

**MEMORANDUM**

TO: Public Safety Committee

FROM: *MF* Michael Faden, Senior Legislative Attorney  
Essie McGuire, Senior Legislative Analyst *EMcGuire*

SUBJECT: **Worksession 2: Bill 30-11, Fire and Emergency Services Commission – Duties**

Bill 30-11, Fire and Emergency Services Commission – Duties, sponsored by Councilmembers Elrich and Leventhal, was introduced on September 27, 2011. The Council held a public hearing on the bill on October 18, and the Public Safety Committee held its first worksession on this Bill on December 8.

Bill 30-11 would repeal the authority of the Fire and Emergency Services Commission to approve or disapprove certain Fire and Rescue Service policies and regulations. This Bill does not affect the Commission's role to advise the Fire Chief, County Executive, and Council under County Code §21-2(d)(1) and (3).

The Office of Management and Budget does not expect this Bill to have a fiscal impact (see fiscal impact statement on ©9).

**PUBLIC HEARING TESTIMONY**

Five speakers testified at the October 18 public hearing (see testimony, ©10-22). Chief Bowers supported the bill, as did Assistant Chief Scott Graham, representing the County Career Officers Association. Three speakers opposed the Bill: Marcine Goodloe, President of the County Volunteer Fire Rescue Association (MCVFRA); Eric Bernard, President of the Rockville Volunteer Fire Department; and Darian Unger.

At the hearing, Committee Chair Andrews directed Council staff to review the policies that Ms. Goodloe's testimony listed as approved by the Commission and provide additional historical context. Ms. Goodloe's testimony identified 42 policies or other actions that the Commission has approved under a range of different organizational structures.

George Giebel, Fire and Rescue Service staff to the FESC, gave Council staff a list of MCFRS policies and procedures with each one's date of approval and which Commission body had approved them (all are listed on ©23-32). From this list, Council staff noted that:

- The Fire and Emergency Services Commission in its current organizational form approved 6 policies or procedures. Four are classified as Administrative, 2 as Operational.
- The Fire and Rescue Commission approved 17 policies between the 2005 reorganization<sup>1</sup> that created the Fire Chief and the 2009 restructuring that created the FESC in its current form. Of these, 4 are classified as Administrative and 13 are classified as Operational.

At the hearing, Councilmember Elrich asked Chief Bowers to identify cases in which he or his predecessor experienced obstacles to implementing necessary policies, procedures, or other actions as a result of the Commission's review authority. Chief Bowers' response (see ©33) identified four primary actions which he can discuss in further detail at this worksession. One of the examples is the support vehicle policy which the Public Safety Committee has discussed twice last year, once jointly with the Transportation and Environment Committee. Two other examples, the Code of Ethics and the Medical Standards for MCFRS Candidates, illustrate the difficulty for the Fire Chief under the current review structure to directly implement operational matters according to his professional judgment and expertise.

#### **FIRE AND EMERGENCY SERVICES COMMISSION TESTIMONY**

Members of the Commission did not testify at the public hearing on this Bill. At the Committee's invitation, Commission Vice Chair Chris Zervas participated in the December 8 Committee worksession. Copies of testimony representing the individual views of Mr. Zervas, Commission Chair Anita Powell, and Commissioner Ron Ogens, the third public member, were submitted at the worksession and are attached on circles 34-39.

#### **BACKGROUND/ISSUES**

At this juncture, the central question this Bill poses is: **What is the appropriate role of the Fire and Emergency Services Commission relative to the MCFRS organizational structure and the authority of the Fire Chief?**

**History** As the County's Fire and Rescue Service underwent significant reorganizations and other changes in recent years, the Commission's makeup and authority also evolved. The Commission dates back to June 30, 1980, when it was formed, under the first major fire reorganization law, to take over the policy-making duties of the Fire Board. The Fire Board was then composed of the chiefs of and 2 delegates from each local fire and rescue department. The Fire Board originally appointed most of the Commission members.

Because the County Attorney concluded that this appointment process violated the Executive appointment requirement in County Charter §215 and a Charter amendment to allow

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<sup>1</sup>Bill 36-03, enacted May 4, 2004, effective January 1, 2005.

an alternative method of appointment was defeated in 1986, the law was amended in 1987 to let the Executive appoint all members, although the Fire Board still nominated some members. The more significant amendment to the County fire service law, also enacted in 1987, converted paid local fire and rescue department firefighters into County employees under the then-Department of Fire and Rescue Services; this was the County's response to the federal court's *Conway* decision which confirmed that paid firefighters were entitled to overtime compensation under federal law.

The Commission retained its lead policy-making role in the next major fire service reorganization, which among other organizational changes created the Fire Administrator position, effective July 1, 1998. This law established the Commission's current makeup of 2 volunteers, 2 career firefighters, and 3 unaffiliated "public" members, as the then-Executive proposed. The Council rejected citizen suggestions that the Commission be composed entirely, or have a majority of, citizens unaffiliated with the fire service. The 1998 law also authorized the Commission to hear and decide appeals from actions of the Fire Administrator, including orders issued by the Fire Administrator to the local fire and rescue departments.

The 1998 reorganization reflected the proposal of a Joint Fire/Rescue Service Review Task Force consisting of representatives from the volunteer and career sectors, the Commission, and the then-Department of Fire and Rescue Services. The Group was convened after the 1996 rejection of a Charter amendment, ballot question E, which would have established a centralized fire and rescue service under the direction of a fire chief appointed by the Executive, with the Commission serving in an advisory capacity.

The 2004 reorganization, effective January 1, 2005, curtailed the Commission's policy-making role, leaving it only the authority to disapprove regulations and policies proposed by the Fire Chief. The latter provision was a central element of the legislative compromise which enabled the Bill's enactment. This law limited the Commission's quasi-judicial role to certain appeals of personnel actions involving volunteers. The 2004 law also abolished the Fire Board and in its place instituted the County's authority to collectively bargain certain issues with a representative of the local fire and rescue departments.

In 2009 the law replaced the Fire and Rescue Commission with the Fire and Emergency Services Commission, in part to repeal the compensation previously paid to Commissioners. The 2009 law, effective August 1, 2009, also repealed the remainder of the Commission's quasi-judicial personnel review authority, transferring it to the Merit Systems Protection Board.

**County Charter** §215 of the County Charter provides:

The County Executive after receiving the advice of the Chief Administrative Officer, shall appoint a **single officer** to head each department, principal office or agency of the Executive Branch, ...subject to the confirmation of the Council. (*emphasis added*)

Consistent with the Charter, County Code §21-3(b) provides that the Fire Chief is "the uniformed department head of the Montgomery County Fire and Rescue Service, and has all powers of a department director."

The authority of the FESC to disapprove policies and regulations proposed by the Fire Chief at least appears to conflict with the spirit of the Charter requirement that each County department must have a single officer as head. The Commission's current review authority over Fire and Rescue Service regulations and policies gives the Commission some degree of direction over the Service. This potential conflict in department direction between multiple parties is one outcome the Charter provision intended to avoid. However, the Charter is not always strictly interpreted, and the current arrangement passed legal review by both the County Attorney and Council attorneys when it was enacted in Bill 36-03, as had the Commission's more extensive policy-making authority under the 1998 reorganization and previously.

### **Other County Commissions**

County boards, committees, and commissions fall generally into one of 4 categories: adjudicatory (quasi-judicial), licensing, administrative, and advisory. In its current form, the FESC exercises hybrid administrative and advisory functions. Its primary functions are to advise the Fire Chief, Executive, and Council on budget, legislative, policy, and procedures related to the full range of Fire and Rescue Service issues. The Commission's quasi-judicial role was eliminated in the last restructuring in 2009. Its sole administrative function is the authority to disapprove policies and regulations proposed by the Fire Chief.

Other County boards that have significant policy approval or program administration responsibilities govern entities separately established outside of County government, frequently but not always under state law, such as the Revenue Authority, Housing Opportunities Commission, or Bethesda Urban Partnership. As far as we are aware, no other board or commission that advises County departments has a comparable level of authority relative to the department head. Removing the policy disapproval authority from this Commission would more closely align its functions with those of other advisory boards.

### **Prince George's County comparison**

Legislation pending in Prince George's County would change the role and composition of its Fire Commission. The Prince George's County Fire Commission currently has very broad authority over fire and emergency services, including their budget. The pending legislation would make the Commission more advisory in nature and unify the fiscal and administrative processes under the Fire Chief. Prince George's County also has a Fire Chief's Community Advisory Council which is comprised of members of the public.

### **Financial Disclosure implications**

Currently FESC members are required to file a confidential financial disclosure statement under the County Ethics law, County Code §19A-17(b)(4). This requirement is consistent with former iterations of the Commission, when Commissioners received stipends and the Commission had more budgetary and policy authority. Unpaid members of advisory boards, committees, and commissions are generally not required to submit financial disclosure

statements. If the Council enacts this Bill, it may want to also conform the financial disclosure requirement at the next opportunity; doing so would be beyond the scope of this Bill.

### **Commission membership**

The Commission consists of 7 voting members: 2 County career fire/rescue personnel; 2 volunteer local fire and rescue department personnel; and 3 members with no personal, family, or business connection with the County career or volunteer fire rescue service. This level of voting representation from direct service employees and volunteer personnel is unusual for an advisory board, and for most boards and commissions with other roles.

If the Commission becomes an advisory body, should its membership be revised? This issue goes beyond the scope of this Bill, which as introduced amends only the Commission's duties. If revised, Commission membership could be organized to provide more geographic (such as regions of the County) or functional (such as hospital or other emergency service provider) representation and focus less on career/volunteer status.

### **FOLLOW-UP INFORMATION**

At the December 8 worksession, Committee members requested the following additional information:

- 1) a summary of the relationship between the collective bargaining processes for both career and volunteer personnel and the representative organizations' roles on the Commission; and
- 2) an analysis of whether the Commission's duty to approve and disapprove policies should be limited to certain topic areas rather than abolished entirely.

### **Collective bargaining processes**

Under the County collective bargaining law that applies to the career firefighters bargaining unit (see County Code §§33-147 – 33-157), the County and the employee representative (IAFF Local 1664) must bargain over certain required subjects of bargaining, which are listed in County Code §33-152(a)(1)-(7). These include salary and wages, employee benefits, hours and working conditions, grievance procedures, employee health and safety, and amelioration of the effect on employees when employer action causes a loss of jobs. The law also specifies in §33-152(b)(1)-(19) the "employer rights" that are not subject to bargaining.

A clause in the IAFF collective bargaining agreement (§22.2) also requires the employer to give the union notice and an opportunity to comment before the employer implements changes in various policies and procedures. This clause also requires the employer to "make all reasonable efforts" to meet and confer with the union on these changes.

Under the County collective bargaining law that applies to the local fire and rescue departments (County Code §21-6), the County and the LFRD representative (MCVFRA) must bargain over certain required subjects of bargaining, which are listed in County Code §21-6(f)(1)-(8). These include volunteers' participation in Fire and Rescue Service decisions and

committees, recruitment, selection and discipline, and certain other issues that apply only to volunteers. The law also specifies in §21-6(g)(1)-(3) the issues that are not subject to bargaining, including budgets and expenditures, Fire and Rescue Service emergency and routine operations, and any other issue not specified as subject to bargaining.

The MCVFRA collective bargaining agreement (Article 20) also contains a similar “notice and opportunity to comment” provision which applies to changes in policies and procedures “relating to or affecting” volunteers.

The law that creates the Commission (County Code §21-2(a)(1) allocates 2 Commission members to each category of participants (career employees and volunteer personnel).

### **Policy topic areas**

The Committee requested that the Fire Chief and the Commission consider whether the Commission’s authority should be narrowed to apply only to or exclude certain policy areas, procedures, or subjects.

**The Commission** provided comments, attached on circles 40-42. The Commission supports retaining its current authority to approve and disapprove all policies, procedures, and regulations as outlined in the law. It recommended that its responsibility to assist with the Fire Chief’s budget submission be removed. The Commission noted that it would still be able to provide comments as necessary during the budget process.

**The Fire Chief’s** response is attached on circle 43. Chief Bowers concluded that he does not find any policy area over which the Commission should have approval and disapproval authority, and supports the Commission continuing in a solely advisory role.

**Council staff** reviewed the policies and procedures approved by the Commission and considered the types of issues that would go before the Commission under current law. (A list of approved policies currently in place is attached on circles 23-32.) Council staff divided the policies into the 4 areas listed below. We considered what policy topic areas should be reserved for the Chief to directly apply his operational and management authority, and whether any policy topic areas were suitable for disapproval by the Commission.

- **Personnel/subject to collective bargaining** Policies governing personnel matters (career or volunteer) are either the responsibility of management to determine or subject to collective bargaining. In either case, Council staff does not recommend having an additional approval step by a body that includes affected employees. Examples include: Apparel Policy; Criminal Background Check Policy; Disciplinary Action Procedures; and Procedures for MCFRS Personnel Investigations.
- **Operations** Council staff suggests that policies governing operational issues are the responsibility of the Fire Chief and should not require an additional approval. The Commission’s current authority to disapprove operational policies appears to conflict with County Code §21-3, which provides that “the Chief has full authority over all fire,

rescue, and emergency services in the County". Examples include: Disaster Plan; Driver Certification Procedure; EMS Operations Manual; Fire Scene Preservation and Fatal Fire Investigation; Incident Command System; Specialty Teams Policy; and Standard Operating Procedure for Safe Structure Firefighter Operations.

- **Regulation** Currently, if the Fire Chief intends to propose a regulation for transmittal by the County Executive to the County Council for review and approval (depending on the method) he must first submit the proposed regulation to the Commission. If the Commission then disapproves the regulation, it cannot move through the rest of the process. This effectively leaves the Executive and Council unable to determine whether the regulation should be considered, amended, or approved. Many policies are required by Chapter 21 to be adopted through Council approved regulations, which Council staff suggests should not rely on Commission approval for amendment or consideration. Examples include: Code of Ethics/On Duty Personal Conduct; Drug Screening Procedure; Integrated Emergency Command Structure; Medical Standards for Operational Members and Candidates for the MCFRS; and Safety While on Apparatus.
- **Administration** Administrative issues largely fall under the Fire Chief's responsibility to manage the internal operations of his department, and can involve allocation of County funds or require coordination with other County policies and practices. Examples include: Acquisition of Fire Rescue Vehicles; Computer Connectivity Requirements; Records Management System; and Standardized Log Book System.

**Under Bill 30-11 the Commission would still review and provide advice and comment to the Fire Chief, the County Executive, and the County Council, on all of the listed policy issue areas.** It would continue to serve as an important voice in its ability to raise any issues or concerns for review by the Executive or Council and to provide constructive alternatives for consideration as necessary.

#### OPTIONS

A Council staff memo, written while the 2004 reorganization was being considered, listed the following options for the then-Fire and Rescue Commission:

- What should be the role, if any, of the Fire and Rescue Commission? Options include:
- 1) full policy-making role on all Fire and Rescue Service issues (quasi-legislative);
  - 2) limited policy-making role on specific issues designated in law;
  - 3) appeal body on specific operating issues (e.g. long-term transfer of LFRD apparatus);
  - 4) appeal body on specific personnel matters (quasi-judicial);
  - 5) advisory body that monitors Fire and Rescue Service policy and performance, and provides feedback (similar to Solid Waste Advisory Commission, Commission on Health);
  - 6) no advisory Commission (similar to Police Department).

In 2004 the Council opted for a combination of options #2, #4, and #5. The 2009 law that established the current Fire and Emergency Services Commission also repealed the Commission's quasi-judicial role (2004 option #4).

With this Bill, the legislative choices seem to boil down to:

- Leave the Commission's current structure and authority unchanged.
- Repeal the Commission's authority to disapprove Fire and Rescue Service policies and regulations (enact Bill 30-11 as introduced). This would retain the Commission's full range of advisory responsibilities and align the Commission with other advisory boards and the Charter.
- Limit the Commission's disapproval authority to those policies and regulations that are appropriate for Commission decision-making. As discussed in the preceding section of this memo, neither of the parties (Fire Chief or Commission) recommended any version of this middle-ground approach.
- Abolish the Commission and leave the resolution of Fire and Rescue Service issues entirely to collective bargaining with the career employees (IAFF) and the local fire and rescue departments (MCVFRA). This option is probably beyond the scope of Bill 30-11 as advertised.

**Council staff recommendation:** enact Bill 30-11 as introduced.

This packet contains:

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Bill No. 30-11  
Concerning: Fire and Emergency  
Services Commission - Duties  
Revised: 7/20/2011 Draft No. 1  
Introduced: September 27, 2011  
Expires: March 27, 2013  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Elrich and Leventhal

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**AN ACT** to:

- (1) repeal the authority of the Fire and Emergency Services Commission to approve or disapprove certain Fire and Rescue Service policies and regulations; and
- (2) generally amend the duties of the Fire and Emergency Services Commission.

By amending

Montgomery County Code  
Chapter 21, Fire and Rescue Services  
Sections 21-2, 21-8, 21-8A, 21-9, 21-10, 21-11, 21-13, 21-16, 21-18, 21-19, 21-27

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



- 28 (D) recommend and comment on legislation, regulations, and  
29 policies that apply to or affect the Fire and Rescue Service;
- 30 (E) review and recommend any appropriate changes in  
31 communications and dispatch procedures for emergency  
32 communications centers;
- 33 (F) recommend guidelines for curriculum and programs of the  
34 Public Safety Training Academy and other training  
35 programs for fire and emergency services employees and  
36 volunteers;
- 37 (G) recommend to the Chief, Executive, and Council a benefits  
38 program to provide financial protection for volunteers and  
39 their families if a volunteer becomes injured, disabled, or  
40 dies in the line of duty;
- 41 (H) after consulting the LFRD representative, recommend to  
42 the Chief, Executive, and Council policies and programs to  
43 recruit and retain volunteers; and
- 44 (I) promote coordination with other County-wide, regional,  
45 state, and national emergency management agencies and  
46 activities.
- 47 [(4) The Commission must review and may approve or disapprove  
48 any generally applicable Fire and Rescue Service policy or  
49 regulation proposed by the Fire Chief, including any regulation  
50 that may be issued by the Executive under this Chapter. Before  
51 taking any action under this paragraph, the Commission must  
52 give the Fire Chief, LFRD representative, employee organization,  
53 and the public a reasonable opportunity to comment. If the  
54 Commission does not approve or disapprove a proposed policy

55 within 60 days after receiving it from the Chief, the policy is  
56 automatically approved. If the Commission does not approve or  
57 disapprove a proposed regulation within 60 days after receiving it  
58 from the Chief, the regulation is automatically transmitted to the  
59 Executive for review. This paragraph does not apply to:

- 60 (A) any decision expressly assigned to another person or body
- 61 by this Chapter; or
- 62 (B) any individual personnel action.]

63 \* \* \*

64 **21-8. Integrated Emergency Command Structure.**

65 (a) The County Executive[, after receiving Commission approval under  
66 Section 21-2(d)(4),] must adopt by regulation an Integrated Emergency  
67 Command Structure (IECS) that is consistent with the National Incident  
68 Management System and applies to all IECS certified providers of fire,  
69 rescue and emergency medical services, on all emergency incidents.  
70 The Chief regularly must review the IECS regulation and propose  
71 amendments as necessary.

72 \* \* \*

73 **21-8A. Standardized Incident Management System.**

74 (a) The County Executive must establish by regulation[, after receiving  
75 Commission approval under Section 21-2(d)(4),] a Standardized  
76 Incident Management System that is:

- 77 (1) based on nationally recognized incident management systems for
- 78 fire and rescue operations; and
- 79 (2) compatible with the National Incident Management System.

80 \* \* \*

**81 21-9. Disaster plan.**

82 The County Executive, by regulation [issued after receiving Commission  
83 approval under Section 21-2(d)(4)], must establish and maintain a fire and rescue  
84 disaster plan that provides an integrated chain of command compatible with the  
85 Standardized Incident Management System and the Integrated Emergency Command  
86 Structure.

**87 21-10. Response areas.**

88 The Fire Chief[, after receiving Commission approval under Section 21-  
89 2(d)(4),] must establish response areas served by each fire or rescue station that  
90 collectively cover the entire County. The boundaries of a response area are generally  
91 the mid-points in road distances between that station and the nearest fire or rescue  
92 stations. However, the response area boundaries must consider geographic or other  
93 features that affect dispatch operations.

**94 21-11. Communications procedures and dispatch times.**

95 The Fire Chief[, after receiving Commission approval under Section 21-  
96 2(d)(4),] must establish comprehensive and consistent communications and dispatch  
97 procedures that maintain appropriate allowable dispatch times for all fire and rescue  
98 units and promote public safety.

**99 21-13. Temporary transfer of apparatus.**

100 The County Executive[, after receiving Commission approval under Section  
101 21-2(d)(4),] must adopt a regulation establishing policies for the long- or short-term  
102 transfer of apparatus. The Fire Chief, when authorized by regulation, may transfer  
103 any apparatus purchased in whole or in part with tax funds, including any apparatus  
104 titled to a local fire and rescue department. The Chief must provide as much advance  
105 notice as possible before transferring apparatus. The regulation must not require the  
106 transfer of any apparatus that was not purchased with any County tax funds, except in  
107 an emergency.

108 **21-16. Personnel administration for local fire and rescue departments.**

109 (a) *Applicability of County Regulations.* Employees of local fire and rescue  
 110 departments who are paid with tax funds are not County employees.  
 111 They are members of a separate merit system governed by generally  
 112 applicable County personnel regulations except as expressly modified  
 113 by regulations that the County Executive[, after receiving Commission  
 114 approval under Section 21-2(d)(4),] adopts under method (2).

115 \* \* \*

116 **21-18. Training requirements and certification standards.**

117 (a) The County Executive[, after receiving Commission approval under  
 118 Section 21-2(d)(4),] must issue regulations establishing training  
 119 requirements for all active fire, rescue, and emergency medical services  
 120 personnel in the Fire and Rescue Service, including the local fire and  
 121 rescue departments, consistent with the Integrated Emergency  
 122 Command Structure.

123 \* \* \*

124 **21-19. Code of ethics and personal conduct.**

125 The County Executive[, after receiving Commission approval under Section  
 126 21-2(d)(4),] must issue regulations establishing a code of ethics and on-duty personal  
 127 conduct that is consistent with applicable law, including Chapters 19A and 27. The  
 128 code must apply to all fire, rescue, and emergency medical services personnel,  
 129 including administrative personnel. The code must specify prohibited conduct and  
 130 the procedures and actions available to address any violation. The Fire Chief may  
 131 refer a matter to the County Ethics Commission or Human Rights Commission.

132 **21-27. Purchasing and contracting.**

133           The Fire Chief], after receiving Commission approval under Section 21-  
134 2(d)(4),] must establish procedures, by regulation, that govern any purchase or  
135 contract by any department that will be financed in whole or in part with tax funds.

136 *Approved:*

137

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Valerie Ervin, President, County Council Date

138 *Approved:*

139

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Isiah Leggett, County Executive Date

140 *This is a correct copy of Council action.*

141

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Linda M. Lauer, Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Bill 30-11

### *Fire and Emergency Services Commission - Duties*

**DESCRIPTION:** Bill 30-11 would repeal the authority of the Fire and Emergency Services Commission to approve or disapprove certain Fire and Rescue Service policies and regulations

**PROBLEM:** The Commission current has veto authority over Fire and Rescue Service policies and regulations, which has limited the Fire Chief's ability to modify current policies.

**GOALS AND OBJECTIVES:** To abolish the Commission's regulatory function and retain its advisory functions.

**COORDINATION:** Fire and Rescue Service

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Michael Faden, Senior Legislative Attorney, 240-777-7905

**APPLICATION WITHIN MUNICIPALITIES:** Not applicable

**PENALTIES:** Not applicable



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Jennifer A. Hughes  
Director

MEMORANDUM

October 17, 2011

TO: Valerie Ervin, President, County Council  
FROM: Jennifer A. Hughes, Director  
SUBJECT: Bill 30-11, Fire and Emergency Services Commission - Duties

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

**LEGISLATION SUMMARY**

The bill would repeal the authority of the Fire and Emergency Services Commission to approve or disapprove certain Fire and Rescue Service policies and regulations.

**FISCAL AND ECONOMIC SUMMARY**

The proposed legislation is not expected to have a fiscal or economic impact. The proposed language will only remove the Fire and Emergency Services Commission's (FESC) power to approve or disapprove particular Montgomery County Fire and Rescue Service policies/regulations; the FESC will still continue without any cost change. The budget and expenditures associated with the commissioners (stipends and expense allowances) and administration (program manager, administrative specialist, and operating expenses) will all remain the same.

The following contributed to and concurred with this analysis: Dominic Del Pozzo, Montgomery County Fire and Rescue Service; Michael Coveyou, Department of Finance; and Blaise DeFazio, Office of Management and Budget.

Office of the Director

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**Bill 30-11, Fire and Emergency Services Commission – Duties**

**Public Hearing**

**October 18, 2011**

**Testimony of Fire Chief Richie Bowers**

Good afternoon, I am Fire Chief Richie Bowers and I am here to provide comments regarding Bill 30-11.

Section 21-3 of the County Code states that: “The Fire Chief has full authority over all fire, rescue and emergency medical services in the County, including any fire, rescue and emergency medical services provided by local fire and rescue departments. The Fire Chief must implement County law, regulations, and policies to effectively administer the Fire and Rescue Service”. However, the Fire Chief’s ability to effectively implement applicable laws, regulations and policies is undermined by the authority that is currently vested in the Fire and Emergency Services Commission (Commission) to approve or disapprove policies relating to the Fire and Rescue Service.

As Fire Chief, it is my responsibility: 1) to develop policy; 2) to provide Notice and Opportunity to both Local 1664 and MCVFRA bargaining units; 3) where applicable, to negotiate policy changes with both bargaining units; and 4) to request that the Commission approve policy changes.

This Commission’s veto authority has prevented me from implementing a number of important policies that would improve the effectiveness and efficiency of the Fire and Rescue Service, including those relating to:

- Assignment and Use of Authorized Complement of Support Vehicles (Policy);
- Medical Standards for Operational Members and Candidates (Regulation); and
- Code of Ethics and On-Duty Personnel Conduct (Regulation)

I would be happy to discuss the particulars of each of these situations in more detail with Council at the appropriate time.

Section 21-1(b)(3) of the County Code provides that one goal of the Fire and Rescue Service is to “continually improve the capabilities of all personnel; effectively manage personnel; and achieve job performance and personal conduct of the highest caliber by County, local fire and rescue department, and volunteer personnel”. However, in the situations referenced above, the Commission approval process prevented me from implementing policies, laws, and regulations that would help achieve these goals in an efficient and timely manner.

Bill 30-11 would increase my ability as the Fire Chief to manage and lead the Fire and Rescue Service. It would improve the policy implementation process and increase efficiency and accountability. These improvements and efficiencies would result in savings of time and money for the residents of the County, the Fire and Rescue Service and County Government.

The Commission has played an important advisory role to the Fire Chief and the Fire and Rescue Service – and should continue to do so. The Commission's input has been and will continue to be welcomed and valued by me. In particular, the public members of the Commission provide advice, perspective and input from the community that is very important.

Thank you for the opportunity to provide comments on Bill 30-11. I look forward to working with the Council as it considers this bill.

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**Testimony of Assistant Chief Scott Graham**  
**Montgomery County Career Officers Association**  
**October 18, 2011**

**Bill 30-11**

Good afternoon, I am Assistant Chief Scott Graham. This afternoon I represent the Montgomery County Career Officer's Association (MCCOA). The MCCOA is a resource group recognized in Chapter 21 as an Advisory Group to the Fire & Rescue Service, as well as the Fire Chief. Our organization consists primarily of Chief Officers as well as Captains and Lieutenants. Since the Captains and Lieutenants are represented by the IAFF Local 1664, I speak on behalf of the career Chief Officers.

As an advisory body, we lend our support and encourage you to support all Advisory Groups by passing Bill 30-11. An analogy of today's fire service is much like that of a human body. The law, Chapter 21, provides for the parts of the fire service body – The IAFF Local 1664 (or career), the MCVFRA (the volunteers), the Career Officers Association, and the Fire and Emergency Services Commission. Like the human body, each of the Advisory Groups serves a vital and unique function to keep the fire service moving. A functional body has only one head. Ours is the Fire Chief, designed by law as the single authority for fire and emergency

services in Montgomery County. Any body with more than one head is dysfunctional.

Since the re-organization of the fire service in late 2004/early 2005, the fire service has experienced many positive changes in practices, policies, and standards. We are far better today than we were 6 years ago. We are no longer the fire service of 10, 20, or 30 years ago. We should not function as though we are. Jurisdictions across the nation are routinely designing their policies based on our success in the past 6 years with a single authoritative head – a Fire Chief. That’s the 90%. By not amending the following proposed policies of the Fire Chief, we have greatly stagnated the fire service with archaic policy not representative of today’s all hazard mission. No code of ethics and on-duty personal conduct – no medical standards for operational members – no MCFRS support vehicle policy better known as the assignment and use policy. This is the 10%. Ten percent while during the development process, all parts of the body functioned. These policies came before the FESC and were vetoed or inhibited by the same body parts that created them. Not for the “Optimum Personnel Practice” as defined in Ch. 21 b(3), but rather for a narrowly focused reason.

In closing, I have the privilege of testifying today as the only person who has served as the executive officer to both Fire Chiefs. I can testify to

this Council that Chiefs Carr & Bowers both have utilized all of their resource groups provided in Ch. 21. Both have gone far beyond those groups and reached out to the community, the Community Advisory Boards, and businesses as part of their decision making process. That is “Optimum Practices.”

Thank you for supporting Bill 30-11 and bringing MCFRS yet another great step forward.

7

Testimony of Marcine Goodloe  
President  
Montgomery County Volunteer Fire-Rescue Association (MCVFRA)

Testimony to the Montgomery Council on  
Bill 30-11 (Fire and Emergency Services Commission)  
Tuesday, October 18, 2011

Thank you for the opportunity to provide testimony on Bill 30-11, "Fire and Emergency Services Commission –Duties," which would repeal the authority of the Fire and Emergency Services Commission ("Commission") to approve or disapprove certain Fire and Rescue Service policies and regulations.

We strongly oppose this bill for three reasons.

First, it would reduce transparency and accountability to the public in the development of fire and rescue policies and procedures.

Second, the bill conflicts with the public-private partnership model for the Fire and Rescue Service that has served the County and the public very effectively over the past decade.

Finally, there has been little or no showing that the current Commission structure is ineffective, inefficient, or broken. In fact, the record shows that the Commission has played a valuable role in strengthening the County's fire and rescue system through its policy review and approval process.

Bill 30-11 Would Reduce Transparency and Accountability to the Public

The Commission is composed of seven members -- three representing the public, two representing career personnel, and two representing the volunteer fire/rescue community. All seven Commission members are appointed by the County Executive [and approved by the Council]. This structure provides robust and important public input to decisions impacting the fire and rescue service and enhances public confidence in the County's Fire and Rescue Service at a time when public confidence in government generally is declining.

Eliminating the Commission's review and approval authority would, in effect, consolidate the Executive's power over the fire and rescue service, reduce accountability and transparency in establishing fire and rescue policy, and enhance the likelihood that such policy is made for political reasons that have little or nothing to do with advancing the public's interests.

## Bill 30-11 Is Inconsistent with the County's Public/Private Fire-Rescue Partnership

Montgomery County's Fire and Rescue Service operates under a unique – and highly effective – partnership between the County and the 19 local fire and rescue departments (LFRDs). While some continue to question this model, we believe strongly that this partnership has delivered – and continues to deliver – extremely high-quality, cost-effective fire and rescue service to Montgomery County.

A strong, vibrant Commission is essential to this partnership. The Commission's structure gives the primary stakeholders, including the LFRDs, a key voice in the County's decision making process. When this Council enacted Bill 36-03, creating the position of County Fire Chief with substantial authority to lead and manage the entire fire and rescue service, the Council tempered some of the Chief's policy making authority by requiring certain fire and rescue policies and procedures to be reviewed and approved by the Commission.

The need for a strong County-LFRD partnership has never been greater. Volunteer fire/rescue personnel risk their lives every day to provide front-line fire, rescue and emergency medical service to Montgomery County residents and visitors. As we have recently demonstrated, these volunteers – and the departments in which they serve – save County taxpayers more than \$25 million every year in personnel, vehicle and facilities costs alone. Given the unprecedented commitment and contribution of the volunteers and the LFRDs, it is entirely appropriate to give them a meaningful voice in the development of County fire and rescue policy.

Eliminating the Commission's policy review and approval role would gut the partnership, drastically reduce the voices of the public, the career members and the LFRDs in establishing County fire and rescue policy, and ultimately diminish the quality of, and public confidence in, the County's fire and rescue service.

## The Commission Has Helped to Strengthen the County's Fire and Rescue System

The MCVFRA recognizes the need for County agencies and bodies at all levels to operate efficiently and effectively. Close scrutiny of the use of taxpayer dollars is essential, particularly during tight fiscal times.

There is ample evidence demonstrating that the Commission has played a valuable and constructive role through its review and approval authority and, in doing so, has strengthened the County's fire and rescue system. Often, the Commission's deliberations, and the opportunity for input from the public and other stakeholders, has improved proposals initially put forward by the Fire Chief and fostered "buy in" from those very same stakeholders. While paralysis by analysis has been a problem in Montgomery County, the facts show that the Commission is not a graveyard for good

ideas but rather an important and effective means of ensuring the County's fire/rescue service is meeting the needs of County residents.

Over the past several years, the Commission has reviewed and approved dozens of policies and procedures proposed by the Fire Chief. A partial list of these includes:

- MCFRS Communications Manual
- Two in - Two out and Structural Fire Response and Updates
- Family Support Network
- Annual Physicals
- Training Standards
- Specialty Teams
- Non-Emergency Transfer of Apparatus
- Helicopter Landing Policy
- Upcounty Resource Allocation & Station Study
- All Master Plans
- Water Study and Water Study Implementation
- PIMS Data System for Volunteers
- Senator Amoss Fund Procedure & LFRD Records Update
- Length of Service Awards Program
- Executive Regulations & Legislative Changes
- ALS First Responder Policy
- EMBERS Reporting System
- Background Check Requirement Policy
- Command Competence Procedure
- Standardized Blackboards, Thermal Imagers and SCBA
- Integrated Pass Devices
- Motor Vehicle Operator License Requirements for Tiller Operators
- Appeal Procedures
- IECS
- Return to IECS
- Code of Ethics and Personal Conduct
- Standard Graphics Policy for County Owned Apparatus
- Drug and Alcohol Testing Policy
- Aerial Apparatus Study
- Rescue Squad Policy
- Communications Manual
- Response Assignments Updates
- Disaster Plan
- Temporary Transfer of Apparatus
- Fire Scene Preservation
- Health, Fitness and Welfare Policy - MEDTOX Study
- Various issues regarding Internal Affairs including the IA Officer

Apparatus Replacement Schedule  
 PSTA Student Policy  
 Minimum Training Standards  
 SOP for Safe Structural Firefighter Operations  
 Ambulance Fee

While MCVFRA has not always agreed with the outcome of Commission actions, and in some cases disagreed strongly with the Commission, we believe the Commission's structure has allowed it to operate effectively in strengthening the fire and rescue service in Montgomery County.

The Commission Structure Is Not Similar to "Effects Bargaining"

It is important to note that the Commission's authority is not similar to the effects bargaining requirement that the Council considered earlier this year.

	<b>Effects Bargaining</b>	<b>F&amp;ES Commission Process</b>
Transparency	Negotiations not public	Process and deliberations open to public under County law
Representation of Public in Decision Process	None	Public is represented by three "public" Commissioners with voting power
Deadlines for Decisions	No deadline on length of negotiations	Commission <u>must act</u> within 60 days of submission of proposals by Fire Chief

While the MCVFRA has not taken a position on the merits of effects bargaining, it is abundantly clear that few if any of the concerns expressed about effects bargaining are applicable to the F&ES Commission process. The Commission process is transparent, provides for a formal decision-making role for the public, and operates under strict deadlines for decisions.

The Debate Over Take Home Vehicles Is No Excuse to Gut the Commission's Authority

With respect to policy changes regarding take home vehicles by career and volunteer personnel, the Commission rightly rejected the Fire Chief's initial proposal because it could adversely affect operational performance without corresponding benefits to the public. Since that time, the parties have worked constructively to address the issues, and -- as discussed at a recent Council hearing -- it was acknowledged that "90%" of the issues have been resolved. We recommend that the Fire Chief move forward immediately with a proposal that incorporates these important enhancements -- which the

Commission would surely approve -- and continue working on the remaining issues with the key stakeholders.

### Conclusion

MCVFRA strongly opposes Bill 30-11 and will strongly oppose other efforts to gut the fire-rescue partnership that is codified in Chapter 21 and has served County residents very effectively. The current Commission structure provides essential input for key stakeholders – including the public, career firefighters and the LFRDs – that enhance public confidence in our fire and rescue service. We urge the Council to look for more effective ways to enhance and strengthen that partnership and not to disenfranchise the stakeholders, and ultimately the public, in setting fire and rescue policy.

Testimony of Eric N. Bernard  
President  
Rockville Volunteer Fire Department

Testimony to the Montgomery Council on  
Bill 30-11 (Fire and Emergency Services Commission)  
Tuesday, October 18, 2011

Thank you for the opportunity to provide testimony on Bill 30-11, "Fire and Emergency Services Commission –Duties," which would repeal the authority of the Fire and Emergency Services Commission ("Commission") to approve or disapprove certain Fire and Rescue Service policies and regulations.

We strongly oppose this bill, along with all 19 volunteer fire and rescue departments in the County. There are many reasons why this bill should be defeated.

The most important is that the Commission works and works well. For over 24 years the Commission has brought all stakeholders together to better the fire service in the County.

The Commission hears from the community and takes citizen's input in making important decisions. This input improves public safety and increases participation from the community, citizen's groups as well as those brave women and men who serve.

The Commission is the best model to reflect the public-private partnership in the Montgomery County Fire Rescue Service. The law has long recognized, indeed required the combination career-volunteer fire and rescue service delivery model. The Commission reflects the law by having members from the public, the career members and the volunteer members. These members work together in reviewing policy and adding great knowledge, experience and input in all aspects of emergency service.

Since a bill was introduced almost 3 years ago to try to eliminate the Commission, which ultimately failed, all parties have worked hard to improve the fire and rescue service. This Bill will reduce the effectiveness of the Commission and remove true citizen input into the process.

Montgomery County is not alone in having a Fire and Rescue Commission. In the neighboring Counties the Commissions have greater authority, autonomy and input than ours in Montgomery County. In Prince George's County, which

has a similar combination volunteer-career fire and rescue service, the Commission allocates the budget, hears all appeals in disciplinary matters, and is composed of only volunteers from the 36 volunteer departments in the County. Our Commission once had similar budgetary responsibilities but these were removed in 2003 when the single fire chief was created. So we see that a strong Fire and Rescue Commission, with responsibilities, authority, and decision making ability is the norm and is a system that works well not just here in Montgomery County.

The Commission has attracted some great minds from the service and the community bringing experience that would otherwise not be available to the fire and rescue service. We have physicians, attorneys, community organizers, school teachers, police officers, men and women, younger and older members all with equal voice and authority to help our fire service improve. Their counsel has proven invaluable to the fire service. Sometimes the mere ability to make a decision dissuades other parties from becoming confrontational and gives them clearer thinking in what is best for all involved.

The volunteer representatives meet with the Fire Chief at least weekly and talk daily. We have all worked well together and the Fire Chief and volunteers have resolved more than 95% of issues that have arisen including new policy formulation, prior to being presented to the Commission. Then we go together to the Commission recommending approval. The reason we can do this so effectively is the knowledge that the Commission exists and has the ability approve or reject policy. This keeps the process inclusive giving voice to the community and all stakeholders.

We ask for your support in defeating bill 30-11. Allow the fire service to continue to operate as the law was written and modified in 2003 when the single Fire Chief was created. This model serves all involved well and requires maximum community involvement and very little if no cost to the taxpayers of the County.

**Testimony of Darian Unger, 8204 Cedar St. Silver Spring MD, 20910  
Opposing the bill to gut the fire and emergency services commission.**

Thank you very much. My name is Darian Unger, I live at 8204 Cedar Street in Silver Spring.

I'm a member of the Silver Spring Citizens Advisory Board and a volunteer firefighter are EMT; while I am one of many who feel the way I do, (most of whom can't come in the middle of a workday) I'm here to speak for myself and to urge you to avoid gutting the fire and emergency services commission.

There are two main reasons to turn down this harmful idea. First, the commission is an important check and balance on power. Second, because this proposed law fixes nothing the fire/rescue service, and would instead make things worse.

First, checks and balance on power are fundamentally American notions. That is why we have civilian commanders in chiefs and separate branches of government. That is why we have both district and at-large representatives on council. We don't like our power too concentrated, lest it be used against us with no recourse. The commission is an important check on a very powerful position...the fire chief. I like and respect our fire chief. I also like my president, even though I've been disappointed a few times. But just because we like them doesn't make it good governance to give them unfettered power. Actual checks and balances are a vital part of thoughtful governance.

Second, this proposed legislation seems to be searching very hard for a problem to solve. Issuing orders does not seem at all difficult. As a firefighter and EMT, I am used to following orders as part of any emergency response - whether it's a chief's general order to use this protocol instead of that protocol when administering CPR, or an order to use a certain method to attack a fire - I can assure you, there is no shortage of orders. The chief rightfully issues many with no problem whatsoever, and I follow them, comfortable with the idea that important orders are vetted and checked so that new rules and policies will help save lives. There's little reason to undo a functioning system.

Speaking of undoing functioning systems, this seems to be one of a string of nominally well-intentioned proposals that backfire badly and leaves a bad taste in everyone's mouth. You know you're on the wrong track when the curfew proposal drags Montgomery County through the mud with scare stories instead of actually reducing crime with proven strategies, or when the proposal to open Veteran's Plaza to markets end up destroying the Fenton St. Market instead.

This proposal is similar...it's not a good idea, and it's not going to accomplish what you want. I would urge that the fire/rescue service be strengthened instead.

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MONTGOMERY COUNTY FIRE & RESCUE SERVICE  
OFFICE OF THE FIRE CHIEF  
POLICY & PROCEDURES

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INDEX NO.	TITLE	ADMINISTRATIVE/ OPERATIONS	DATE	
-----	<u>2009 FESC By-Laws</u>	Administrative	08/13/2009	FESC approved
03-08AM	<u>Acquisition of Fire Rescue Vehicles</u>	Administrative	07/15/2007	FRC approved
04-03	<u>Administration of LOSAP Program</u>	Administrative	09/05/01	FRC approved
07-02	<u>Apparatus Maintenance Policy</u>	Operations	03/20/2005	FRC approved
25-08AM	<u>Apparatus Staffing Policy</u>	Operations	10/13/2009	FESC approved
06-09	<u>Apparel Policy</u> • <u>Apparel Policy Memo</u>	Administrative	07/20/2009	
28-01	<u>Assignment &amp; Use of F/R Supt. Vehicles</u>	Operations	07/01/96	FRC approved
73-91	<u>Basic Quality Assurance Program For EMT-A's</u>	Operations	04/09/91	FRC approved
24-05	<u>Cave-In Team Responses</u>	Operations	04/12/90	FRC approved
36-08AM	<u>Certification Standards for Training, Experience, and Credentialing Requirements</u>	Operations	10/13/2009	

	<p><u>Appendix A-1 - MCFRS Certification Standards for Training, Experience, and Credentialing Requirements.- Firefighter/Rescuers</u></p> <p><u>Appendix A-2 - MCFRS Certification Standards for Training, Experience, and Credentialing Requirements- EMS Provider Personnel</u></p> <p><u>Appendix B - MCFRS Emergency Services Provider Certification Form</u></p> <p><u>Appendix C - Non-Jurisdictional Course Equivalency Application</u></p> <p><u>Appendix D - Experience and/or Service Time Equivalency Application</u></p> <ul style="list-style-type: none"> <li>• <u>Cross Reference</u> - <u>Fire Chief General Order #07-15</u> - <u>Certified Chief Officer Requirements: Command Competency Knowledge and Laboratory Practical Command Exercise Evaluations</u></li> </ul>			
01-01	<u>Chapter 21- County Code</u> Click <i>Chapter 21</i> .	Administrative	09/2010	
22-00AM	<u>Code of Ethics/On-Duty Personal Conduct</u>	Administrative	07/09/2002	FRC approved
23-05AM	<u>Command Officer Prof. Dev Policy</u>	Operations	05/01/2002	FRC approved
22-03AM	<u>Communications Manual Policy</u> <ul style="list-style-type: none"> <li>• <u>Communications Manual</u></li> </ul>	Operations	May 20, 2006	FRC Approved
01-09	<u>Computer Connectivity Requirements</u> - Interim Policy <ul style="list-style-type: none"> <li>• <u>Appendix A. MCGOV Internet,</u></li> </ul>	Administrative	07/09/04	FRC approved

	<u>Intranet, and Electronic Mail Policy</u> <ul style="list-style-type: none"> <li>• <u>Appendix B. MCGOV Computer Security Policy</u></li> <li>• <u>Appendix C. LFRD Computer Connection Request Form</u></li> <li>• <u>Appendix D. MCGOV Account Request Form</u></li> <li>• <u>Appendix E. DTS Information Technology Products Vendors &amp; Contract Form</u></li> <li>• <u>Appendix F. Standard Desktop/Laptop Configurations &amp; Order Form (11/03)</u></li> <li>• <u>Cross Reference</u> <ul style="list-style-type: none"> <li>- <u>Fire Rescue Directive #06-01</u></li> <li>- <u>Connection of LFRD Owned Printers and Copiers to County Network Computers</u></li> </ul> </li> </ul>			
06-05	<u>Conditions and Restrictions On Volunteering By DFRS Firefighters/Rescuers In The MCFRS</u>	Administrative	07/22/03	FRC approved
21-05	<u>Controlled Medication &amp; Security Procedures</u>	Operations	03/10/2005	FRC approved
03-06	<u>Corporation Legal Expense Policy</u>	Administrative	04/15/94	FRC approved
06-01	Corporation Personnel Regs. (Reprint w/amendments) <ul style="list-style-type: none"> <li>• <u>Sections 1-10</u></li> <li>• <u>Sections 11-31</u></li> </ul>	Administrative	02/20/97	FRC approved
06-04AMII	<u>Criminal Background Check/Vol. App/Emp</u>	Administrative	03/25/10	FRC approved
27-01	<u>Disaster Plan</u>	Operations	03/31/98	FRC approved
06-06	<u>Disciplinary Action Procedures for LFRD Probationary</u>	Administrative	09/10/2007	FRC approved

	<u>Members and Employees</u>			
21-02D	<u>D.O.A. Response Policy</u>	Operations	11/04/94	FRC approved
23-07AMII	<u>Driver Certification Procedure</u> <ul style="list-style-type: none"> <li>• <u>Driver Training Application</u></li> <li>• <u>EMS Unit Certification Checklist</u></li> <li>• <u>Brush Truck Certification Checklist</u></li> <li>• <u>Engine Certification Checklist</u></li> <li>• <u>Tanker Certification Checklist</u></li> <li>• <u>Rescue Squad Certification Checklist</u></li> <li>• <u>Truck - Tower Certification Checklist</u></li> <li>• <u>Trailer Truck Certification Checklist</u></li> </ul>	Operations	03/01/2007	FRC approved
23-03	<u>Drug Screening Procedure/Vol. App'ts</u>	Operations	05/09/91	FRC approved
21-01	<u>Duty EMS Officer Response</u>	Operations	05/13/82	FRC approved
28-02	<u>Emergency Incident Personnel Rehab'n</u>	Operations	02/01/95	FRC approved
21-02	EMS Oper. Manual & Append. (7/97 reprint) <ul style="list-style-type: none"> <li>• <u>EMS Ops Manual - Pages 1-23</u></li> <li>• <u>EMS Ops Manual - Pages 24-35</u></li> <li>• <u>EMS Ops Manual Appendix A</u></li> <li>• <u>EMS Ops Manual Appendix B</u></li> <li>• <u>EMS Ops Manual Appendix C</u></li> <li>• <u>EMS Ops Manual Appendix D</u></li> <li>• <u>EMS Ops Manual Appendix E</u></li> <li>• <u>EMS Ops Manual Appendix</u></li> <li>• <u>Cross Reference</u> <ul style="list-style-type: none"> <li>- <u>Fire Rescue Directive #04-03</u></li> <li>- <u>Accountable Drug Log and Use</u></li> </ul> </li> </ul>	Operations	08/15/94	FRC approved

	<u>of SSN</u>			
25-08	<u>Emerg. Response for CO Detector Activ'ns</u>	Operations	06/01/96	FRC approved
04-04	<u>Family Support Network</u>	Administrative	11/17/09	FESC approved
25-02	<u>Fire Scene Preservation/Fatal Fires Invest.</u>	Operations	08/28/01	FRC approved
24-03	<u>First Response/Trench Collapse Incident</u>	Operations	04/12/90	FRC approved
20-02	<u>Incident Command System Attachment Post Incident Analysis</u>	Operations	03/19/02	FRC approved
16-05AM	<u>Integrated Emergency Command Structure</u> <ul style="list-style-type: none"> <li>• <u>Cross Reference</u> - <u>Fire Chief General Order #07-02</u> - <u>LFRD Certified Chief Officers Radio Designations</u></li> </ul>	Operations	12/06/2005	FRC approved
21-03	<u>Interfacility Transports Guidelines</u> <ul style="list-style-type: none"> <li>• <u>Inter-Facility Transport Approval Checklist</u></li> <li>• <u>Inter-Facility Transport Authorization</u></li> </ul>	Operations	03/10/2005	FRC approved
03-05AM	<u>LFRD Finance/Accounting Manual</u>	Administrative	04/08/04	FRC approved
26-05	<u>Live FF'ing Evols. in Acquired Structures</u> <ul style="list-style-type: none"> <li>• <u>Attachment NFPA 1403</u></li> </ul>	Operations	02/15/98	FRC approved
03-03	<u>Local/Non-Local Travel Guidelines</u>	Administrative	03/23/92	FRC approved

26-01	<u>Loss Control Program</u>	Operations	08/02/82	FRC approved
23-08	<u>MCFRTA Student Requirements</u>	Operations	01/20/03	FRC approved
23-09	<u>MCFRTA Registration Procedure</u>	Operations	01/20/03	FRC approved
07-01	<u>Media Relations for MCFRS</u>	Administrative	06/10/04	FRC approved
01-05	<u>Medical Standards for Operational Members &amp; Candidates of the MCFRS</u> <ul style="list-style-type: none"> <li>• <u>Cross Reference</u> - <u>Fire Rescue Directive #06-07</u> - <u>Annual Process for Volunteer Fire &amp; Rescue Service Provider Physicals</u></li> <li>• <u>Cross Reference</u> - <u>Fire Chief General Order #05-15</u> - <u>Annual Physicals for Volunteer Service Providers</u></li> </ul>	Operations	06/21/2005	FRC approved
24-06AMII	<u>METRO Incident SOPs</u> <ul style="list-style-type: none"> <li>• <u>Cross Reference</u> - <u>Fire Rescue Directive #00-17</u> - <u>METRO Tunnel Communication Changes</u></li> </ul>	Operations	01/20/03	FRC approved
06-08	<u>Montgomery County Fire Corps</u>	Administrative	09/15/08	FRC approved
25-07	<u>Natural Gas Incident Response</u>	Operations	04/01/96	FRC approved
25-04	<u>Non-Emergency Reassignm't of Apparatus</u>	Operations	11/14/00	FRC approved
01-04	<u>Office Automation Security Policy</u>	Administrative	07/01/98	FRC approved

22-02	<u>Pager Criteria Policy</u> <ul style="list-style-type: none"> <li>• <u>Cross Reference</u> - <u>Fire Rescue Directive #03-10</u> - <u>Minitor IV Pagers</u></li> </ul>	Operations	07/12/90	FRC approved
26-04	<u>Personnel/Unit Accountability</u>	Operations	01/01/98	FRC approved
26-02	<u>Personnel Hair Safety/Grooming Stds.</u>	Operations	02/13/92	FRC approved
03-07AM	<u>Procedures For Requests From State Of Maryland</u> <u>Sen. William H. Amoss Fire, Rescue, And Ambulance Fund</u>	Administrative	05/01/2006	FRC approved
06-06	Procedures for MCFRS Personnel Investigations	Administrative		FRC approved
03-01	<u>Purchase/Contract/Fixed Asset Mgmt</u>	Administrative	04/29/97	FRC approved
22-04	<u>Radio Procurement and Management Procedure</u>	Operations	12/10/2007	FRC approved
04-02	<u>Reassignment of LOSAP Program Resp.</u>	Administrative	05/23/01	FRC approved
02-01	<u>Records Management System (RMS)</u> <ul style="list-style-type: none"> <li>• <u>(RMS) Contingency Plan</u></li> <li>• <u>Cross Reference</u> - <u>Fire Chief General Order #05-17</u> - <u>(RMS) Compliance - Phase 2</u></li> <li>• <u>Cross Reference</u> - <u>Fire Chief General Order #05-05</u> - <u>Record Management System (RMS)</u></li> </ul>	Administrative	11/15/2004	FRC approved
23-02	<u>Requirements for EMS Membership</u>	Operations	12/13/94	FRC approved

26-06AM	<u>Respiratory Protection Policy</u>	Operations	4/15/2005	FRC approved
25-01	<u>Response Areas</u>	Operations	09/08/94	FRC approved
21-04AM	<u>Response Policy for ALS 1st Responding Apparatus</u>	Operations	05/01/04	FRC approved
06-07	<u>Return to IECS from Extended Absence</u>	Operations	09/20/08	FRC approved
26-03	<u>Safety While on Apparatus</u>	Operations	05/23/91	FRC approved
25-03	<u>Specialty Teams Policy</u>	Operations	03/01/00	FRC approved
01-07AM	<u>Standardized Identification &amp; Safety Graphics Scheme for County-Owned Fire and Rescue Service Apparatus</u> <ul style="list-style-type: none"> <li>• <u>Appendix A – Community Designations by Station Areas</u></li> <li>• <u>Appendix B – COG Unit and Radio Designations List</u></li> <li>• <u>Appendix C Page 1– Graphics Example: Engine and Rescue Squads</u></li> <li>• <u>Appendix C Page 2– Graphics Example: Engine and Rescue Squads</u></li> <li>• <u>Appendix C Page 3– Graphics Example: Engine and Rescue Squads</u></li> <li>• <u>Appendix C Page 4– Graphics Example: Engine and Rescue Squads</u></li> <li>• <u>Appendix D Page 1– Graphics Example: Truck and Aerial Towers</u></li> <li>• <u>Appendix D Page 2– Graphics Example: Truck and Aerial Towers</u></li> <li>• <u>Appendix D Page 3– Graphics Example: Truck and Aerial</u></li> </ul>	Administrative	12/01/2006	FRC approved

	<p><u>Towers</u></p> <ul style="list-style-type: none"> <li>• Appendix D Page 4– <u>Graphics</u> Example: Truck and Aerial Towers</li> <li>• Appendix E Page 1– <u>Graphics</u> Example: EMS Units</li> <li>• Appendix E Page 2– <u>Graphics</u> Example: EMS Units</li> <li>• Appendix E Page 3– <u>Graphics</u> Example: EMS Units</li> <li>• Appendix E Page 4– <u>Graphics</u> Example: EMS Units</li> </ul>			
01-05	<u>Standardized Log Book Policy</u>	Administrative	07/01/99	FRC approved
24-08	<u>SOP for Helicopter Landings</u>	Operations	04/15/00	FRC approved
24-07AMII	<p><u>SOP for Safe Structure FF Operations</u></p> <ul style="list-style-type: none"> <li>• <u>Amended SOP with FCGOs</u></li> </ul> <p>Note: This document has the new FCGO language included in the regulation for the convenience and edification of the new operating procedures in the Safe Structural FF policy.</p>	Operations	12/01/2005	FRC approved
26-08	<p><u>Substance Abuse and Rehab</u></p> <ul style="list-style-type: none"> <li>• Attachment – <u>Substance Abuse Appendices</u></li> </ul>	Operations	01/27/2009	FRC approved
26-07AM	<u>Using &amp; Wearing Of Traffic Safety Vests During Emergency Incidents On Arterials, Highways &amp; Streets</u>	Operations	06/01/2005	FRC approved
24-04	<u>Vehicle Accident Response</u>	Operations	04/01/95	FRC approved
23-04	<u>Vol. Membership Category: EMS Member</u>	Operations	12/08/94	FRC approved

03-04	<u>Vol. Recruitment Cash Award Program</u>	Administrative	11/30/89	FRC approved
03-02	<u>Volunteer Standby Food Program</u>	Administrative	01/12/89	FRC approved
04-01	<u>Workers' Compensation Claims</u>	Administrative	02/28/91	FRC approved

## **MCFRS Policies NOT Approved by FRC & FESC**

### **Federal, State, and Private Grant Applications, FCGO No.08-06**

On May 19, 2008, The Fire Chief issued Fire Chief's General Order No. 08-06, Federal, State, and Private Grant Applications. The Chief requested the Fire and Rescue Commission to approve this order.

### **Code of Ethics and On-Duty Personal Conduct, Executive Regulation (amend)**

The Fire Chief introduced a draft regulation, Code of Ethics and On-Duty Personal Conduct to the Fire and Rescue Commission on April 2008. The proposal was authored by MCFRS staff and Associate County Attorney Bernadette Lamson. The intent of the amended regulation was to align the policy in compliance with current law. The draft document was sent to Notice and Opportunity as required in the Collective Bargaining Agreement.

### **Medical Standards for Operational Members and Candidates of MCFRS (amend)**

In 2008, the Fire Chief requested the MCFRS Division Chief of Wellness, Safety and Training to amend the Medical Standards of Operational Members and Candidates, Regulation to align the policy to the current NFPA Standards 1582. The Fire Chief met with the MCVFRA representatives to discuss the changes that MCFRS staff had proposed.

### **Assignment and Use of Authorized Complement of MCFRS Support Vehicles (amend)**

At the request of the County Council Public Safety Committee, the Fire Chief was requested to update the Assignment and Use of Fire/Rescue Support Vehicle Policy that was adopted by the Fire and Rescue Commission in July, 1996. MCFRS staff worked with Associate County Attorney Richard Melnick to incorporate changes that the Chief has proposed to the Vehicle Assignment Policy.

Testimony of Anita Powell, Chair  
Montgomery County Fire and Emergency Services

Bill 30-11, Fire and Emergency Services Commission – Duties  
Thursday, December 8, 2011

Today, I appear before you as the Chair of the Montgomery County Fire and Emergency Services Commission to provide testimony strongly opposing Bill 30-11, “Fire and Emergency Services Commission – Duties,” which would remove the authority of the commission to approve or disapprove certain policies and regulations presented to the commission by the Fire Chief.

It will also change the duties and responsibilities for which the commission was established; as well as allow for the commission to serve exclusively as an advisor to the Fire Chief.

Montgomery County Fire and Emergency Commission created by Bill 38-08, on August 1, 2009, provides an opportunity for the commission to exist as a public-private partnership with 3 public members, 2 career fire/rescue personnel and 2 volunteer local fire and rescue department personnel. As part of the partnership and during its monthly meetings, the commission has had opportunities to receive reports from the Montgomery County Volunteer Fire and Rescue Association and it does shows that they work very closely with the Fire Chief.

To place this commission in an advisory role to the Fire Chief will destroy a true combination system that is viable and is recognized as a full public/private partnership between the public, career and volunteer members. Advising the Fire Chief will not carry forth the same weight, provide checks and balances, or even allow for clarification when and if needed on the Fire Chief’s General Orders. A true partnership in a combination system working together is valuable to our fire service and county residents because of our participation.

The voting record of the commission included in the Montgomery County Fire and Rescue Service, Office of the Fire Chief, Policy and Procedures, pages 23-33, for today’s Worksession on Bill 30-11, proves that we have continually acted in a timely, productive and responsible manner.

In fact, this record shows that we approved almost 98% of the policies presented to the commission, with the exception of the “Assignment and Use of Fire/Rescue Support Vehicle Policy” where the Fire Chief was asked

to clarify language that was in the policy of which he agreed to do. This example demonstrates that we are working with the Fire Chief and his Department and not standing in his way to prevent him from managing and leading the Fire and Rescue Service.

I wish I can present you with a detailed analysis of the commission's voting record, but I cannot... I cannot do it because in response to my request to staff to develop a summary of the Fire Chief's General Orders presented to the commission, I received an e-mail from staff stating that he could not provide the summary in the timeframe requested because of his work load. I received a response from Fire Chief also upon request of the same information, he said that the request was "extremely labor intensive" (as in e-mail) and could not be completed in said time.

With the staff work load and extreme labor needed to produce such record I was very surprise when I saw it in your package. However, this exchange proves one more time what essential service our commission provides to the public and to the services of county residents. The fact that that such a simple request made to staff last week to produce a summary and hereby appears today, I could have included an analysis of the same information to you as part of my testimony. Again, this shows that we need to continue to work with the Fire Chief and his staff to insure that the public is involved in the decisions vital to the citizens of Montgomery County.

Because we were not provided with this document ahead of time, and did not have time to analyze the voting record of all policies, we ask you to postpone your vote on Bill 30-11 until we have had time to review what has been presented to you and submit our comments at a later date.

Thank you.

Written Testimony of  
Ron Ogens, Commissioner  
Montgomery County Fire and Emergency Services

Bill 30-11, Fire and Emergency Services Commission – Duties  
Thursday, December 8, 2011

In approximately 1980, when the first Fire and Rescue Commission was created, the impetus for its birth was that it served to meet the needs created by special circumstances, in particular, that fire, rescue, and emergency medical services in Montgomery County were delivered through a combination system of professionally trained career and volunteer firefighters and emergency service providers. The seven member commission consisted of two volunteer representatives, two career representatives, and three public members. The commission served in many ways as a buffer between the needs and wants of the component parts of the fire and rescue service, and also served as a control on the interplay primarily between these components.

Since its creation, the various commissions which followed the original Fire and Rescue Commission, the power to be the ultimate arbiter has remained fixed as a core principle, proposed and approved by many County Executives and Councils, all of whom saw the wisdom of retaining a commission to have oversight over the Montgomery County Fire and Rescue Service, subject to ultimate decision by the Executive and Council. There has been no material change in that need, nor in any circumstances that warrant a change.

While some may believe that certain actions taken by a majority of the commission with respect to corporation vehicles were unfortunate and may have been perceived as an attempt to serve special interests which are not consistent with the budget and policy constraints which are now in existence, the Executive and ultimately the Council retain authority over this and any other issue through the budget process.

I note that some have questioned why a commission would have the power that the FESC currently has, when other commissions do not. Without looking into each board or commission's powers and duties, I reiterate that the FESC and its predecessor commissions were created, continued, and maintained to meet special facts and circumstances which continue to exist.

Personal Testimony of Chris J. Zervas, Vice Chairman

Fire & Emergency Services Commission

Bill 30-11 – Fire & Emergency Services Commission: Duties

December 8, 2011 Work Session [Revised – December 28, 2011]

Chairman Andrews and Council Members Berliner and Elrich, my name is Chris Zervas, the Vice Chairman of the Fire & Emergency Services Commission (FESC). I have been asked by the Commission's Chairperson, Ms. Anita Powell, to appear before you, in her stead, to address matters concerning proposed Bill 30-11, and to present/submit to you her personal statement.

I would also like to outline for you my perspective on proposed Bill 30-11 which, if enacted, would undo and likely eliminate forevermore, the consent component of Bill 38-08 which went into effect on August 1, 2009, and will leave to the Commission only the function of advisement. Bill 38-08 reads, in relevant part: *"The FESC recommends and comments on legislation, regulations, and policies that apply to or affect the Fire and Rescue Service; and must review and may approve or disapprove any generally applicable Fire and Rescue policy or regulation proposed by the Fire Chief, including any regulation that may be issued by the County Executive."*

The Commission's composition –two career fire service members, two volunteer fire service members and three public members, – was established, in large part, to help ensure that these important stakeholders have an active voice in important Montgomery County Fire and Rescue Service (FRS) matters/decisions.

During the past couple of FESC meetings, all sitting Commissioners participated in discussions regarding Bill 30-11. There emerged, in its November meeting, a clear consensus which was followed by a 'straw vote', that the Commission should retain their approval/disapproval authority. All three public members and the two volunteer representatives voted to maintain the FESC's present authority. The Commissioner representing IAFF Local 1664 mentioned that, as yet, the union had not taken a specific stand on the issue, but they were leaning toward supporting the retention of the existing authority. The Commissioner representing the FRS' Chief Officers clearly stated that the FESC should be only an *advisory* body and not be able to veto any of the Fire Chief's initiatives.

The Commission's members attempted to recall past actions with regard to sanctioning or not sanctioning submitted proposals. To the best of our collective knowledge, only one of the Fire Chief's General Orders, out of all the many other proposed FCGOs submitted to it, received the Commission's disapproval. All other FCGOs received its approval and, for the most part, full support. Thus, in my opinion, the Commission's role and actions have been anything but obstructionistic. In the one single instance in which an FCGO was disapproved, mine was the swing vote. The purpose of the disapproval was not intended to kill the proposal but rather to encourage its reworking so that it would better reflect and address all stakeholders' interests and perspectives. I found ninety-plus percent of this FCGO agreeable and long-needed, and saw the one or two aspects objected to could be quickly pursued in a different manner or at a later date.

Although I felt that the Commission was somewhat surprised that Chief Bowers took the strong position he did on the above matter, the Commission, I believe, did not wish to level criticism at his decision to seek unfettered authority. Indeed, the Commission's members have all expressed that they hold Chief Bowers in very high regard, both personally and professionally, and feel the County has been most fortunate to have a person of his, and his predecessor, Tom Carr's caliber and character as the leaders of the County's Fire & Rescue Service. The position in no way reflected a desire to restrict or limit this particular Chief's decision-making authority. Rather, it was the Commission's position, as stated by several members, that no Chief should be in a position of holding *absolute* authority and that no legislative action should be enacted on the strength of one individual's personality, character, and/or talents. It was felt that legislation should reflect a general safeguarding of the public good and that the granting of unrestricted power to a single person, in many opinions, does not provide such a check and balance safeguard.

It is very understandable that any leader of an organization desires unfettered, full control of his/her operation, and in the instance of Chief Bowers, he exercises control appropriately and well. Unquestionably, under certain situations, a fire chief must invoke or delegate absolute authority, such as on fire grounds, during mass-casualty incidents, or when potential or imminent life-threatening conditions exist. Every person in power wants, and should have, the ability to lead. However, history is replete with instances of absolute power denying free expression and little or no true opportunity to be constructively critical, offer suggestions, or make meaningful proactive contributions to the common goal. No individual is all-knowing, nor do time and demands on a leader always permit him to be open and attentive to the concerns of all his constituent groups. That is why the FES Commission, in its current form, exists.

Reportedly, no other County Board, Committee, or Commission (BCC) has the authority to block an agency head from implementing any initiative it deems inappropriate, ill advised, or contrary to the public good. Notwithstanding this fact, is it not also true that no other BCC has oversight of an organization with paid and a large volunteer force such as our FRS is? Our county is extremely fortunate to have this workforce synergy, all portions of which are well-trained, equipped, and dedicated to excellence.

The strength of such an organization can only be maintained by ensuring that all its important components have a voice in how the organization operates. It is against human nature to expect people to continue to care, be productively active, and manifest all the valued characteristics of commitment if they cannot be heard by those who run the organization. The simple advisory component, by itself, will just not cut it. If the Commission is to be meaningful and truly perform its function and responsibility of communicating to you, the executive and the fire chief, the vantage point of the workforces, other stakeholders, and in particular, the public, then it has to be able to say the occasional "no", as well as the expected "yes."

Thank you for providing me this opportunity to discuss this important matter with you. I look forward to personally addressing questions you likely will have.

Councilman Phil Andrews,

December 28, 2011

I appreciated and thank you for the recent opportunity to appear before the Council's Public Safety Committee on the issue of the Fire & Emergency Service Commission's (FESC) advise and consent authority. I would like to provide you with the following clarification: The Commission had taken, at its November meeting, only a straw vote on their considered opinion regarding Bill 30-11. Therefore, to date, an official vote has not taken place. In the straw vote, all three public members and the two Volunteer Representatives voted to maintain the FESC's present authority. The Commissioner representing IAFF Local 1664 mentioned that, as yet, the union had not taken a specific stand on the issue but that they might be were leaning toward retaining the existing authority. The Commissioner representing the FRS' Chief Officers clearly stated that the FESC should only be an *advisory* body and not be able to veto any of the Fire Chief's initiatives.

I appeared before you on December 8, 2011, as the vice chair of the Commission, at the request of the FESC's Chair, due to a work commitment which prevented her from attending personally. The purpose of my presentation was to provide you with my own detailed opinion which supported the aforementioned straw vote. Please understand, since the FESC members do not permit any single member, including its chair, to officially represent the FESC, without a majority vote specifically authorizing representation, I intend to revise and will resubmit my 12/8/11 testimony to ensure that it is clearly stated as my own opinion. At its December 8, 2011 meeting, the FESC members in attendance (personally or telephonically) discussed who should speak or not speak for the FESC and did not discuss what its official position will be regarding Bill 30-11. At the FESC January meeting, I intend to make a motion in opposition to the current effort to remove the consent portion of the FESC's authority.

Thank you, again,

Chris J. Zervas  
Vice Chairman  
Fire & Emergency Services Commission

cc: Council Member Roger Berliner  
Council Member Marc Elrich



MONTGOMERY COUNTY FIRE AND EMERGENCY SERVICE COMMISSION

January 17, 2012

Councilmember Phil Andrews, Chair  
Public Safety Committee  
100 Maryland Avenue, 6<sup>th</sup> Floor  
Rockville, Maryland 20850

Dear Councilmember Andrews:

On Thursday, January 12<sup>th</sup>, 2012 the Fire and Emergency Services Commission (FESC) met as regularly scheduled to conduct its monthly business associated with the Montgomery County Fire and Rescue Service.

As it relates to Bill 30-11, the Commission passed a motion to request that the Public Safety Committee (PSC) recommend to the full Council that the FESC responsibilities related to assisting the Fire Chief with the annual budget process be removed. Particularly in recent years, this has become a complex issue which goes beyond the needs of the Fire and Rescue Service and requires the Fire Chief to interact with the County Executive, the Director of Management and Budget, and other staff. Nevertheless, under current practice, the Fire Chief does submit his budget to the FESC at its next meeting after the County Executive makes public his budget recommendations, and the FESC would provide comments if it has a serious concern relative to the safe and timely delivery of Fire, Rescue, and Emergency Services to the citizens of and visitors to Montgomery County.

The Commission has discussed in detail the proposed bill which would change the duties of the Commission from approval/disapproval of the Fire Chief's General Orders and policies. After such discussion, the Commission passed a Motion by which it directed the preparation of this letter by which we advise that the FESC requests that it retain its current approval authority over all other items currently identified in the law. This motion passed six (6) for and one (1) against. The intent of this motion was to illustrate the FESC desire to continue providing a vital service to Montgomery County and the Fire and Emergency and Rescue Service. The authority currently granted to the FESC is very limited, as it should be, since the change in law which was coincident with the creation of the post of County Fire Chief. In retaining the approval/disapproval power of the FESC, Council was following a long line of decisions by Council dating from 1980, and which were in keeping with discussions and negotiations with the various elements of the Fire and Rescue Service.

The FESC request to remove its responsibilities and authority related to the annual budgeting process relates only to the actual construction of the annual budget from Fire Chief's office. This should allow the Fire Chief to manage the budgeting process in coordination with other County Department Heads more effectively. The intent is not to eliminate the FESC ability to approve or disapprove Chief's Orders, Regulations, Policy statements, etc.

The current FESC was created on August 1, 2009 after Bill 38-08 was enacted. This restructured the commission and its powers to better fit the current Fire Service model in Montgomery County. Since then, the FESC has only disapproved one Policy and has on numerous occasions offered constructive comments and suggestions that have produced better and more effective policies and Chief's Orders. The transparency that is necessary to run a modern Fire Service is what drives this FESC to continue to provide professional and necessary comments and suggestions to the Fire Chief. Montgomery County has a very strong combination department, made up of both equally trained Career and Volunteer. Both the Montgomery County Career Firefighter's Union Local 1664 and the Montgomery County Volunteer Fire and Rescue Association have indicated their desire that the FESC retains its powers as currently assigned.

Safety of our citizens and of our emergency providers is always of high concern to everyone associated with the Fire and Emergency Services. The Fire Chief currently has the authority to act immediately and without approval on any and all Safety issues and critical Chief's Orders and Policy Changes. The impact of removing the approval authority of the FESC would have no effect on emergency safety within the Fire Service.

Finally, some have indicated to us that no other board or commission has the power to approve or disapprove the decisions of a department head. While there is some questions as to whether that position is correct, i.e. Board of Appeals, Ethics Commission, it must be remembered that the primary driver for the creation of the FESC and its predecessors was the unique system in Montgomery County for delivery of fire, rescue, and emergency medical services through a combined system. The FESC believes that it and its predecessors played a very key role in making the Montgomery County Fire and Rescue Service one of the top departments in the Nation, one of which we can all be justly proud.

I had hoped to be able to provide you with detailed information on the voting record of the Commission that would document that there has only been the one issue that was not passed. Unfortunately, that request that was made of staff to provide me with the requested information has not been received at this time. Hopefully, we will be able to provide you with that needed information prior to the upcoming Public Safety Committee meeting.

The FESC would like to thank the PSC and Council for the continued chance to serve Montgomery County.

Sincerely,

Anita Powell, Chair  
Fire and Emergency Services Commission

cc: Fire and Emergency Services Commissioners  
Montgomery County Council/Public Safety Committee Members



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett  
*County Executive*

Richard R. Bowers  
*Fire Chief*

January 17, 2012

To: Montgomery County Council Public Safety Committee

From: Fire Chief Richard Bowers

Subject: Bill 30-11

Thank you for the opportunity to respond to the request of the Public Safety Committee regarding the FESC's approval and disapproval authority.

I have taken a considerable amount of time to review the types of issues, policies, and procedures that should or should not be within the FESC's jurisdiction as requested by the Public Safety Committee. After careful thought and review by the Fire Chief, the FESC should not have approval and disapproval authority to any related FRS administrative or operational, Executive Regulations, policies or procedures. Rather the FESC should be advisory to the Fire Chief on FRS matters. I truly believe that this is best for the county residents and the fire and rescue services.

The present FESC process of approval and disapproval authority of the administrative and operational FRS items:

1. Is inefficient and ineffective
2. Is not needed because both represented groups have notice and opportunity rights
3. Is in conflict with the County Charter ~215 for a single officer as head
4. Effects and impacts my ability to lead and manage the FRS

Thank you,

Fire Chief Richie Bowers

Office of the Fire Chief

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101 Monroe Street, 12<sup>th</sup> Floor, Rockville, Maryland, 20850-2589 240/777-2446, FAX 240/777-2443

*Serving with dedication, courage and compassion*