

VIRGINIA FIRE SERVICES BOARD

December 2, 2011

A regular meeting of the Virginia Fire Services Board was held at the VDFP Headquarters in Glen Allen, VA at 9:00 a.m. Mr. Richard E. Burch Jr. served as Chair.

BOARD MEMBERS PRESENT

Richard E. Burch Jr. – Full VFSB Chair – Virginia Fire Services Council

James Armstrong – Vice-Chair – VA Chapter of the International Society of Fire Service Instructors

William Kyger – Association of Counties

Kenneth J. Brown – Virginia State Firefighter's Association

Elaine Gall – Virginia Fire Prevention Association

James Wheeler – Virginia Municipal League

Robert Scott – Insurance Industry Representative

Carl Garrison – Virginia State Forester

Joe Wilson – Industry (SARA Title III & OSHA)

Michael Reilly – Virginia Chapter of the International Association of Arson Investigators

Edwin Smith – Virginia Fire Chiefs Association

Brian Mullins – Virginia Board of Housing & Community Development

BOARD MEMBERS ABSENT

Charles Altizer – Virginia State Fire Marshal

Thomas Moffett – Virginia Professional Firefighters Association

Felix Sarfo-Kantanka Jr. – General Public

AGENCY MEMBERS PRESENT

Billy Shelton

Brook Pittinger

Matthew Smith

GUESTS PRESENT

Ed Rhodes

Cathie Hutchins

Charlie Singleton

Steve Cover

Dave Hoback

Mark Harmon

Scott Garber

Walt Bailey

Corey Beazley

Jack Jones

Don Horton

TJ McAndrews

Steve Kopczynski

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

ROLL CALL

CHANGES IN THE AGENDA

Consent Agenda:

- A. Approval Of The Minutes Of The Previous Meeting
- B. Report From The VDFP Executive Director

Unfinished Business:

- A. No unfinished business

New Business:

- A. CY2012 Board Meeting Schedule
 - i. VFPA Conference Invite (October)
- B. ATL Practices Review by VDFP Staff

PUBLIC COMMENTS

Jack Jones, as the representative from the Virginia Fire Chiefs Association, wanted to reference their two memos sent to the Board in August that seeks a non-bureaucratic, open, and timely review process, and that any changes to the ATL policy stay within the confines of its authorizing legislation in §38.2-401 of the Code of Virginia. Additionally, Jack Jones requested that the Board return to its practice of travelling around the state for its meetings, as it allows the Board to meet with their constituent groups and feels that this will allow for an open process.

Charlie Singleton, on behalf of the Virginia State Firefighters Association, thanked the Board for what they do and echoed Jack Jones request for the Board to travel around the state for its meetings. Further, he reminded the Board that his role and purpose for being here was to protect and preserve the Fire Programs Fund.

Steve Kopczynski referenced the Virginia Fire Service Council's letter to the Board in August and stated that their position has not changed. Further, he wanted to thank the Agency and the Board for their letter to stakeholders regarding the ATL appeals process.

Brook Pittinger reminded the Board members that their Conflict of Interest filings are due to the Board Clerk by December 2, 2011. Further, Brook Pittinger reminder the Board members that they may have been notified about their biennial Conflict of Interest training and that they need to go onto the Agency's Knowledge Center to complete it.

Additionally, Brook Pittinger reminded Board members to promote and encourage nominations for the Governor's 2011 Virginia Fire Services Awards and that nomination forms can be found online, http://www.vafire.com/fire_chat/2011GovernorsFireServiceAwards.pdf.

Michael Reilly discussed Fairfax County's Unified Hostile Incident Action Guide that was developed jointly by Fairfax County's police and fire agencies as a guide for handling hostile incidents. Localities are encouraged to review and utilize as necessary in their locality and it can be found on VDFP's website at http://www.vafire.com/government_affairs/FairfaxCountyPD-FRDUnifiedHostileEventActionGuide.doc and http://www.vafire.com/government_affairs/FairfaxCountyPD-FRDUnifiedHostileEventGuidelines.ppt .

CONSENT AGENDA**Topic: Consent Agenda**

Motion: To approve the Consent Agenda

Discussion: None

Vote: Unanimous

Action: Motion Carries

REPORT FROM THE VDFP EXECUTIVE DIRECTOR

Billy Shelton provided the following report:

- FY 11 ATL is 98.7 percent disbursed with 7 jurisdictions pending. The Agency has had five consecutive years of 100 percent of ATL disbursement; this will potentially be the sixth year.
- FY 12 90/10 formula remains in place, as does our line of credit. (58.6% disbursed on first cycle)
- 2011 Virginia Fire Information Reporting System (VFIRS) update as of September 6, 2011:

Incident Type	Total	Percentage
Fires	20,394	3.9
Rescue & EMS	344,721	65.9
All other calls	157,603	30.2
Total Incidents	522,718	
Aid given	29,297	
Fire exposures	316	
Grand total	552,331	
Total Fire Injuries	599	
Total Fire Deaths	53	
Total non-Fire Injuries	355	
Total non-Fire Deaths	53	
Total Fire Dollar Loss	\$199.5 million	
Total Dollar Loss	\$210.9 million	

- Pro-Board re-accreditation inspection for the Commonwealth of Virginia is due in 2012.
- Additionally, the Executive Director relayed the fact that Agencies have been directed to prepare two, four and six percent reduction plans.

Ken Brown requested some clarification based on a question he received from localities, regarding a reduction in their ATL payment. Billy Shelton commented that the reductions could be seen due to the 2010 Census realignment, as well as the 90/10 payment schedule.

Richard Burch requested whether the Non-General Funds, i.e. the Fire Programs Fund, would be adversely affected by the two, four, and six percent reduction plans. Billy Shelton commented that at this time, the reduction plans are targeted for General Funds; however, there is the possibility that Non-General Funds could be affected as well.

REPORT FROM THE COMMITTEE ON FIRE EDUCATION AND TRAINING

Ken Brown provided a summary of the Committee's meeting, to include the Five-Year Strategic Training Plan update from staff and that the Committee will be looking for feedback from stakeholders on the plan at the February 2012 meeting.

REPORT FROM THE COMMITTEE ON FIRE PREVENTION AND CONTROL

Michael Reilly provided highlights from the Committee's meeting, to include the below motions.

Topic: Code Development Memoranda of Agreement (BHCD/VFSB)

Motion: To have staff and the Chair of Codes and Standards Committee to develop a public hearing procedure for the two Boards to adhere to for the development of the SFPC.

Discussion: Michael Reilly presented the discussion of the Fire Prevention and Control Committee and that the Committee discussed a desire to have a public hearing process similar to that of the International Code Council.

Vote: Unanimous

Action: Motion Carries

Topic: Codes and Standards Subcommittee Composition

Motion: To accept the nominations from the Codes and Standards Subcommittee Chair and appoint those members to the Codes and Standards Subcommittee.

Discussion: Below is the list of nominations submitted by the Codes and Standards Subcommittee.

<u>Name</u>	<u>Employer or Representing</u>	<u>Notes</u>
James R. Dawson	Chesterfield County	Subcommittee Chairman
Elaine Gall	University of Virginia	Fire Services Board FPC
Ed Altizer	State Fire Marshal's Office	Committee Chair
Charles A. Gregory	Chesterfield County	
George Hollingsworth	Fairfax County	
Andrew Milliken	Stafford County	
Dave Thomas	Fairfax County	Will be transitioning off in June with retirement
Chris Slemp	Hanover County	
Gary D. Huffman	Roanoke County	
James Istvan	Fairfax County	
Maurice Wilson	City of Hampton	

Vote: Unanimous

Action: Motion Carries

Topic: Codes and Standards Subcommittee Appointment

Motion: To make the previous motion for Codes and Standards Subcommittee nominations effective 12/2/2011.

Discussion: This motion makes the Board nominations and appointments to the Codes and Standards Subcommittee effective as of December 12, 2011.

Vote: Unanimous

Action: Motion Carries

REPORT FROM THE COMMITTEE ON ADMINISTRATION, POLICY & FINANCE

James Armstrong provided a summary of the Administration, Policy and Finance Committee, to include Burn Building Grant Fund's unobligated balance and the discussion of voting procedures and parliamentary rules as set forth by Robert's Rules of Order. Further, motions are not final until the minutes are approved and for the Board's motion/action to be effective immediately or prior to the meeting minutes approval, the motion must contain an effective date clause, e.g. effective on MM/DD/YYYY.

Joe Wilson requested whether the Board could utilize a relaxed version of Robert's Rules of Order. Based on further discussion between the Agency, Board and Legal Counsel it was determined that Robert's Rules of Order must be followed as a State Board. Ken Brown commented that while the process is somewhat cumbersome, that it provides another chance for the Board and constituent groups to review discussions and actions if they were not at a meeting, as well as receive additional comments. Based on consensus of the Board an "effective" line will be added to Board motion tablets for future use.

Topic: Aid-To-Locality (ATL) Policy Revision

Motion: To approve the draft ATL policy as amended, as follows: All Board members shall be copied on denial correspondence.

Amendment: This will be effective December 2, 2011.

Amendment Discussion: The amendment would make the draft ATL policy with amended language effective December 2, 2011.

Amendment Vote: Unanimous

Amendment Action: To amend the Motion

Motion Discussion: None.

Motion Vote: Unanimous

Motion Action: Motion Carries

COMMENTS FROM THE CHAIRMAN, VFSB

Richard Burch thanked the Board, Agency, Legal Counsel and the guest for attending the meeting today.

UNFINISHED BUSINESS

No unfinished business

NEW BUSINESS

Topic: CY2012 Board Meeting Schedule, Enclosure 1 and 2

Motion: To set the Virginia Fire Services Board meeting schedule to reference the schedule of meeting calendar for 2012 as attached, effective 12/2/2011

Discussion: The Board reviewed the draft CY2012 Board Meeting Schedule, see **Enclosure 1**. The Board discussed the possibility of holding its October meeting in conjunction with the Virginia Fire Prevention Association, see **Enclosure 2**. Billy Shelton commented that the previous and the current Governor's administrations have restricted Board meeting travel to two meetings outside of Richmond and four meetings in the Richmond Metro Area. Currently, the Board holds its two travel meetings in conjunction with the Virginia State Firefighters Association's Conference and the Virginia Fire Chiefs Association's Expo and Symposium.

The Board discussed several possibilities to include going to one-day meetings, holding electronic meetings, going to a quarterly meeting schedule, and alternating the location of the Board meetings outside the Richmond area. By consensus, the Board decided not to reduce the number of meetings, as the work of the Board is too important and that if decisions were needed, the delay caused by quarterly meetings would be too detrimental.

William Kyger commented that we should approve the Draft Schedule as set with a secondary or alternate location for the October meeting (VFPA Conference), and petition the Administration after the New Year to be approved for an additional meeting outside of the Richmond area. Several Board members reiterated their desire to return to the practice of travelling around the state for meetings and holding meetings in conjunction with constituent group events.

Roll Call Vote:

Yeas: Richard E. Burch Jr, James Armstrong, William Kyger, Kenneth J. Brown, Robert Scott, Joe Wilson, Michael Reilly, Edwin Smith, and Brian Mullins

Nays: Elaine Gall, and James Wheeler

Abstention: Carl Garrison

Absent Board Members: Charles Altizer, Thomas Moffett, and Felix Sarfo-Kantanka Jr.

Action: Motion Carries

Topic: Aid-To-Localities (ATL) Practices Review by VDFP Staff

Motion: NA

Discussion: Billy Shelton provided an overview of the ATL program to include the Code of Virginia, the Board's ATL Policy and the Agency's ATL Operational Policy and Practices. Further, Billy Shelton noted that the Agency does not audit ATL Annual Reports. Local jurisdictions are required to fill out the Annual Report and have it signed by the Local Executive and be notarized. The Agency has disbursed 100 percent of Aid-To-Localities entitlement for the last five consecutive years. Sometimes the locality will call and request if they can spend the ATL money on a specific item. The Agency has the fiduciary responsibility for accountability and transparency, so if the Agency feels that it does not fall into the nine categorical areas it must communicate that.

The Board and Agency discussed that the non-permissible list is developed as a part of the Agency's ATL Operational Policy, which mirrors the Board's ATL Policy and §38.2-401 of the Code of Virginia. Richard Burch asked what if the Board disagrees with the Agency's ATL Operational Policy, for example laptop and projectors for regional schools. Billy Shelton commented that it was set that way because the Board had the Training Mini-Grants funding those types of items.

Richard Burch and William Kyger requested that we look at the permissible and non-permissible items and remove or add those that are no longer applicable or appropriate. Billy Shelton commented that the Agency is open to reviewing those items. Based on consensus of the Board members, an ATL Ad Hoc Committee will be the Board's Executive Committee and that there is an open invitation to the stakeholder groups to attend and provide feedback. The purpose of the ATL Ad Hoc Committee is to review those permissible and non-permissible items per the Board's Aid-To-Locality Policy and the Agency's ATL Operational Policy as set forth by §38.2-401(B) of the *Code of Virginia*. The Board and Agency will send a letter requesting any comments be aligned to the nine (9) categorical areas as provided in §38.2-401(B). In addition, the Board and guests were reminded that all ATL policies and documents are available on the VDFP website at http://www.vafire.com/grants_local_aid/aid_to_localities.htm.

T.J. McAndrews, Virginia Beach Fire Department, and Steve Kopczynski, York County Fire Department, spoke to the Board in reference to items that they feel the ATL Ad Hoc

Committee should consider at its meeting. Those items included software programs, information technology hardware (laptops, projectors, and whiteboards), health and wellness equipment, equipment maintenance, burn building maintenance, EMS equipment, videographers, bay exhaust systems, and command/response vehicles.

Richard Burch requested and the Board and constituent group agreed to hold the ATL Ad Hoc Committee meeting on January 31st, 2012 at 10:00 a.m. to 2:00 p.m. at the VDFP Glen Allen office.

Walt Bailey and Fred Crosby requested that the Board consider the possibility of rescinding the Board's ATL policy actions back to the initial June revision in order to not negatively affect the jurisdictions. Cathy Hutchins questioned what rescinding the policy would accomplish, because they just enacted an appeals process. Further, without rescinding the policy the Board has the option to review the items. Billy Shelton reiterated that the Agency has a fiduciary responsibility to ensure that ATL is being used for the nine categorical areas. In addition, the Agency is receptive to reviewing the permissible and non-permissible list and making changes as appropriate and necessary.

Don Horton, Portsmouth Fire Department, requested further information for clarity about the Appeals Process. The Agency read the Appeals Process, per the ATL policy as approved by the Board in October and finalized in December.

The Board and Legal Counsel discussed whether the Board had the authority to overturn a decision of the Agency. Legal Counsel commented that if an interpretation differed between the Board and Agency, that Agency/Board OAG counsel would provide the final, binding interpretation, which would be included into all policy and guidance documents.

The Board, Agency and Legal Counsel discussed whether the Board should allow previously approved items to be continued for this year. Billy Shelton and Legal Counsel comment that at this time, there is too much gray area to make a decision today.

Further, Billy Shelton reminded the Board and the guests that a Locality has 24 months to submit their paperwork for their ATL. Therefore, as of this meeting, a jurisdiction still has 19 months to fill their ATL paperwork for FY2012.

Vote: N/A

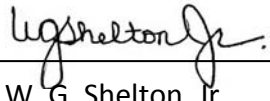
Action: N/A

ADJOURNMENT

The Board adjourned at 12:24 p.m.

Clerk of the Committee
Matthew C. Smith

REVIEWED BY:



W. G. Shelton, Jr.
Executive Director

December 8, 2011

Date

Enclosures

1. Schedule of Meetings Calendar Year (CY) 2012
2. VFPA Conference invitation

DRAFT