhaps that was a different situation. He acknowledged that it was in-County though expect for a mile, and no one else could get to it.

Chief Hahn asked if East Rivanna had responded as emergent through ECC.

Chief Leavell said it may be an insurance issue.

Chief Hahn commented that they were not going to an emergency they were sent to, and if they had any issues, it could be problematic because of both the station and the County on the title.

Chief Eggleston stated that if they decided to operate unilaterally without being dispatch, the question is whether sovereign immunity would kick in—but regardless, it was not the right thing to do. He commented that this had been an issue before, and he wasn't entirely sure why it was coming up again.

Chief Grandstaff said that since this has been in place, the battalion chiefs have only denied one or two for Scottsville—and that was because they were already busy on something else. He added that usually they let it go through anyway.

Chief Eggleston stated that most of the calls they deny are Greene County, and when they're out, they automatically call ACFR regardless of what kind of call it is. He said that outside of that, if it's a legitimate call and the system can afford to, they will send a unit. He added that this is a typical approach in terms of reassessing resources.

Chief Hahn pointed out that sooner or later, ACFR can't be the answer to everybody, noting that Buckingham was doing that with Scottsville.

Chief Alibertis said that happens a lot to Western with Afton Mountain, as UVA is the primary care hospital and Waynesboro rescue doesn't want to come to this side of the mountain even if they're on it for an accident.

Chief Eggleston stated that they would set up some time to talk about this.

C. Policy Revisions

Chief Puckett explained that there were two changes to the policy: terminology from "departmental directive" to "interim directive." He stated that the ordinance allows for this type of decision or action but doesn't attach a name to it—but it's important to him to not call it a policy.

Chief Grandstaff said that in reading the ordinance, Chief Eggleston can make a directive and if it is of emergent nature, he should contact the EC to review and try to get it into policy form at some point.

Chief Eggleston commented that most of the time, it could and probably should be put into a policy.

Chief Puckett said that he also added some language to the other policy, 6.102, to clearly articulate that it must be in compliance with the ordinance. He reported that he received three responses that said it worked, but the one response from Chief Lang was that it did not work. He stated that for 102.4 under "Authority," there is interim directive change; and that section also contains the statement that all policies shall be adopted in accordance with the ordinance.

Chief Puckett read Chief Lang's objections related to exigency, expiration date, etc.

Chief Alibertis stated that they could add language related to expiration date.

Chief Grandstaff said it already refers back to the ordinance that says the Fire and Rescue Chief will work with the EC either before or after.

Chief Eggleston commented that Chief Lang wants to put more constraints on it, such as the expiration date.

Chief Leavell suggested adding the term "reasonable."

Chief Alibertis suggested "expires or is rescinded," as the latter means that a conscientious action had been taken, and there would be events that had a short-term policy need.

Chief Puckett said that the Interim Directive Policy, 6.202, stated that "interim directives will be rescinded upon incorporation of the manual," and "all interim directives shall be reviewed periodically to authenticate or determine if they are currently applicable with an issue in the system."

Chief Grandstaff commented that the mutual aid item should become a policy now, as they had been at it for about a year and a half.

Chief Eggleston agreed.

Chief Hahn said the mutual aid criteria should be if the company adjoining the jurisdiction is available, because Seminole was sent to Greene County for a structure fire when Engine 12 was tied up.

Chief Eggleston stated that some of the information isn't entirely clear.

Chief Puckett suggested that they work with ECC on a specific set of questions, such as resources responding and what type, and what is being requested.

Chief Eggleston said the battalion chief can always call the station chief.

Chief Alibertis stated that they should include that in whatever they draft.

Chief Puckett suggested using “as available” as a qualifier.

Chief Eggleston said they could consider response when there were extra people staffing a station.

Chief Grandstaff asked if the EC was okay with 102 and 202.

Chief Puckett noted that 202 had not yet been to the FEMS Board.

Chief Grandstaff suggested that they put it on the agenda for March.

Chief Puckett said that several stations had reached out about the oath, but they had questions about “affirming” versus “swearing” and the “so help me God” clause. He stated that they could write in some language to allow exemptions from speaking the oath, or remove the latter part.

Chief Leavell noted that it’s optional in the policy, and she and Chief Alibertis said that stations can use their own.

Chief Hahn and Chief Alibertis noted that “so help me God” was not tied to a specific religious entity—it was just a general statement.

Chief Puckett asked if it might save future hassles by addressing it now.

Chief Alibertis added that it’s really a moot point, as you are automatically “sworn in” by default when you become a member of a station.

V. Next Meeting

A. Monday, March 6, 2023 at 1630 hours

The next FEMS Board meeting will be held on Monday, March 6, 2023 at 1630 hours in the Fire Rescue Conference Room.

Adjournment

At 17:16 hrs., the FEMS Executive Committee adjourned its meeting.



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ALBEMARLE COUNTY FIRE AND EMERGENCY MEDICAL SERVICES BOARD EXECUTIVE COMMITTEE

ATTENDANCE LOG

Date: February 6, 2023

VOTING MEMBERS (OR DESIGNATES)

Chief Virginia Leavell (CARS):

[Signature]

Chief Michael Grandstaff (Scottsville Fire):

Michael Grandstaff Late 4:52 pm

Chief Dennis Hahn (Seminole Trail):

[Signature]

Chief Kostas Alibertis (WARS):

[Signature]

Dan Eggleston (Albemarle County):

[Signature]

GUESTS & OTHERS

Guest/Other

Organization/Agency/Affiliation

DUSTIN LANG

SPVFC

DAVID PUCKETT

ACFR

Amanda Farley

County Atty's Office

Heather Childress *(Com)*

~~ACFR~~ *ACFR*

Christine Davis

ACFR



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ALBEMARLE COUNTY FIRE AND EMERGENCY MEDICAL SERVICES BOARD EXECUTIVE COMMITTEE ACTION RECORD

AGENDA TITLE/ISSUE:	AGENDA DATE:	
Approval of Consent Agenda	February 6, 2023	
MOTION:	MOTION MADE BY:	SECONDED BY:
Approve Consent Agenda	Chief Kostas Alibertis	Chief Dennis Hahn
SUBSEQUENT MOTIONS/AMENDMENTS:		
1.		

CALL OF THE QUESTION:	Yes	No	Abstain
Chief Dan Eggleston (ACFR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Virginia Leavell (CARS)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Michael Grandstaff (Scottsville Fire)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Dennis Hahn (Seminole Trail)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Kostas Alibertis (Western Albemarle)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby attest that the foregoing is true and complete to the best of my knowledge.

 Christina Davis
 Clerk

 February 6, 2023
 Date

Interim Directives

202.1 PURPOSE

The purpose of this policy is to establish a process to make immediate changes to system policy. The Albemarle County Fire Rescue System will, as necessary, issue Interim Directives that will immediately modify or change and supersede the sections of this manual to which they pertain.

202.2 SCOPE

This policy applies to all members of the Albemarle County Coordinated Fire and Rescue System as defined in Albemarle County Code Chapter 6, Article I, Division 2, Section 6-102.

202.3 POLICY

It is the policy of the Albemarle County Fire Rescue System to make any immediate changes to policy and procedure in accordance with the established local rules and regulations. All Interim Directives that apply to the System shall be adopted in accordance with Albemarle County Code Chapter 6, Article I.

202.4 RESPONSIBILITIES

The Fire Rescue Chief or designee shall issue all Interim Directives.

All system officers and/or supervisors shall be responsible for communicating Interim Directives to all members under their command and/or direct supervision.

Interim Directives will be rescinded upon incorporation into this manual.

All Interim Directives shall be reviewed periodically to authenticate or determine if they are currently applicable to the mission of the System.

202.5 ISSUE AND REVIEW

ISSUE	EFFECTIVE	REVIEW	REVIEWER