

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4926

BY DELEGATE KESSINGER

[Introduced February 11, 2020; Referred to the
Committee on Fire Departments and Emergency
Medical Services then Finance]

1 A BILL to establish the emergency service authority for Fayette County; to provide such authority
 2 with power to plan and coordinate all emergency operations for Fayette County; to provide
 3 of appointment and compensation of members of the authority; and to provide for the
 4 support, maintenance, and operation of those emergency services.

Be it enacted by the Legislature of West Virginia:

FAYETTE COUNTY.

§1. Emergency service authority for Fayette County created; functions.

1 There is hereby created an emergency service authority for Fayette County, which shall
 2 plan and coordinate all emergency operations for Fayette County in accordance with §15-5-1 *et*
 3 *seq.* of this code and with other provisions of general law relating to emergency services.

§2. Findings.

1 The provision of various emergency services to the citizens of a political subdivision, in
 2 this case Fayette County, is a highly-technical, rapidly evolving, and ongoing endeavor. The
 3 emergency services workers of today are highly trained and equipped with millions of dollars in
 4 specialized equipment to permit them to safely respond to a wide array of emergencies.

5 Firefighters are trained and equipped to respond to and handle vehicle accidents and
 6 structure fires that may involve hazardous materials, and to respond to various natural disasters
 7 including floods and other extreme weather conditions. EMS providers, in addition to providing
 8 standard emergency medical services and patient transports to medical facilities, are now
 9 frequently called upon to respond to drug overdose cases and other drug-related incidents. Law-
 10 enforcement officers have undergone training to administer Naloxone to victims of drug overdoses
 11 in addition to their regular duties, and due to various socio-economic factors, the law enforcement
 12 profession has grown increasingly more dangerous and litigious. All emergency services
 13 providers have a duty and responsibility to respond to and assist with incidents related to
 14 Homeland Security.

15 The emergency providers are connected to and dependent upon the services provided by

16 the Fayette County 911 Center and Office of Emergency Services. While the emergency services
17 providers are on the front lines directly providing services to our citizens, it is the staff members
18 of the Fayette County 911 Center and Fayette County Office of Emergency Services who are
19 tasked with preparing for response to various natural disasters and emergencies, as well as
20 coordinating emergency services for large special events such as the annual Bridge Day event
21 each October. The tele-communicators employed by the Fayette County 911 Center must have
22 the training, skill, and knowledge, to determine which particular emergency services providers are
23 needed to respond to various major incidents and to coordinate the response of these various
24 emergency services providers. They must have a knowledge of available special resources,
25 including hazardous materials teams, mine rescue teams, mobile regional command centers,
26 SWAT personnel, K-9 Units, and other specially-trained or equipped units and/or resources not
27 only within Fayette County but in other areas as well. In order to keep these well-trained and
28 experienced tele-communication specialists within Fayette County it is imperative that substantial
29 effort be undertaken to ensure that they have the best resources, working conditions, and salaries
30 possible. In order to facilitate the implementation of these goals.

§3. Members; appointment, power and duties generally; officers; bylaws, rules and regulations; compensation.

1 The authority shall consist of five members to be appointed before July 1, 2020. One
2 member shall be appointed by the Fayette County Commission for a term of three years. One
3 member shall be appointed by the collective group of the mayors or city managers of the
4 incorporated municipalities of Mount Hope, Thurmond, Oak Hill, Fayetteville, Meadow Bridge,
5 Ansted, Gauley Bridge, Smithers, and Montgomery for a term of two years. One member shall be
6 appointed by a majority vote of the full-time employees of the Fayette County 911 Center and the
7 Fayette County Office of Emergency Services for a term of one year. One member shall be
8 appointed by the Fayette County Firefighters Association for a term of two years. One member
9 shall be appointed by Fayette County Memorial Lodge #118 of the Fraternal Order of Police for a

10 term of three years. No more than three members of this board shall be from the same political
11 party. The initial terms of office shall commence on July 1, 2020. Each successor member shall
12 be appointed for a term of two years, except that any person appointed to fill a vacancy before
13 the expiration of the term shall serve only for the unexpired portion thereof. Any member of the
14 authority shall be eligible for reappointment, and a majority of the appointing organizations may
15 remove any member for cause. There shall be an annual meeting of the authority on the first
16 Monday in July each year, and a monthly meeting on the day in each month which the authority
17 may designate in its bylaws. A special meeting may be called by the president, secretary, or any
18 two members of the authority and shall be held only after all of the members are given notice
19 thereof in writing, or by electronic communication, including but not limited to e-mail, text
20 message, or instant message. At all meetings three members of the authority shall constitute a
21 quorum. At each annual meeting the authority shall elect a president, a vice-president, a
22 secretary, and a treasurer. The authority shall adopt such bylaws, rules, and regulations as are
23 necessary for its own guidance and for the operation and management of Fayette County
24 Emergency Operations. The authority shall have all the powers necessary, convenient, and
25 advisable for the proper operation, equipment, and management of emergency operations in
26 Fayette County; and except as otherwise especially provided in this act, shall have the powers
27 and be subject to the duties which are conferred and imposed, respectively, upon local
28 organizations for emergency services by §15-5-1 *et seq.* of this code, and by other provisions of
29 general law.

§4. A body corporate.

1 The authority hereby created shall be a corporation. As such it may contract, and be
2 contracted with, sue, and be sued, plead and be impleaded, and shall have and use a common
3 seal.

§5. Support, maintenance, and operation.

1 The governing bodies of Fayette County and the incorporated municipalities therein may

2 provide for the support, maintenance, and operations of emergency operations by the levying of
3 taxes and by the appropriation and expenditure of public funds in accordance with §15-5-1 *et seq.*
4 of this code and with other provisions of general law. The Fayette County Emergency Services
5 Authority shall have sole control of the expenditure of funds from the Fayette County 911 Fund,
6 funded through the collection of fees by telephone service providers. Any such expenditures may
7 be made solely for capital improvements to the Fayette County 911 Center facility, the upgrade
8 of tele-communications equipment, for enhancing the salary and benefits of full-time employees
9 of the Fayette County 911 Center and/or the Fayette County Office of Emergency Services, and
10 for such other purposes as may be deemed appropriate by the Fayette County Emergency
11 Services Board for the benefit of the Fayette County 911 Center and/or the Fayette County
12 Emergency Operations Center. The expenditure of these funds for the use and benefit of the
13 members of the Fayette County Emergency Services Authority, or for any purpose not directly to
14 the benefit of the Fayette County 911 Center, the Fayette County Emergency Operations Center,
15 or the full-time employees thereof, shall be strictly prohibited.

§6. Effect of future amendments of general law.

1 Amendments to §15-5-1 *et seq.* of this code, and other general laws shall control this act
2 only to the extent that they do not conflict with the special features hereof, or unless the intent to
3 amend this act is clear and unmistakable.

§7. Severability.

1 If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof
2 which can be given effect without the invalid provision, and to this end the provisions of this act
3 are declared to be severable.

NOTE: The purpose of this bill is to establish the emergency service authority for Fayette County, to provide such authority with power to plan and coordinate all emergency operations for Fayette County, to provide of appointment and compensation of members of the authority, and to provide for the support, maintenance, and operation of those emergency services.