

ORDINANCE 2023-04
WYTHE COUNTY COORDINATED EMERGENCY RESPONSE SYSTEM

WYTHE COUNTY EMERGENCY SERVICES**ARTICLE I. - IN GENERAL****Section 1-1. Coordinated emergency response system; purpose.**

The Wythe County Board of Supervisors, determined to provide for safety, health and welfare of County citizens and communities, hereby establishes a coordinated and integrated emergency response system, consisting at a minimum of the following existing first response agencies:

- (1) Barren Springs Volunteer Fire Department
- (2) Ivanhoe Volunteer Fire Department
- (3) Max Meadows Volunteer Fire Department
- (4) Rural Retreat Volunteer Fire Department
- (5) Speedwell Volunteer Fire Department
- (6) Wythe County Animal Control
- (7) Wythe County Consolidated E-911 Communications Center
- (8) Wythe County Emergency Manager
- (9) Wythe County Emergency Services
- (10) Wytheville Fire & Rescue Department
- (11) Such other agencies as may be recognized by the Board of Supervisors.

The above stated organizations shall be considered integral parts of Wythe County's official public safety and emergency response & management program.

In taking this measure to assure the most efficient and effective service possible and meet growth & development challenges, 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 practically and reasonably meet its public safety charge.

The coordinated emergency response system shall develop an integrated 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.

Section 1-2. Coordinated emergency response system; establishment and composition.

The Wythe County Fire & EMS System ("the system", "Wythe County Emergency Services") is hereby established pursuant to Code of Virginia §27-6.1. The coordinated emergency response system shall provide comprehensive fire, rescue, emergency medical services, and emergency management throughout the county in accordance with state laws and regulations, county ordinances, and duly adopted policies issued by the system.

The coordinated system shall be a combined force of non-employee volunteer members of multiple fire companies and rescue squads, county employees, and county volunteers of the Wythe County Emergency Services Department.

Section 1-3. Responsibilities of the coordinated emergency response system.

The coordinated emergency response system shall:

1. Manage delivery of pre-hospital emergency patient care and services through policy development and implementation consistent with state emergency medical services regulations and the guidance of an operational medical director.
2. Manage the provision of system-wide fire prevention, protection, investigation, suppression, 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 emergency response system.
5. Provide safety advisory services for county departments.
6. Provide emergency management coordination services, disaster response and planning.
7. Oversee such public safety functions as may be assigned to it by the County Administrator and/or Board of Supervisors.
8. Coordinate response with federal and state agencies as may be required to respond to, address and remediate significant emergencies.

Section 1-4. Establishment of the department of fire and EMS.

In order to help ensure the protection of the citizens, visitors and property of and in Wythe County, the Board of Supervisors has deemed it necessary to organize the provision of firefighting, emergency medical services, emergency management and other emergency services under a department of fire and EMS (the "department", "Emergency Services") in accordance with Code of Virginia (2011), §27-6.1, and §32.1-111.14 as amended.

1. In addition to the provisions herein, the department of Emergency Services shall assume the responsibilities and authorities as set forth in this ordinance.
2. These services shall be provided by using county-employed personnel, county-contracted personnel, and volunteer emergency services personnel.
3. The department shall be composed of the officials and staff of the department, as well as the volunteer fire companies and volunteer rescue squads recognized in Section 1-1 as instrumentalities of the department, such organizations forming an integral part of the official emergency services program of the county, and any subsequently-formed company authorized by the Board of Supervisors for the provision of public safety services.

4. The department shall be organized into divisions at the discretion of the director of emergency services with the approval of the county administrator or designee.

Section 1-5. Responsibilities of the department of emergency services.

1. The department shall be responsible for coordination and management of all fire, EMS, and emergency services functions as described in the provisions of this ordinance and subject to the limitations therein. Where the Code of Virginia may reference or require a Department of Fire and Emergency Medical Services (EMS), this agency shall be deemed to meet those requirements.
2. The department shall make recommendations and presentations to county administration and the Board of Supervisors as needed.
3. The department shall be responsible for the update and promulgation of the Wythe County Emergency Operations Plan and all necessary standard operating policies, guidelines, and other directives necessary for the service to the public and the safety of the responders. Fire and emergency medical services related policies, procedures, and guidelines impacting volunteer public safety entities shall be coordinated, to the extent feasible, with chiefs and captains via the Emergency Services Commission.
4. The department shall have the authority to carry out its responsibilities as authorized by the Board of Supervisors and is afforded all of the authority and protection of applicable laws and ordinances.
5. The department shall be responsible for budgeting and accounting related to the department's services. The department and all agencies within the coordinated agency shall at a minimum bill insurance for every call for at least the minimum insured response payment authorized by State Code or for actual costs of response, whichever is greater.

Section 1-6. Director of emergency services.

The manager of the coordinated emergency response system and department head of the department of emergency services shall be known as the director of emergency services. The county administrator shall appoint a director of emergency services (the "director" or, when appropriate, "chief") to carry out the responsibilities of the department. Each of the divisions of the department shall be responsible to the director. The chief shall be responsible to the county administrator or designee. The director of emergency services shall:

1. Provide general oversight and management of the system's functions through:
 - a. Strategy development, in collaboration with the Emergency Services Commission.
 - b. Policy development, in collaboration with the Emergency Services Commission, of system-wide policies essential to the effective and equitable provision of high-quality, countywide fire and EMS, and overseeing the implementation of those system-level policies. All system-wide policies of the coordinated emergency response system shall be

developed through a collaborative effort with the fire and EMS commission.

- c. Make day-to-day operational decisions necessary for the coordinated system on matters not specifically addressed by system-wide policies.
- d. Serve as the executive of the system to support the commission by leading and facilitating the executive board; participating fully in commission meetings, communications, programs and activities; providing and managing county staff support, as needed, for the commission and executive board; and overseeing the preparation of commission and executive board agendas and meeting documents.
- e. The director shall be authorized to oversee the emergency response operations of any agency as they relate to the provision of fire, EMS and emergency services in Wythe County in accordance with the policies established by the Emergency Services Commission or the Board of Supervisors. As chief, the director may exercise command authority of any emergency operation when deemed necessary for the safety and welfare of the public or responders or upon request by the principal responding agency. In such situations, the chief may relieve any person of his or her operational authority and may direct the operations of any fire, EMS, or emergency service provider in accordance with Code of Virginia (2011), §27-23.9, as amended.
- f. The director may restrict operational permission to provide services within the county after consultation with the appropriate chiefs, captains, and where applicable, the operational medical director. An administrative appeals process will be available to members of volunteer entities whose operational permission to provide services have been restricted or revoked.
- g. The director shall represent the department and the combined fire, EMS and emergency response system of Wythe County to other groups, jurisdictions or levels of government. The director shall share relevant information garnered from such representation with the volunteer chiefs and captains and with the Emergency Services Commission.
- h. The director shall oversee the creation, implementation, and management of a comprehensive emergency management program. The director shall serve as the coordinator of emergency management for all purposes related to response to disasters pursuant to Code of Virginia, Title 44, and the Wythe County Code of Ordinances.
- i. The director, on behalf of the Board of Supervisors, shall have authority to enter into and take all actions necessary to implement and carry out the terms of agreements for mutual aid, disaster preparedness, and provision of services related to hazardous materials, rescue, fire suppression, investigation, medical services or other emergency response services deemed necessary in the judgment of the chief for emergency response in events exceeding the capabilities of an individual locality or government agency. The director shall have the authority to enter into contracts on behalf of the county and to expend funds after an official

disaster or emergency declaration to provide for the public safety during such events, in accordance with applicable laws and regulations. The director shall have the authority to take all actions necessary to obtain funding and assistance from other localities and from state or federal agencies for those purposes.

- j. 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.
- k. Allocate and reassign county-owned assets, resources, vehicles, apparatus, supplies and equipment as necessary for public protection, to protect county assets and provide necessary coverage.
- l. Exercise all powers authorized by state law as necessary for the provision of fire and emergency medical services.

Section 1-7. Volunteer fire companies and rescue squads; chiefs and captains.

- 1) All agencies within the coordinated system shall operate in conformity with state laws, county ordinances, and the duly adopted policies of the 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.
- 2) 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, National Incident Management System (NIMS) chains of command, and the duly adopted policies of the coordinated emergency response system:
 - a) Managing performance by the volunteer fire department or rescue squad, including directing station activity and operations as needed;
 - b) Assuming or delegating the role of incident commander within the system's integrated incident command structure;
 - c) Providing management of response districts and apparatus response;
 - d) Selecting and promoting officers and other personnel, and submitting such slates of officers annually within 30 days of election for confirmation by the Board of Supervisors, which may confirm or reject such slates of officers;
 - e) Recruiting, retaining and advocating on behalf of volunteer members;
 - f) Managing officers and personnel, including disciplining, ensuring proper training, and keeping records;
 - g) Preparing annual budgets for submission to the county, and managing approved budgets;
 - h) Managing and accounting for all funds and assets that derive from private or non-county sources;
 - i) Providing on request all books, accounts, invoices, bank statements and other such records related to the collection, solicitation, use and accounting of the department's use of funds public and private;

- j) Collecting and forwarding to the director of fire and EMS such data, statistics and other information as may be necessary to assure the efficient and economical operation of the coordinated emergency response system, including National Fire Information Reporting System (NFIRS) or other data collection system as the county may use;
 - k) Caring for, maintaining, inspecting and repairing station facilities, apparatus and equipment;
 - l) Managing station procurement of supplies and coordinating station procurement and stewardship of county-supported apparatus, equipment, and tools consistent with County and State procurement requirements; and
 - m) Additional responsibilities beyond those named above may be necessary to ensure the effectiveness of the coordinated emergency response system. Any additional responsibilities shall be communicated in writing from the director of emergency services.
- 3) Fire Chiefs. The operational head of each volunteer fire department within the coordinated emergency response system shall be selected according to the by-laws of the department or squad and shall be known as chief respectively, subject to the annual approval of the Board of Supervisors. 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 emergency response system.
- 4) Rescue Captains. Rescue services shall serve as divisions of the emergency services with service areas designated by the Board of Supervisors. Captains shall be employees of the County and serve at the selection and direction of the director of emergency services. Captains 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 emergency response system.

Section 1-8. - Establishment of the Emergency Services Commission.

- 1) The Wythe County Emergency Services Commission ("the commission") is hereby established for the purposes of:
- a) Collaborating with the director of emergency services concerning the delivery of fire, rescue, and emergency medical services as representatives of the volunteer companies and squads and as described by this article;
 - b) Facilitate communication and collaboration between volunteer and county-employed members of the coordinated emergency response system; and
 - c) Communicate issues of importance to the chief of emergency services concerning individual volunteer organizations or the coordinated emergency response system.
- 2) The commission shall be composed of:
- a) Three members of the Wythe County Board of Supervisors, appointed annually by the Chair of the Board of Supervisors;
 - b) County administrator or designee;

- c) The highest-ranking operational leader of each fire and EMS agency listed in section 1-1, or designee;
- d) The director of emergency services, who shall serve as the executive of the system in accordance with this ordinance;
- e) Director of the Wythe County E-911 Center;
- f) Rescue Captains appointed by the County;
- g) County-designated Operational Medical Director(s);
- h) Each organization shall select one alternate to attend in the absence of the appointed member.

Section 1-9. - Responsibilities of the Emergency Services Commission.

The commission shall perform the following duties:

- 1) Adopt by-laws for its operation consistent with this article, including, but not limited to, by-laws concerning the voting rights of members, delegation of member responsibilities, member attendance and member replacement.
- 2) Assist in the development, analysis, enactment, review, and enforcement of all system-wide policies affecting the coordinated emergency response system and provide comments and advice to the chief of emergency services through collaborative procedures and ensure the communication of duly adopted system-wide policies to all companies and squads.
- 3) Appoint committees as may be necessary or useful to facilitate matters of importance to the coordinated emergency response system in the performance of its essential mission, including county staff and county volunteers in such committees, as appropriate.
- 4) Meet on a regular basis not less than quarterly as it shall determine necessary 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 and the operations of the Emergency Services Department.
- 5) Development of an appeals process for volunteer personnel that are placed on operational restriction by the chief of fire and EMS.
- 6) Review, whether as a Commission or by Committee, select call records to ensure quality response, resolve operational issues and determine models for standard operational guidelines and procedures.
- 7) Follow public meeting requirements of the Virginia Freedom of Information Act, §2.2-3700, et seq., of the Code of Virginia.

Section 1-10. - Executive board of the commission.

- 1) In order to provide timely guidance and response within the overall organizational structure the executive board ("executive board") of the emergency services commission is hereby established.
- 2) Composition. The executive board of the emergency services commission shall be composed of:
 - a) the director of emergency services
 - b) one volunteer fire chief selected by the commission
 - c) one Board of Supervisors member of the commission
 - d) the county administrator or designee
- 3) Responsibilities. The executive board shall be responsible for development and recommendation of the overall operational budget, a capital improvement plan, and the coordinated emergency response system strategic plan to the Board of Supervisors, and investigate all complaints of system noncompliance. In addition, the executive board shall perform other functions delegated by the commission in accordance with this article and the commission by-laws. The executive board shall meet as frequently as needed to discharge these responsibilities.

Section 1-11. - Compliance with system-wide policies.

- 1) Purpose. A peer-accountability procedure for enforcing duly-adopted system-wide policies applicable to volunteer fire departments and rescue squads is hereby established to accomplish the following:
 - a) Full and consistent adherence to system policies by all member organizations;
 - b) Fair, equitable, and objective consideration of all potential material noncompliance violations in accordance with this section;
 - c) Management of discipline and compliance remediation efforts by the chief or captain of the noncompliant organization to the greatest extent possible; and
 - d) Promotion of open and ongoing communication by and between member organizations about policy compliance matters and operational improvement.
- 2) Material noncompliance; defined. "Material noncompliance" with system policies means a failure to adhere to a system policy adopted in conjunction with by-laws established by the commission: (i) is committed on two or more separate occasions, or on a single occasion if the alleged conduct involves either violations of law or actions by multiple members of the organization's leadership, or is committed intentionally after notice that the conduct would violate system policy; and (ii) does one or more of the following:
 - a) Threatens the health, safety or welfare of county citizens, volunteers or staff;
 - b) Impairs operational readiness of the coordinated emergency response system to deliver fire and emergency medical services;
 - c) Violates any applicable federal, state or local law; or
 - d) Involves the violation of a policy provision and use of public funds.

- 3) Informal Resolution of Concerns.
 - a) The chiefs or captains of all member organizations and the director of fire and EMS shall be entitled to communicate concerns about noncompliance with system policies to the chiefs of those organizations believed to be noncompliant.
 - b) For all noncompliance concerns that rise to the level of "material noncompliance," as defined by this section, the complaining chief or captain must first notify the chief or captain of the noncompliant organization and make reasonable efforts to achieve a mutually agreeable resolution with that chief or captain, consistent with policy and applicable law, prior to initiating the procedures for formal resolution of material noncompliance. The complaining chief shall also apprise the chief of fire and EMS of the compliance concern and resolution efforts, and may seek assistance for such efforts.
 - c) Should such efforts to achieve a mutually agreeable resolution of material noncompliance fail, the complaining chief or captain shall initiate a formal procedure for material noncompliance in accordance with subsection (4).
- 4) Formal resolution of material noncompliance complaints.
 - a) Initiating complaint. After completing the informal resolution process established in subsection (3), the chief or captain of any member organization or the director of fire and EMS may initiate a formal complaint of material noncompliance with system policy ("complaint") by submitting the complaint in writing to the commission. The complaint must state, at a minimum, which policy or policies has been violated, and a summary of the facts supporting the violation.
 - b) Investigation of the complaint. As soon as practicable after receiving the complaint, the commission shall consider the complaint and determine whether reasonable cause exists to believe that the charged organization has materially non-complied with a system policy. If the commission decides, by a majority vote, that reasonable cause exists, the commission shall undertake a formal investigation of the complaint by appointing a committee to conduct the investigation. The investigation shall be concluded as soon as practicable and no later than thirty (30) calendar days after receiving the charge to investigate the Complaint, unless circumstances warrant a longer investigative period.
 - c) Determination of material noncompliance. The committee appointed by the commission to conduct the investigation, shall prepare a written report summarizing the investigation and its factual conclusions and submit the report to the commission no later than ten (10) calendar days following the conclusion of the investigation. As soon as practicable following receipt of the report, the commission shall determine whether the charged organization has materially non-complied with system policy. If the commission determines, by majority vote, that the charged organization has materially non-complied with system policy, the steps described in subsection 5 shall be followed.
- 5) Remediation. As soon as practicable following a determination of material noncompliance, the director of emergency services shall, in consultation with the commission, design a plan for remediating the noncompliance. The commission shall communicate the plan to the charged organization and oversee implementation of the plan. Should the charged organization substantially fail to implement the plan,

the director of Emergency Services 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 director of Emergency Services must consult the commission about his/her intended action and consider its recommendations except when immediate action is required, in which case he/she shall consult with the commission as soon as practicable after such action.

- a) Referral for dissolution or reduction in funding. If the commission determines that the nature of the material noncompliance is so serious as to merit consideration of dissolution of the organization or reduction in its funding by the Board of Supervisors, they shall apprise the executive board of the investigation and their recommendation for such action for referral to the Board of Supervisors, which shall remain at all times the sole authority to dissolve a fire or rescue organization, pursuant to Virginia Code § 27-10, and to determine annual appropriations.
- 6) Appeal procedure for determinations of material noncompliance.
 - a) Filing of appeal. Once the determination of material noncompliance has been made and the plan of remediation has been issued to the charged organization, the charged organization may appeal, in writing, the determination of material noncompliance, the plan of remediation, or both, to the executive board within thirty (30) calendar days of receiving the plan of remediation. The appeal must state the decision being appealed and the basis for the appeal. The charged organization may be assisted in its appeal by any member of the commission or by any individual.
 - b) Commission review. At the request of the charged organization, the commission shall review and discuss the complaint, investigation report, determination of material noncompliance, and plan of remediation at its next meeting. After such consideration, the commission may, but need not, decide by a majority vote to provide a recommendation to the executive board concerning the appeal.
 - c) Executive board's decision. Within thirty (30) calendar days of receiving a timely appeal from a charged organization, the executive board shall issue a written decision to the charged organization and the commission. A decision that the appeal has merit may also provide guidance to the director of emergency services and the commission regarding the determination of material noncompliance, the plan for remediation, or both. The decision of the executive board shall end the appeal process.
- 7) Disqualification from voting. No representative of an organization charged with material noncompliance may participate in the investigation of any complaint or vote as provided in this section concerning its organization.
- 8) Authority reserved for immediate action. Notwithstanding the provisions in this section, the director of emergency services shall be authorized at all times to take immediate action to prevent or mitigate imminent harm to the health, safety, or welfare of county citizens, volunteers or county staff; to ensure operational readiness of the coordinated emergency response system to deliver fire and emergency medical services; to comply with all applicable laws; and to exercise any authority otherwise provided in this ordinance. Such immediate action may be taken concurrently with the procedures for informal resolution, formal resolution and

appeal described in this section. Any immediate action shall be communicated to the county administrator and the fire and EMS commission as soon as possible.

Section 1-12. Authority of fire department officials in emergencies.

While any fire department or volunteer fire department in the county is in the process of answering an alarm, operating at an emergency incident where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials which threaten life or property, or returning to the station, the chief or other officer in charge of such department at that time shall have the authority to:

- 1) Maintain order at such emergency incident or its vicinity.
- 2) Direct the actions of the firefighters at the incident.
- 3) Take all reasonable actions necessary to reduce spread of fire or hazardous materials.
- 4) Notwithstanding the provisions of the Code of Virginia § 46.2-890, keep bystanders or other persons at a safe distance from the incident and emergency equipment.
- 5) Facilitate movement and operation of emergency equipment and firefighters.
- 6) Cause an investigation to be made into the origin and cause of the incident.
- 7) Until the arrival of law enforcement, direct and control traffic in person or by deputy and facilitate the movement of traffic.
- 8) The fire chief or other officer in charge shall display his firefighter's badge or other proper means of identification.
- 9) Notwithstanding any other provision of law, the authority granted by this section shall extend to the activation of traffic-control signals designed to facilitate the safe egress and ingress of emergency equipment at a fire station.
- 10) Any person refusing to obey the orders of the fire chief or his deputies or other officer in charge at that time, given pursuant to this section, shall be guilty of a class 4 misdemeanor. The chief or other officer in charge shall have the power to make arrests for a violation of the provisions of this section.
- 11) The authority granted under the provisions of 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, nor to conflict with or diminish the lawful authority, duties and responsibilities of forest wardens, including, but not limited to, the provisions of Chapter 4 of title 10 (§10-32 et seq.) of the Code of Virginia. Personnel from the news media, such as the press, radio and television, when gathering the news, 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 officer in charge, interfere with the fire department or rescue workers dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident.

Section 1-13. Effective Date.

This ordinance shall be in effect 45 days after adoption by the Board of Supervisors.

Section 1-14. Adoption of Ordinance.

Supervisor Stacy Terry made a motion to approve Ordinance 2023-04. The motion was seconded by Supervisor Gene Horney and the roll call vote was as follows:

<u>Name</u>	<u>For</u>	<u>Against</u>	<u>Absent</u>
Jesse R. Burnett	X		
Rolland R. Cook	X		
B.G. Horney, Jr.	X		
Ryan M. Lawson			X
James D. Smith	X		
Stacy A. Terry	X		
Brian W. Vaught	X		

I certify that this is a true and correct copy taken from the October 24, 2023, minutes of the Wythe County Board of Supervisors meeting.


Martha G. Collins, Clerk

INSTRUMENT 230002714
RECORDED IN THE CLERK'S OFFICE OF
WYTHE CIRCUIT COURT ON
OCTOBER 27, 2023 AT 11:28 AM
JEREMIAH E. MUSSER, CLERK
RECORDED BY: TLO



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