

At a regular meeting of the Cumberland County Board of Supervisors held at 7 p.m. on the 11th day of February, 2010 at the Circuit Courtroom, Cumberland, County, Virginia:

Present: William F. Osl, Jr., District 1
Timothy M. Kennell, Chairman, District 2
Van H. Petty, District 3
Elbert R. Womack, Vice-Chairman, District 4
Robert J. Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Asst. County Administrator
Michael Cooper, Director of Community Development
Andrew Sorrell, Planner/Zoning Administrator
Stephany Johnson, Deputy Clerk

The Chairman called the meeting to order and the County Administrator called the roll. The invocation was led by Supervisor Petty, and the pledge of allegiance was led by the Chairman.

1. Agenda - Addendum

On a motion by Mr. Osl and carried, the Board approved an addendum to the agenda as follows:

7. Assistant County Administrator/Finance
 - a) Consent Agenda
 - 3) Supplemental Appropriation of debt service for school - \$490,230
9. County Administrator's Report
 - b) Additional Budget information
 - c) Consider removal of funding for coyote bounty program
10. Assistant County Administrator/Community Development
 - b) Letter of resignation - WSAC member
11. County Attorney's Report
 - a) Cable television franchise agreement
 - b) Emergency Services Ordinance and Resolution of agreement regarding provision of fire, rescue and emergency services

14. Additional Information
- Building Inspections Report

Vote: Mr. Osl - aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

2. **Recognition of Volunteers-**

The Chairman read the Resolutions of appreciation and presented them to the Organizations.

RESOLUTION OF APPRECIATION

Volunteers of the Cumberland Clothes Closet

WHEREAS the Cumberland County Board of Supervisors recognizes that the Cumberland Clothes Closet provides a valuable service to the citizens of Cumberland County by providing clothing and other items at a minimum cost, and

WHEREAS the volunteers of the Clothes Closet spend many hours assisting citizens in the selection of affordable clothing and providing items at no cost to those who have lost homes to fire or other crisis; and

WHEREAS during 2009 the volunteers donated \$500 to the school for purchase of loose leaf books and book bags for students, and an additional supply of books and binders to the Middle and High Schools; \$500 to Meals on Wheels; \$1000 to Randolph Fire Department; \$250 each to Cumberland and Cartersville Volunteer Fire Departments; \$500 each to the Red Cross, FACES and Social Services; scholarships in the amount of \$1000 each to three high school students selected by the guidance counselor; and

WHEREAS the volunteers also assisted in various other ways such as allowing high school students to help sort and hang clothing and allowing the students of Bear Creek Academy to assist in the form of housekeeping and other various tasks, thereby giving both groups of

students the opportunity to the gain experience of assisting the community; and

WHEREAS the Cumberland Clothes Closet has approximately 26 regular workers who volunteer 3 to 4 times a month and come in on unscheduled days, when needed, to straighten racks and tables and assist customers;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors applauds the volunteers for the many hours of service to the citizens of Cumberland County;

AND, BE IT RESOLVED that the Board of Supervisors recognizes the volunteers for unselfishly giving their time and talents to assist the many citizens, students and community organizations in Cumberland County;

AND, BE IT FURTHER RESOLVED that the Cumberland County Board of Supervisors directs that this resolution of appreciation be made a permanent part of the official minutes of the Cumberland County Board of Supervisors.

Unanimously adopted the 11th day of February, 2010.

RESOLUTION OF APPRECIATION

Volunteers of the Cumberland Christmas Mother

WHEREAS the concept for Cumberland Christmas Mother started with social workers, led by Karen Blackwell, at the Department of Social Services in 1980; and it began with gifts which were hand delivered to children of those receiving services from DSS, later expanding in scope to include services to any Cumberland County family with special needs at Christmas or during the year; and

WHEREAS during the Christmas season there are more than 30 additional volunteers who assist with collecting, sorting and distributing gifts, completing distribution in two days with combined

hours of those working totaling nearly 100 hours per day just for distribution, thereby meeting all legitimate requests for services; and

WHEREAS each year the Christmas Mother serves more people, adds new volunteers who donate more hours, and this year was able to serve 215 families, including 475 children who received a gift certificate if over age 12, or a nice gift and several smaller gifts with a handmade stocking filled with goodies and an outfit of clothing and other necessities, if younger, all made possible through monetary donations and material gifts; and

WHEREAS the Christmas Mother volunteers encourage community participation in many ways, and receive monetary donations and materials gifts from individuals, groups such as schools, teachers, churches, clubs, Sheriff's Department; and many others; and

WHEREAS, the Cumberland Christmas Mother Committee is also able to help with emergency situations throughout the year with donations of money and other items, and was able to give about 60 elderly adults gift baskets filled with helpful items and food at Christmas; and

WHEREAS, the Christmas Mother has become a community effort, showcasing Cumberland in a very positive way, with the many people who make this gigantic effort possible,

NOW THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors extends its appreciation and thanks to the efforts of all who participate or give in any way to the Cumberland Christmas Mother, and in particular to the current Committee members: Pat Bickel, Karen Blackwell, Barbara Daniels, Ann Ligon, Verna Mahan, Alice Metts, Susan Oertel, Pat Parker, Jan Pennington, Nell Spain and Dixie Turner; and

AND, BE IT FURTHER RESOLVED that the Cumberland County Board of Supervisors directs that this resolution of appreciation be made a permanent part of the official minutes of the Cumberland County Board of Supervisors.

Unanimously adopted the 11th day of February, 2010.

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

3. Organizational Matters-

The Chairman reviewed the proposed changes to the By-laws regarding the rotation of the positions of Chairman and Vice-Chairman.

The amended section is as follows:

4.2. Election of officers of the Board shall be the first Item of Business at the Annual Meeting when elections are to be held. It is the policy of the Board that both the position of Chairman and Vice-Chairman of the Board rotate among the Supervisors in order of Election District Number assignment. Further, in keeping with this policy, the Vice-Chairman, after the selection of a new Chairman, would serve in the succeeding year as Chairman. For example, District 5 Supervisor shall succeed District 4 Supervisor as Chairman and District 1 Supervisor would serve as Vice-Chairman. Should a Supervisor decline the nomination of Chairman or Vice-Chairman, the rotation would proceed to the next Supervisor in the rotational order.

On a motion by Supervisor Womack and carried, the Board adopted and approved the proposed changes by the following vote:

VOTE: Mr. Osl – nay Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel - abstain

4. VDOT –

Assistant Resident Engineer, Mark McKissick, informed the Board about current projects on Rt. 633 and Rt. 600 made possible with

stimulus funds. The Supervisors thanked VDOT for their hard work and attentiveness to the road conditions during the recent snow storms. The Chairman requested attention to Rt. 626 & Rt. 621 due to the rough conditions of the roads.

5. **Public Hearings**

- a) Joint Public Hearing w/Planning Commission re: CA 10-02 permitted uses in the RA-1 Zoning District

Chairman Wheeler of the Planning Commission called the meeting to order, established a quorum, and stated the purpose of the joint public hearing was to hear the requested Code amendment to allow for minor subdivisions in the RA-1 Zoning District.

Zoning Administrator, Andrew Sorrell, provided a review of the Code amendment. Currently, the Code does not allow for any subdivisions in the RA-1 Zoning District. Staff concludes that this was never the intention and was an oversight.

Commissioner Wheeler opened the joint public hearing. The only speaker who signed up to speak was a representative of Oakwood Homes, who spoke in favor of the Code amendment.

With no other citizens signed up to speak, Commissioner Wheeler closed the public hearing.

The following action was taken to grant Code amendment CA 10-02:

Planning Commission Recommendation:

On a motion made by Commissioner Miller, and seconded by Commissioner Gilliam, it was moved that the Planning Commission of Cumberland County recommend that the Board of Supervisors of Cumberland County approve Code amendment 10-02 in accordance with the following Recitals and Resolutions;

Following a reading of the Recitals and Resolutions, the Planning Commission adopted and approved the Recitals and Resolutions according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Parker Wheeler, Chairman	Aye
Carol Miller	Aye
Irene Wyatt	Aye
Randy Bryant	Aye
Roland Gilliam	Aye

Absent: Ted Overby and Bill Burger

Board of Supervisors Vote:

On a motion made by Supervisor Petty and carried, it was moved that the Board of Supervisors of Cumberland County approve CA 10-02 in accordance with the following Recitals and Resolutions;

Following a reading of the Recitals and Resolutions, the Board of Supervisors adopted and approved the Recitals and Resolutions according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
William F. Osl, Jr.	Aye
Timothy M. Kennell, Chairman	Aye
Van H. Petty	Aye
Elbert R. Womack	Aye
Robert J. Oertel	Aye

WHEREAS, at a regular monthly meeting held on January 19, 2010, the Planning Commission discussed the proposed amendments to the Code of Cumberland County, which said amendments (collectively the “Code Amendment”) address “AN ORDINANCE AMENDING CHAPTER 74 OF THE CUMBERLAND COUNTY CODE AMENDING “SECTION 74-182. USE REGULATIONS.” REGARDING PERMITTED USES IN THE RA-1, RECREATION AREA ACCESS ZONING DISTRICT” and which further amend the RA-1 zoning district to permit minor subdivisions(as shown in the attached ordinance); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment for public review on January 19, 2010; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on February 11, 2010; and

WHEREAS, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

WHEREAS, the Planning Commission, by resolution, adopted on February 11, 2010 recommends that the Board of Supervisors adopt the Code Amendment; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing with the Planning Commission on February 11, 2010; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment and recommendation from the Planning Commission; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County’s Comprehensive Plan subdivision and zoning ordinance by providing greater clarity to the residential uses

permitted in the recreation area access (RA-1) zoning district by permitting minor subdivisions;

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.
- b. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan, subdivision and zoning ordinance.
- c. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment entitled 10-02 to amend the County Code of Cumberland, Virginia and permit minor subdivisions in the RA-1 zoning district, and with the specific text and provisions of such ordinance as attached to this Resolution.
- d. This Resolution is effective immediately.

The Planning Commission adjourned until their next regular meeting.

6. Departments/Agencies

- a) Pat MacKenzie, Coordinator for Smart Beginnings Heartland
- Not present

7. Assistant County Administrator/Finance & Human Resources

- a) Consent Agenda-
 - 1) Approval of minutes for January 2010
 - 2) Approval of bills – January and February 2010
Ratified bills for January 2010 of warrants totaling \$ 366,219.22. Ratified bills for February 2010 totaling \$ 292,499.66. Direct deposits totaling \$ 153,027.19. Check numbers ranging from 58142 to 58372.
 - 3) Supplemental appropriation of debt service for school - \$490,230

On a motion by Supervisor Osl and carried, the Board approved the consent agenda in its entirety:

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel - aye

- b) Monthly budget report

Assistant County Administrator, Jill Matthews, supplied the Board with the monthly budget report. The Board members had no questions.

- c) Authorize issuance of RFP for auditing services

Assistant County Administrator, Jill Matthews, informed the Board that the current contract for auditing services is ineligible for extension, and therefore requires the issuance of an RFP.

On a motion by Supervisor Womack and carried, the Board approved the issuance of an RFP for auditing services:

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel - aye

8. Planner/Zoning Administrator

- a) 2009 Annual report of Planning Commission activities

Zoning Administrator, Andrew Sorrell, provided the Board with, and reviewed the 2009 annual report of Planning Commission activities. (A copy of the report is in the official Board file)

- b) Monthly report of Planning Commission activities

Zoning Administrator, Andrew Sorrell, reviewed the monthly report of the Planning Commissions activities. (A copy of the report is in the official Board file)

- c) CLAC appointment

Appointments will be made at the next regular meeting of the Board in March 2010.

- d) Appointment to Planning Commission

Appointments will be made at the next regular meeting of the Board in March 2010.

9. **County Administrator**

- a) Letter to resident regarding reassessment

County Administrator, Judy Ownby, provided the Board with a copy of an informational letter explaining the reassessment process that is supplied to citizens who request a hearing with the Board of Equalization.

- b) Update on State and local budgets

County Administrator, Judy Ownby, provided the Board with proposed legislation that is being considered by the General Assembly which will have a negative fiscal impact on local governments.

- c) Consider removal of funding for coyote bounty program

Supervisor Womack stated that due to budget constraints, the removal of funding for this program is necessary.

On a motion by Supervisor Kennell and carried, the Board removed funding for the coyote bounty program for FY 09-10 and FY 10-11:

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel - aye

10. Assistant County Administrator/ Community Development

- a) Update on Water and Sewer Ordinance amendments

Assistant County Administrator of Community Development, Mike Cooper, informed the Board that staff continues to work on the proposed amendments. A recommendation is expected before the Board's March 2010 meeting, at which time a public hearing can be set.

- b) WSAC appointments

Mr. Cooper informed the Board that three appointments are needed for the Water and Sewer Advisory Committee. Carolyn Helgeson, Richard Meador, and Kevin Strosnidars appointments expire in March. Mrs. Helgeson and Mr. Meador wish to be reappointed, whereas Mr. Strosnider does not.

On a motion by Supervisor Osl and carried, the Board reappointed Carolyn Helgeson and Richard Meador to the Water and Sewer Advisory Committee for a three year term expiring in March 2013:

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

Supervisor Oertel suggested appointing Mr. Ray Wooten to replace Mr. Strosnider.

On a motion by Supervisor Oertel and carried, the Board appointed Ray Wooten to the Water and Sewer Advisory Committee for a term of three years beginning March 2010 and expiring March 2013:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

- c) Draft Application – Appropriation Requests

Mr. Cooper supplied the Board with a summary of FY 2011 Federal Appropriation requests for Cumberland Projects.

11. County Attorney

- a) Jetbroadband franchise agreement – request for extension

This item was tabled until the March 2010 meeting.

- b) Emergency Services Ordinance

County Attorney, Howard Estes, stated that this document reflected the comments received from the ESC and individual Board members.

On a motion by Supervisor Osl and carried, the Board approved the Code Amendment as presented:

BOARD OF SUPERVISORS OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
ADOPTING AMENDMENTS TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 10-03:

AN ORDINANCE AMENDING CHAPTER 38 OF THE
CUMBERLAND COUNTY CODE ADDING A NEW ARTICLE III WITH
PROVISIONS ESTABLISHING A NEW DEPARTMENT OF FIRE,
RESCUE AND EMERGENCY SERVICES; AN EMERGENCY SERVICES
COMMITTEE; AND REVENUE RECOVERY

February 11, 2010

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m., February 11, 2010, the following action was taken:

On a motion made by Supervisor Osl, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution and text of an ordinance amending the Code of Cumberland County to create a new Article III in Chapter 38 pertaining to establishing a Department of Fire, Rescue and Emergency Services and an Emergency Services Committee and initiating revenue recovery for emergency ambulance transport.

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Timothy Kennell, Chairman	aye
Robert J. Oertel	aye
William F. Osl, Jr.	aye
Van H. Petty	aye
Elbert R. Womack	aye
Absent:	None

WHEREAS, at a regular monthly meeting held on December 8, 2009, the Board of Supervisors discussed the proposed amendments to the Code of Cumberland County, Virginia which said amendments (collectively the “Code Amendment”) address “AN ORDINANCE AMENDING CHAPTER 38 OF THE CUMBERLAND COUNTY CODE ADDING A NEW ARTICLE III WITH PROVISIONS ESTABLISHING A NEW DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES; AN EMERGENCY SERVICES COMMITTEE; AND REVENUE RECOVERY” (as shown in the attached ordinance text); and

WHEREAS, the Board of Supervisors directed staff to prepare the Code Amendment for public review on December 8, 2009; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on January 12, 2010; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of and the County’s interests in the public health, welfare and convenience of the County citizens; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at the public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:

e. The foregoing recitals are hereby incorporated by this reference.

f. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's interests in the public health, welfare and convenience of the County citizens.

g. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment entitled 10-03 to amend the County Code of Cumberland, Virginia to create a new Article III in Chapter 38 pertaining to establishing a Department of Fire, Rescue and Emergency Services and an Emergency Services Committee and initiating revenue recovery for emergency ambulance transport and with the specific text and provisions of such ordinance as attached to this Resolution.

h. This Resolution and the accompanying Code Amendment are effective on April 1, 2010.

Amend the Code of Cumberland County, Virginia by the following 3 amendments as follows:

Amendment 1:

Retitle Chapter 38 Fire Prevention and Protection to read "CHAPTER 38 FIRE PREVENTION AND PROTECTION AND EMERGENCY SERVICES"

Amendment 2:

Add the following new provisions under a new Article III of Chapter 38:

Secs. 38-37 – 38-39. Reserved.

ARTICLE III. FIRE, RESCUE AND EMERGENCY SERVICES*

DIVISION 1. GENERALLY

Sec. 38-40. Definitions.

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

Board means the Board of Supervisors of Cumberland County.

Director as used in this Chapter and in any agreement entered into thereunder means the head of the Cumberland County Department of Fire, Rescue and Emergency Services, as appointed by the board, and as otherwise described in Code of Virginia § 27-6.1.

Committee means the Cumberland County Emergency Services Committee, as appointed by the board.

Company means a volunteer fire department organized and providing services within Cumberland County. Each individual fire-fighting organization within the county shall be defined as a "fire company", as provided in Code of Virginia § 27-8.1.

Department means the Cumberland County Department of Fire, Rescue and Emergency Services, comprised of a force of volunteer personnel.

Rescue squad means a volunteer rescue squad or emergency medical services organization organized within or authorized to provide services in Cumberland County pursuant to Code of Virginia §§ 32.1-111.1 et seq. Each individual squad shall be organized within the county, subject to approval by the board pursuant to Code of Virginia § 15.2-955.

Secs. 38-41 – 38-49. Reserved.

DIVISION 2. VOLUNTEER FIRE COMPANIES

Sec. 38-50. Existing Companies Continued.

The volunteer fire companies known as Cartersville Volunteer Fire Department, Cumberland Volunteer Fire Department, Farmville Fire Department and Randolph Volunteer Fire Department existing as of the adoption of this article are hereby continued provided that such companies maintain a current franchise agreement or permit with the county.

Sec. 38-51. Formation and Designation.

Any number of persons may form themselves into a company for extinguishing fires. A writing, stating the formation of such company, with the names of the members thereof thereto subscribed, shall be recorded in the circuit court of the county. Upon recommendations from the committee and the director, the board may approve by resolution the formation of such company and designate its name and/or number.

Sec. 38-52. Rules and Regulations to Effect Objectives.

The members of a company may make rules and regulations for effecting the objectives of the company consistent with the laws of the state, the ordinances of the county and the rules and regulations of the department.

Sec. 38-53. Dissolution.

Whenever the board ascertains that a company has failed, for three (3) months consecutively, to consist of an adequate number of active and effective members to efficiently provide service to citizens of the county or that it has failed, for the same period of time, to keep in good condition its apparatus and other implements, or whenever the board finds that a company is misusing county equipment, or if the board determines that there is a violation of terms of a franchise or permit agreement, or if the board, for any valid reason, deems it advisable, the board may dissolve such company; provided that, prior to any dissolution, the board may receive a recommendation concerning such dissolution from the director and the committee.

*Ed. Section 38-4 is moving to 38-54. See below.

Secs. 38-55--38-59. Reserved.

DIVISION 3. RESCUE SQUADS

Sec. 38-60. Existing Rescue Squads Continued.

The Cartersville Volunteer Rescue Squad and Cumberland Volunteer Rescue Squad existing as of the adoption of this article

are hereby continued provided that such companies maintain a current franchise agreement or permit with the county. Prince Edward Volunteer Rescue Squad, currently providing service within the county, is hereby recognized and authorized to continue providing such service provided that such company maintains a current franchise agreement or permit with the county.

Sec. 38-61. Formation and Designation.

Subject to approval by the board in accordance with Code of Virginia § 15.2-955, rescue squads may be organized within the county in accordance with Code of Virginia §§ 32.1-111.1 et seq. Upon recommendations from the committee and the director, the board may approve by resolution the formation of such squad and designate its name and/or number.

Sec. 38-62. Rules and Regulations to Effect Objectives.

The members of a rescue squad may make rules and regulations for effecting the objectives of the rescue squad consistent with the laws of the state, the ordinances of the county and the rules and regulations of the department.

Sec. 38-63. Dissolution.

Whenever the board ascertains that a rescue squad has failed, for three (3) months consecutively, to consist of an adequate number of active and effective members to efficiently provide service to citizens of the county or that it has failed, for the same period of time, to keep in good condition its apparatus and other implements, or whenever the board finds that a rescue squad is misusing county equipment, or if the board determines that there is a violation of terms of a franchise or permit agreement, or if the board, for any valid reason, deems it advisable, the board may dissolve such rescue squad; provided that, prior to any dissolution, the board may receive a recommendation concerning such dissolution from the director and the committee.

Secs. 38-64 - 38-69. Reserved.

DIVISION 4. EMERGENCY SERVICES COMMITTEE

Sec. 38-70. Established; Composition.

The Cumberland County Emergency Services Committee is hereby established. The committee shall be appointed by the board and shall consist, at a minimum, of two (2) representatives to be appointed by the board on recommendation from the leadership of each of the companies and rescue squads maintaining a current franchise agreement or permit to provide service within the county; and the following committee members shall serve ex officio: the county administrator, or his designee; the county sheriff or his designee; and the director. Additional members may be appointed to the committee at the discretion of the board. Committee member terms shall be two (2) years in duration and without limitation for reappointment. All appointees to the committee shall serve and may be removed, with or without cause, at the pleasure of the board.

Sec. 38-71. Purposes; Bylaws.

The committee shall provide a public forum, through regularly scheduled public meetings, for input from all interested parties, including the public, on issues of public concern relating to fire, rescue and emergency services in the county. The committee shall make policy recommendations to the board for the provision of such services. The committee shall make specific recommendations to the board regarding the approval or disapproval of the organization of any fire company pursuant to Code of Virginia § 27-8.1, or of any rescue squad pursuant to Code of Virginia § 32.1-111.14. The committee shall make specific recommendations to the board regarding rules and regulations to be adopted for the operation of the department, which shall not be inconsistent with the provisions of this article. The committee shall keep minutes of its meetings and shall make periodic reports of its activities and recommendations to the board, including but not limited to such matters as incentives programs for volunteers, annual budgets and financial support, and capital improvement planning and priorities. The committee is hereby empowered to promulgate bylaws to effectuate, and not to conflict with, the purposes set forth herein.

Secs. 38-72 - 38-79. Reserved.

DIVISION 5. DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES

Sec. 38-80. Established; Composition.

The department of fire, rescue and emergency services is hereby established. The department shall consist of the several companies and rescue squads, the director, and such other officers and employees as are approved by the board and appointed by the director.

Sec. 38-81. Appointment of Director; Powers and Duties.

The board shall appoint the head of the department, who shall be designated as provided for in Code of Virginia § 27-6.1. The director shall provide general supervision and control over the department and its elements. The director shall provide recommendations to the board on all policy, regulatory and budgetary recommendations made by the committee. During any absence, the director shall designate a deputy who shall have the authority described in this section.

Sec. 38-82. Supervision of Department.

In the event of absence or unavailability of both the director and the designated deputy of the department, those officials or the county administrator may designate member(s) of the department to provide general supervision and control of the department and to carry out all functions of the director.

Secs. 38-83 - 38-89. Reserved.

Division 6. EMERGENCY MEDICAL SERVICES COST RECOVERY

Sec 38-90. Purpose.

Pursuant to Code of Virginia § 32.1-111.14, it is hereby determined and declared that the exercise of the powers and duties set forth herein is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.

Sec. 38-91. Cost Reimbursement for Ambulance Service.

(a) The cost recovery program is hereby established and is intended to pursue reimbursement for emergency medical services vehicle transports by recovering funds that may already be designated for such purpose.

(b) The following definitions shall apply to emergency medical transport charges:

(1) *Agency* means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.

(2) *Basic life support (BLS)*, *advanced life support level 1 (ALS-1)*, and *advanced life support level 2 (ALS-2)* mean those services as defined by applicable federal or state regulations and administered in accordance with such applicable law.

(3) *Emergency medical services vehicle* means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services that is equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

(6) *Ground transport mile (GTM)* means the transportation charges that shall be assessed in actual road miles from the location of the incident scene, or center point of a rescue demand zone where an incident scene or address is located, to a hospital or other facility where a patient is transported.

Sec. 38-92. Permits Required.

No agency shall charge fees for transport services provided by a private emergency medical services vehicle within the county in response to a call for emergency service originating from within the county without first obtaining and maintaining a current franchise agreement or permit from the county which authorizes, among other things, participation in the county's billing program. Franchise agreements or permits shall be issued in accordance with Code of Virginia § 32.1-111.14 by the director of the department of fire, rescue and emergency services, upon such terms and conditions as may be needed to ensure the public

health, safety and welfare. No franchise agreement or permit shall be required for any person acting pursuant to a mutual aid agreement for services within the county or while assisting the county during a state of emergency.

Sec. 38-93. Charges and Billing.

(a) Except as otherwise provided by subsection (e) of this section, a service charge for BLS, ALS-1, ALS-2, such other chargeable levels of service and for ground transport mileage is imposed on each person being transported by any emergency medical services vehicle in the county in response to a call for service originating from within the county. In no event shall a person be denied transport for emergency medical services due to an inability to pay.

(b) The director of the department of fire, rescue and emergency services, in consultation with the emergency services committee, is hereby authorized and directed to establish rules, regulations and procedures, and to execute and maintain documentation necessary for the administration of this cost recovery program, including, but not limited to, contracting billing services, a subscription program for county residents or other eligible persons, and payment standards pursuant to a compassionate billing policy for those persons who demonstrate economic hardship, as permitted by applicable law. Such policy will also address the collection of charges imposed pursuant to this article that remain chronically unpaid.

(c) The county or its agent shall generate a bill for all such emergency medical services vehicle transports. Agencies shall submit information required for the county or its agent to generate a bill for such services. Information, including patient information shared hereunder shall be only that information reasonably necessary to accomplish the billing process or other arrangement as mutually agreed to by the providing agency and the county. Payment of all charges for emergency medical services, including evaluation, treatment or transport, shall be the responsibility of the patient or the parent, guardian, or other legally responsible party in the case of a minor or an individual deemed incompetent.

(d) The schedule of rates for emergency ambulance transport services charges shall be as set by resolution by the county board of supervisors from time to time.

(e) No charge shall be imposed on persons in the following instances:

(1) Persons determined to be medically indigent by the county in accordance with administrative policies established by the county administrator;

(2) Persons in the custody of the sheriff of the county;

(3) During times of a declared local emergency when the county administrator has suspended the collection of emergency medical services charges;

(4) Employees and volunteers transported from a county work site for work related injury or illness.

Sec. 38-94. Designation of Funds.

The funds received from the payment of the service charges shall be paid into a designated fund account of the county established for such purpose and held on the books of the county by the treasurer. In consultation with the emergency services committee, the distribution and allocation of the charges collected hereunder shall be determined each year as part of the county budget and appropriation process.

Sec. 38-95. Billing and Collection Contractor.

Billing and collection services may be provided by a billing contractor. No county personnel or agency will accept or receive payment directly from or on behalf of a patient for services rendered to a patient.

Secs. 38-96 - 38-99. Reserved.

Amendment 3:

Re-number "Section 38-4 Youth participation in volunteer fire company activities" as Section 38-54 and recodify such section in its entirety accordingly. Reserve Section 38-4.

12. Board Members

Supervisor Osl informed the Board that he attended Legislative Day at the Capitol, and met with Representatives for Cumberland.

The Chairman voiced his appreciation for the hard work on the Emergency Services Ordinance.

All Board members thanked County staff for their hard work on the budget.

13. Public Comments

There were no citizens signed up to speak.

14. Additional Information

15. Adjourn

With no additional business to come before the Board, the Chairman adjourned the meeting until Tuesday, February 16th, 2010 at 6:00 p.m. for a joint work session with the School Board.

Chairman

County Administrator