

MOTION: CADDIGAN

October 17, 2017

SECOND: LAWSON

Regular Meeting

Res. No.17-526

RE: TERMINATE THE 2009 AGREEMENT FOR THE PROVISION OF FIRE AND RESCUE SERVICES BETWEEN DUMFRIES-TRIANGLE RESCUE SQUAD, INC., AND THE BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA; DISSOLVE DUMFRIES-TRIANGLE RESCUE SQUAD, INC.; AND DIRECT THAT DUMFRIES-TRIANGLE RESCUE SQUAD, INC., TRANSFER ALL REAL AND PERSONAL PROPERTY; ASSETS, CONTRACTS AND ACCOUNTS TO PRINCE WILLIAM COUNTY, VIRGINIA; AND AUTHORIZE THE COUNTY ATTORNEY TO TAKE ANY LEGAL ACTION NECESSARY TO EFFECTUATE THIS RESOLUTION --- POTOMAC MAGISTERIAL DISTRICT

ACTION: APPROVED

WHEREAS, the Prince William Board of County Supervisors considers as one of its most important governmental function the provision of fire and rescue services in Prince William County, and

WHEREAS, Virginia State Code Section 27-14 and Section 32.1-111.4:8 authorize the Prince William County Board of County Supervisors to oversee the provision of local fire and emergency medical services through the adoption of an ordinance establishing the powers and duties of fire and/or emergency medical services departments, companies, chiefs and other officers as the Prince William County Board of County Supervisors may deem proper; and

WHEREAS, on August 1, 2017, the Prince William Board of County Supervisors adopted Chapter 9.2 of the Prince William County Code for these purposes, among others, pursuant to Ordinance 17-56, which thereby established the Prince William County Fire and Rescue System ("PWCFRS," "System"); and

WHEREAS, Dumfries-Triangle Rescue Squad, Inc., is a nonprofit corporation of volunteers whose objective is to assist in the saving of life and property of the citizens of the Dumfries-Triangle area, and is authorized to do so through a 2009 Agreement for the Provision of Fire and/or Rescue Services with Prince William County, which Agreement is set to expire on October 31, 2017; and

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WHEREAS, the Board of County Supervisors relies upon the County Executive and the System Chief to make recommendations regarding the viability of volunteer fire and emergency medical services companies providing services in Prince William County; and the System Chief, in turn, relies on the advice and counsel of the PWCFRS Executive Committee when dealing with matters related to the PWCFRS volunteer companies; and

WHEREAS, the Chief, with the consent of the Executive Committee, appointed a Volunteer Chief and the Department of Fire and Rescue Deputy Chief to conduct the investigation into allegations that members of the Dumfries-Triangle Rescue Squad, Inc., had engaged in the falsification of operational records and documents; and

WHEREAS, a report containing the investigative findings was presented to the PWCFRS Executive Committee, which report confirmed certain allegations that members of the Dumfries-Triangle Volunteer Rescue Squad, Inc., had engaged in the falsification of operational records and documents; and

WHEREAS, based upon the finding of the report, the PWCFRS Executive Committee unanimously agreed that Dumfries-Triangle Rescue Squad is no longer a viable organization; and

WHEREAS, the County's Operational Medical Director has indicated to the System Chief that he has no confidence in Dumfries-Triangle Rescue Squad in the face of multiple investigative findings calling into question the leadership of Dumfries-Triangle Rescue Squad; and has stated that he will not renew Dumfries-Triangle Rescue Squad's operating license, expiring on November 20, 2017, which is required for Dumfries-Triangle Rescue Squad to provide emergency medical care under the Operational Medical Director's license in Prince William County; and

WHEREAS, PWCFRS Executive Committee unanimously recommended that the Board of County Supervisors not execute a new contract with Dumfries-Triangle Rescue Squad for the provision of fire and emergency medical services in conjunction with implementation of the new Prince William County Fire and Rescue Service under the Chapter 9.2 of the Prince William County Code; and

WHEREAS, both the System Chief and the County Executive concur with this recommendation; and

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WHEREAS, the PWCFRS, under the leadership of the System Chief with the advice and counsel of the Executive Committee, has acted to ensure the provision of rescue services to the citizens of the Dumfries-Triangle area; and

WHEREAS, the Prince William Board of County Supervisors has the plenary authority pursuant to Section 27-10 of the Virginia Code Ann., to dissolve Dumfries-Triangle Rescue Squad, Inc.; and

WHEREAS, the Prince William Board of County Supervisors may adopt any resolution it deems necessary to secure and promote the health, safety, and general welfare of the citizens of Prince William County, Virginia, pursuant to Section 15.2-1200, VA Code Ann.; and

WHEREAS, based upon the findings and recommendations of the PWCFRS Executive Committee and the concurrence of the System Chief and the County Executive, the Prince William Board of County Supervisors must conclude that Dumfries-Triangle Rescue Squad, Inc., is no longer a viable member of the PWCFRS;

NOW THEREFORE BE IT RESOLVED that the Prince William Board of County Supervisors does hereby immediately terminate the 2009 Agreement with Dumfries-Triangle Rescue Squad, Inc.; and

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors does hereby dissolve Dumfries-Triangle Rescue Squad, Inc., pursuant to Section 27-10 of the Virginia Code Ann.; and

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors does hereby direct Dumfries-Triangle Rescue Squad, Inc., to transfer all real and personal property, assets, contracts, and accounts to Prince William County, Virginia, as is required by its Articles of Incorporation, and take any such other steps as are necessary to effectuate the dissolution of the corporation; and

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors does hereby authorize the County Attorney to file any necessary and appropriate pleadings to obtain declarative and injunctive relief to effectuate the intent of this Resolution, as may be required to secure the best interests of the public.

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Votes:

Ayes: Anderson, Caddigan, Candland, Jenkins, Lawson, Nohe, Principi, Stewart

Nays: None

Absent from Vote: None

Absent from Meeting: None

For Information:

County Attorney

ATTEST: _____


Clerk to the Board