

Bill No. 38-08  
Concerning: Fire and Rescue  
Commission - Abolition  
Revised: 3/24/09 Draft No. 2  
Introduced: December 9, 2008  
Enacted: March 24, 2009  
Executive: \_\_\_\_\_  
Effective: August 1, 2009  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Leventhal, Knapp, Elrich, and Ervin

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**AN ACT** to:

- (1) abolish the Fire and Rescue Commission; [[and]]
- (2) create a Fire and Emergency Services Commission; and
- (3) generally amend the law regarding fire and rescue services.

By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-39A

Chapter 19A, Ethics  
Sections 19A-16A and 19A-17

Chapter 21, Fire and Rescue Services  
Sections 21-1 through 21-3, 21-5, 21-7 through 21-16, 21-18, 21-19, 21-21 through 21-24,  
21-26, 21-27, and 21-30

Chapter 22, Fire Safety Code  
Section 22-8

<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 **19A-17. Who must file financial disclosure statements.**

29 \* \* \*

30 (b) The following persons must file a confidential financial disclosure  
31 statement under oath:

32 \* \* \*

33 (4) [Members of the Fire and Rescue Commission;] Members of the  
34 Fire and Emergency Services Commission;

35 [(5)] (5) paid members of any board, commission, committee, or  
36 authority of County government, including members of the Board  
37 of License Commissioners, the Revenue Authority, and the  
38 Housing Opportunities Commission;

39 [(6)] [(5)] (6) \* \* \*

40 [(7)] [(6)] (7) \* \* \*

41 [(8)] [(7)] (8) \* \* \*

42 \* \* \*

43 **21-1. Statement of policy; definitions.**

44 \* \* \*

45 (c) *Definitions.* As used in this Chapter, the following terms have the  
46 following meanings:

47 \* \* \*

48 [*Commission:* the Fire and Rescue Commission.] Commission: the Fire  
49 and Emergency Services Commission.

50 \* \* \*

51 *Volunteer:* an individual who, without salary, performs fire, rescue,  
52 emergency medical, or related services as provided in this Chapter with  
53 the Montgomery County Fire and Rescue Service. [Compensation or

54 expense reimbursement for service on the Commission is not salary for  
 55 purposes of this definition.]

56 **21-2. [Fire and Rescue Commission] [[Reserved]] Fire and Emergency Services**  
 57 **Commission.**

58 [(a) Established; membership.

59 (1) There is a County Fire and Rescue Commission composed of 7  
 60 voting members appointed by the County Executive and  
 61 confirmed by the County Council. Two members must be County  
 62 career fire/rescue personnel, 2 members must be volunteer local  
 63 fire and rescue department personnel, and 3 members must have  
 64 no personal, family, or business connection with the County  
 65 volunteer or career fire and rescue services. Each member must  
 66 be a resident of the County. The members should reside in  
 67 various geographic areas of the county and have a variety of  
 68 occupational backgrounds.

69 (2) The Executive should appoint a person from a list of at least 5  
 70 volunteer local fire and rescue department personnel submitted  
 71 by the LFRD representative each time the Executive appoints a  
 72 member who must be a volunteer local fire and rescue  
 73 department member. The Executive should appoint a person from  
 74 a list of at least 5 career firefighters or rescuers submitted by  
 75 organizations composed of career fire or rescue personnel each  
 76 time the Executive appoints a member who must be a career  
 77 firefighter or rescuer. If a list was submitted as provided in this  
 78 paragraph and the Executive appoints a person whose name was  
 79 not on that list to a Commission position reserved for a career  
 80 firefighter or rescuer or volunteer local fire and rescue

81 department member, the Executive must explain to the Council  
 82 why no person on the list was selected. If the Executive requests  
 83 a list under this paragraph from the appropriate organizations and  
 84 does not receive a list of at least 5 candidates within 30 days, the  
 85 Executive may appoint a qualified person without explaining why  
 86 no person was selected from a list.

87 (3) The Fire Chief and any Division Chief are not eligible to serve on  
 88 the Commission while holding that position.

89 (4) Each member serves a term of 3 years. A member must not serve  
 90 more than 2 full terms, not counting any portion of an unexpired  
 91 term, unless the Executive cites an extraordinary reason to  
 92 reappoint the member for one or more additional terms. Each  
 93 term begins August 1. A member serves until the member's  
 94 successor is confirmed.

95 (5) The Commission annually must designate one of its public  
 96 members as chair and another public member as vice-chair. The  
 97 vice-chair serves as chair in the absence of the chair.]

98 [(b) Vacancy. Any vacancy on the Commission must be filled in  
 99 subsection (a). If in the case of an unscheduled vacancy the Executive  
 100 requests a list under subsection (a) from the appropriate organizations  
 101 and does not receive a list of at least 5 candidates within 15 days, the  
 102 Executive may appoint a qualified person without explaining why no  
 103 person was selected from a list. A replacement member serves for the  
 104 remainder of the original term.]

105 [(c) Compensation. Compensation for commission members is established  
 106 by the County Council in the annual operating budget. A Commission  
 107 member who is a County employee or employee of a local fire and

108 rescue department is entitled to the same compensation as any other  
 109 Commissioner, unless required by any federal or state wage and hour  
 110 law to receive different compensation. Funds for these payments must  
 111 be included in the budget of the Commission submitted to the Council.  
 112 The Council must make any changes in compensation when it adopts  
 113 the annual operating budget. Commission members must be reimbursed  
 114 for reasonable expenses as defined in the operating budget.]

115 [(d) Duties, responsibilities and authority.

116 (1) The Commission must recommend how the County can:

117 (A) achieve and maintain effective, efficient, and equitable  
 118 fire, rescue, and emergency medical services County-wide,  
 119 and

120 (B) improve the policy, planning, and regulatory framework  
 121 for all fire, rescue and medical service operations.

122 (2) The Commission must meet at least monthly, and may meet at  
 123 other times at the call of the chair or a majority of the members.

124 (3) The Commission, in addition to any other functions assigned by  
 125 law or Executive regulation, may:

126 (A) advise the Fire Chief, County Executive, and County  
 127 Council on any matter relating to fire, rescue and  
 128 emergency medical services, and review the performance  
 129 of the County Fire and Rescue Service and any action  
 130 taken or policy adopted by the Service;

131 (B) advise the Chief, Executive, Council on County-wide  
 132 policies, standards, procedures, plans, and programs that  
 133 should apply to all fire, rescue, and emergency medical  
 134 service operations;

- 135 (C) review and make recommendations regarding the master  
 136 plan for fire, rescue, and emergency medical services as  
 137 provided in Section 21-12;
- 138 (D) recommend and comment on legislation, regulations, and  
 139 policies that apply to or affect the Fire and Rescue Service;
- 140 (E) review and recommend any appropriate changes in  
 141 communications and dispatch procedures for emergency  
 142 communications centers;
- 143 (F) recommend guidelines for curriculum and programs of the  
 144 Public Safety Training Academy and other training  
 145 programs for Fire and Rescue Service employees and  
 146 volunteers;
- 147 (G) recommend to the Chief, Executive, and Council a benefits  
 148 program to provide financial protection for volunteers and  
 149 their families if a volunteer becomes injured, disabled, or  
 150 dies in the line of duty;
- 151 (H) after consulting the LFRD representative, recommend to  
 152 the Chief, Executive, and Council policies and programs to  
 153 recruit and retain volunteers; and
- 154 (I) promote coordination with other County-wide, regional,  
 155 state, and national emergency management agencies and  
 156 activities.
- 157 (4) The Commission must review and may approve or disapprove  
 158 any generally applicable Fire and Rescue Service policy or  
 159 regulation proposed by the Fire Chief, including any regulation  
 160 that may be issued by the Executive under this Chapter. Before  
 161 taking any action under this paragraph, the Commission must

162 give the Fire Chief, LFRD representative, employee organization,  
 163 and the public a reasonable opportunity to comment. If the  
 164 Commission does not approve or disapprove a proposed policy  
 165 within 60 days after receiving it from the Chief, the policy is  
 166 automatically approved. If the Commission does not approve or  
 167 disapprove a proposed regulation within 60 days after receiving it  
 168 from the Chief, the regulation is automatically transmitted to the  
 169 Executive for review. This paragraph does not apply to:

- 170 (A) any decision expressly assigned to another person or body
- 171 by this Chapter; or
- 172 (B) any individual personnel action.]

173 [(e) Meetings with County Executive. The Commission must meet with the  
 174 County Executive or the Chief Administrative Officer periodically to  
 175 discuss matters under the Commission's purview.]

176 [(f) Annual report. The Commission must forward to the County Executive  
 177 and County Council an annual report describing Commission  
 178 recommendations and activities.]

179 [(g) Automatic membership termination. Any Commissioner who is absent  
 180 from 25 percent or more of the scheduled meetings of the Commission  
 181 during any 6-month period has resigned from the Commission. In this  
 182 subsection, “scheduled meetings” means any meeting that takes place at  
 183 least 7 days after notice of the meeting. The effective date of the  
 184 resignation is 10 days after the Fire Chief notifies the County Executive,  
 185 County Council, and Commission. The Executive may waive the  
 186 resignation for good cause, such as illness, emergency situations, or  
 187 other extenuating circumstances. If the Executive waives a resignation  
 188 under this subsection, the Executive must notify the Commission, the

189 Council, and the member in writing and explain why the resignation  
 190 was waived. If the Executive does not grant a waiver, the Executive  
 191 must appoint a successor to complete the unexpired term as provided in  
 192 subsection (b).]

193 \* \* \*

194 [(h) Removal. The County Executive, with the approval of the County  
 195 Council, may remove any Commission member for cause.]

196 (a) Established; membership.

197 (1) There is a County Fire and Emergency Services Commission,  
 198 composed of 7 voting members appointed by the County  
 199 Executive and confirmed by the County Council. Two members  
 200 must be County career fire/rescue personnel, 2 members must be  
 201 volunteer local fire and rescue department personnel, and 3  
 202 members must have no personal, family, or business connection  
 203 with the County volunteer or career fire and emergency services.  
 204 Each member must be a resident of the County. The members  
 205 should reside in various geographic areas of the county and have  
 206 a variety of occupational backgrounds.

207 (2) The Executive should appoint a person from a list of at least 5  
 208 volunteer local fire and rescue department personnel submitted  
 209 by the LFRD representative each time the Executive appoints a  
 210 member who must be a volunteer local fire and rescue  
 211 department member. The Executive should appoint a person  
 212 from a list of at least 5 career firefighters or rescuers submitted by  
 213 organizations composed of career fire or rescue personnel each  
 214 time the Executive appoints a member who must be a career  
 215 firefighter or rescuer. If a list was submitted as provided in this

216 paragraph and the Executive appoints a person whose name was  
217 not on that list to a Commission position reserved for a career  
218 firefighter or rescuer or volunteer local fire and rescue  
219 department member, the Executive must explain to the Council  
220 why no person on the list was selected. If the Executive requests  
221 a list under this paragraph from the appropriate organizations and  
222 does not receive a list of at least 5 candidates within 30 days, the  
223 Executive may appoint a qualified person without explaining why  
224 no person was selected from a list.

225 (3) The Fire Chief and any Division Chief are not eligible to serve on  
226 the Commission while holding that position.

227 (4) Each member serves a term of 3 years. A member must not serve  
228 more than 2 full terms, not counting any portion of an unexpired  
229 term, unless the Executive cites an extraordinary reason to  
230 reappoint the member for one or more additional terms. Each  
231 term begins August 1. A member serves until the member's  
232 successor is confirmed.

233 (5) The Commission annually must designate one of its public  
234 members as chair and another public member as vice-chair. The  
235 vice-chair serves as chair in the absence of the chair.

236 (b) Vacancy. Any vacancy on the Commission must be filled as provided  
237 in subsection (a). If in the case of an unscheduled vacancy the  
238 Executive requests a list under subsection (a) from the appropriate  
239 organizations and does not receive a list of at least 5 candidates within 15  
240 days, the Executive may appoint a qualified person without explaining  
241 why no person was selected from a list. A replacement member serves  
242 for the remainder of the original term.

- 243           (c) Compensation. A Commission member is not entitled to compensation  
244           for service on the Commission. Each Commission member must be  
245           reimbursed for reasonable travel and dependent care expenses, as  
246           appropriated in the operating budget.
- 247           (d) Duties, responsibilities and authority.
- 248           (1) The Commission must recommend how the County can:
- 249                   (A) achieve and maintain effective, efficient, and equitable fire,  
250                   rescue, and emergency medical services County-wide, and
- 251                   (B) improve the policy, planning, and regulatory framework  
252                   for all fire, rescue and emergency services operations.
- 253           (2) The Commission must meet at least monthly, and may meet at  
254           other times at the call of the chair or a majority of its members.
- 255           (3) The Commission, in addition to any other functions assigned by  
256           law or regulation, may:
- 257                   (A) advise the Fire Chief, County Executive, and County  
258                   Council on any matter relating to fire, rescue and  
259                   emergency medical services, and review the performance  
260                   of the County Fire and Rescue Service and any action  
261                   taken or policy adopted by the Service;
- 262                   (B) advise the Chief, Executive, and Council on County-wide  
263                   policies, standards, procedures, plans, and programs that  
264                   should apply to all fire, rescue, and emergency services  
265                   operations;
- 266                   (C) review and make recommendations regarding the master  
267                   plan for fire, rescue, and emergency medical services as  
268                   provided in Section 21-12;

- 269                    (D) recommend and comment on legislation, regulations, and  
 270                    policies that apply to or affect the Fire and Rescue Service;  
 271                    (E) review and recommend any appropriate changes in  
 272                    communications and dispatch procedures for emergency  
 273                    communications centers;  
 274                    (F) recommend guidelines for curriculum and programs of the  
 275                    Public Safety Training Academy and other training  
 276                    programs for fire and emergency services employees and  
 277                    volunteers;  
 278                    (G) recommend to the Chief, Executive, and Council a benefits  
 279                    program to provide financial protection for volunteers and  
 280                    their families if a volunteer becomes injured, disabled, or  
 281                    dies in the line of duty;  
 282                    (H) after consulting the LFRD representative, recommend to  
 283                    the Chief, Executive, and Council policies and programs to  
 284                    recruit and retain volunteers; and  
 285                    (I) promote coordination with other County-wide, regional,  
 286                    state, and national emergency management agencies and  
 287                    activities.
- 288                    (4) The Commission must review and may approve or disapprove  
 289                    any generally applicable Fire and Rescue Service policy or  
 290                    regulation proposed by the Fire Chief, including any regulation  
 291                    that may be issued by the Executive under this Chapter. Before  
 292                    taking any action under this paragraph, the Commission must  
 293                    give the Fire Chief, LFRD representative, employee organization,  
 294                    and the public a reasonable opportunity to comment. If the  
 295                    Commission does not approve or disapprove a proposed policy

296 within 60 days after receiving it from the Chief, the policy is  
297 automatically approved. If the Commission does not approve or  
298 disapprove a proposed regulation within 60 days after receiving it  
299 from the Chief, the regulation is automatically transmitted to the  
300 Executive for review. This paragraph does not apply to:

301 (A) any decision expressly assigned to another person or body  
302 by this Chapter; or

303 (B) any individual personnel action.

304 (e) Meetings with Executive. The Commission must meet with the  
305 Executive or the Chief Administrative Officer periodically to discuss  
306 matters under the Commission's purview.

307 (f) Annual report. The Commission must forward to the Executive and  
308 Council an annual report describing Commission recommendations and  
309 activities.

310 (g) Removal. The Executive, with the approval of the Council, may remove  
311 any Commission member for cause.

312 **21-3. Fire Chief; Division Chiefs.**

313 \* \* \*

314 (d) \* \* \*

315 The Division Chief must:

316 \* \* \*

317 (3) assist LFRD's in training, risk management, use and maintenance  
318 of apparatus, budget preparation, and formulating department  
319 policy and recommendations to the Chief [and Commission] and  
320 Commission;

321 \* \* \*

322 (e) The Fire Chief must appoint an Internal Affairs Officer[, after  
323 considering any recommendation by the Commission] after considering  
324 any recommendation by the Commission. The Officer must assist the  
325 Chief in monitoring compliance with County laws, regulations, policies,  
326 and procedures and investigate matters assigned by the Chief.

327 \* \* \*

328 [(h) The Chief must provide staff and other support to the Commission,  
329 subject to appropriation.]

330 (h) The Chief must provide staff and other support to the Commission,  
331 subject to appropriation.

332 **21-5. Functions of local fire and rescue departments.**

333 \* \* \*

334 (b) Each local fire and rescue department must furnish any information  
335 requested by the Fire Chief [or the Commission] or the Commission  
336 regarding operations, administration, volunteer participation, or any  
337 other aspect of fire, rescue, or emergency medical services.

338 (c) If the Fire Chief, after giving a local fire and rescue department a  
339 reasonable opportunity to respond, finds that the department has not  
340 complied with this Chapter or any other applicable County law,  
341 regulation, or policy, the County Executive may impound some or all of  
342 the tax funds designated for that local fire and rescue department. The  
343 Chief must administer the non-complying local fire and rescue  
344 department’s fire and rescue services responsibilities, and may use the  
345 impounded funds for that purpose. The Chief immediately must report  
346 to the [Commission,] Council[,] and Executive about the local fire and  
347 rescue department’s non-compliance and must provide a status report 30  
348 days later. After reviewing each report, the Executive must revoke,

349 extend, or modify the impoundment of funds, consistent with the  
 350 Chief's finding of whether the local fire and rescue department has  
 351 complied with the County law, regulation, or policy.

352 (d) The County Attorney, with the approval of the County Executive, may  
 353 take any legal action necessary to assist the Fire Chief [and the  
 354 Commission] in enforcing this Chapter and all other applicable laws,  
 355 regulations, and policies concerning fire and rescue services in the  
 356 County.

357 \* \* \*

358 **21-7. Appeals of certain disciplinary actions.**

359 (a) *Jurisdiction.* Except as provided in subsection (g), the [Commission]  
 360 Merit System Protection Board must hear and decide each appeal filed  
 361 by a volunteer firefighter or rescuer aggrieved by an adverse final action  
 362 of the Chief or a local fire and rescue department involving the removal,  
 363 demotion, or suspension of, or other disciplinary action applied  
 364 specifically to, that individual as if the individual were a County merit  
 365 system employee.

366 (b) *Filing Appeals.* Any party covered by this Section may appeal the  
 367 action within 30 days after the action unless another law or regulation  
 368 requires that an appeal be filed sooner. An appeal must not stay the  
 369 disputed action.

370 (c) *Procedures.* The [Commission] Executive by regulation must establish  
 371 procedures for hearing and deciding appeals under this Section. The  
 372 regulation must specify which categories of appeals may be heard by a  
 373 hearing examiner or otherwise must be decided on the basis of a written  
 374 record. The [Commission] Merit System Protection Board must hear an  
 375 appeal if it complies with all applicable [Commission] procedures. If

376 the [Commission] Board receives more than one appeal involving the  
377 same individual personnel action, the [Commission] Board must  
378 consolidate the appeals.

379 (d) *Subpoenas.* The chair of the [Commission] Merit System Protection  
380 Board or a hearing examiner considering the case may issue a subpoena  
381 for the attendance of a witness and the production of any document, and  
382 may administer oaths, in any proceeding. The [Commission] Board or  
383 any party to the proceeding may file a petition with any court with  
384 jurisdiction to enforce a subpoena as provided by law for the  
385 enforcement of subpoenas in a civil action. All provisions of law that  
386 compel a person under subpoena to testify apply to proceedings under  
387 this Chapter.

388 (e) *Depositions.* When relevant to any proceeding and for use as evidence,  
389 the [Commission] Merit System Protection Board or a hearing examiner  
390 considering the case may allow a party to depose a witness in the  
391 manner and on the terms designated by the [Commission] Board or  
392 hearing examiner if:

393 (1) the witness cannot be subpoenaed; or

394 (2) the witness cannot attend a hearing.

395 (f) *Appeals of [Commission] Board decisions.* [Except as provided in  
396 subsection (g), a volunteer at a local fire and rescue department may  
397 appeal a decision of the Commission concerning a specific personnel  
398 action, or the failure to take any such action, to the Merit System  
399 Protection Board as if the appellant were a County merit system  
400 employee.] Any aggrieved party may appeal the decision of the Board  
401 to any court with jurisdiction under the rules governing appeals from

402 administrative agencies, and may appeal any adverse decision of that  
403 court to the Court of Special Appeals.

404 (g) *Exceptions.* This Section does not apply to, and the [Commission]  
405 Board must not consider an appeal of, a personnel matter subject to an  
406 employee grievance procedure[:

407 (1)] under a collective bargaining agreement[;

408 (2) under County personnel laws and regulations; or

409 (3) otherwise subject to a complaint or appeal to the Merit System  
410 Protection Board].

411 **21-8. Integrated Emergency Command Structure.**

412 (a) The County Executive[, after receiving Commission approval under  
413 Section 21-2(d)(4)], after receiving Commission approval under Section  
414 21-2(d)(4), must adopt by regulation an Integrated Emergency  
415 Command Structure (IECS) that is consistent with the National Incident  
416 Management System and applies to all IECS certified providers of fire,  
417 rescue and emergency medical services, on all emergency incidents.  
418 The Chief regularly must review the IECS regulation and propose  
419 amendments as necessary.

420 \* \* \*

421 **21-8A. Standardized Incident Management System.**

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

426 \* \* \*

427 **21-9. Disaster plan.**

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

433 **21-10. Response areas.**

434 The Fire Chief[, after receiving Commission approval under Section  
 435 21-2(d)(4),] after receiving Commission approval under Section 21-2(d)(4), must  
 436 establish response areas served by each fire or rescue station that collectively cover  
 437 the entire County. The boundaries of a response area are generally the mid-points in  
 438 road distances between that station and the nearest fire or rescue stations. However,  
 439 the response area boundaries must consider geographic or other features that affect  
 440 dispatch operations.

441 **21-11. Communications procedures and dispatch times.**

442 The Fire Chief[, after receiving Commission approval under Section  
 443 21-2(d)(4),] after receiving Commission approval under Section 21-2(d)(4), must  
 444 establish comprehensive and consistent communications and dispatch procedures that  
 445 maintain appropriate allowable dispatch times for all fire and rescue units and  
 446 promote public safety.

447 **21-12. Master fire, rescue, and emergency medical services plan.**

448 (a) The [Commission] Fire Chief must [review the] draft a master fire,  
 449 rescue, and emergency medical services plan [on an ongoing basis][[.]]  
 450 and must propose any appropriate amendments to the [Fire Chief,]  
 451 Executive[,] and Council. The master plan must include at least:

452 \* \* \*

453 (b) The Fire Chief must draft the master plan and any amendments in  
 454 coordination with [the Commission,] the Commission, the local fire and  
 455 rescue departments, the Maryland-National Capital Park and Planning  
 456 Commission, the health systems planning agency, the Washington  
 457 Suburban Sanitary Commission, other County departments, the  
 458 Metropolitan Washington Council of Governments, the U.S.  
 459 Department of Homeland Security, and any other interested parties.  
 460 The County Council[, the Commission,], the Commission, and any local  
 461 fire and rescue department may ask the Fire Chief to consider an  
 462 amendment to the plan at any time. The Fire Chief must conduct at  
 463 least one public hearing before proposing any significant amendment.  
 464 The County Executive must forward the master plan or any amendment  
 465 proposed by the Fire Chief, along with any comments, to the County  
 466 Council, which may approve the master plan as proposed or with  
 467 amendments.

468 \* \* \*

469 **21-13. Temporary transfer of apparatus.**

470 The County Executive[, after receiving Commission approval under Section  
 471 21-2(d)(4),] after receiving Commission approval under Section 21-2(d)(4), must  
 472 adopt a regulation establishing policies for the long- or short-term transfer of  
 473 apparatus. The Fire Chief, when authorized by regulation, may transfer any  
 474 apparatus purchased in whole or in part with tax funds, including any apparatus titled  
 475 to a local fire and rescue department. The Chief must provide as much advance  
 476 notice as possible before transferring apparatus. The regulation must not require the  
 477 transfer of any apparatus that was not purchased with any County tax funds, except in  
 478 an emergency.

479 **21-14. Assumption of command by County government.**

480 The County Executive or a designee may assume operational and  
 481 administrative command of any facility or apparatus of a local fire and rescue  
 482 department that provides fire, rescue, or emergency medical services under Section  
 483 21-5 if the Executive finds that the local department is unable or refuses to provide  
 484 fire, rescue, or emergency medical services in accordance with this Chapter. Except  
 485 during a public emergency, the Executive must give the local department a  
 486 reasonable opportunity to respond before assuming command. This assumption of  
 487 command may continue until the County Council by resolution, after consulting the  
 488 Fire Chief [and Commission] and Commission, directs otherwise.

489 **21-15. Performance auditing.**

490 The County Executive, the County Council, [the Commission,] the  
 491 Commission, the Chief Administrative Officer, and the Fire Chief, or their designees,  
 492 may conduct performance audits of any local fire and rescue department to make  
 493 budget, management, or legislative recommendations. An audit must be conducted  
 494 in a reasonable manner with as much advance notice as feasible. Officers, members,  
 495 and employees of each local fire and rescue department must cooperate fully and  
 496 provide any data requested by the auditor.

497 **21-16. Personnel administration for local fire and rescue departments.**

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

505 \* \* \*

506 **21-18. Training requirements and certification standards.**

507 (a) The County Executive[, after receiving Commission approval under  
 508 Section 21-2(d)(4),], after receiving Commission approval under  
 509 Section 21-2(d)(4), must issue regulations establishing training  
 510 requirements for all active fire, rescue, and emergency medical services  
 511 personnel in the Fire and Rescue Service, including the local fire and  
 512 rescue departments, consistent with the Integrated Emergency  
 513 Command Structure.

514 \* \* \*

515 (d) The Chief must ensure that all feasible opportunities are available for  
 516 volunteers to meet the standards for advancement. The Chief must  
 517 report annually to the [Commission,] Commission, Executive[,], and  
 518 Council on the availability and implementation of County training  
 519 programs for volunteer firefighters and rescuers.

520 **21-19. Code of ethics and personal conduct.**

521 The County Executive[, after receiving Commission approval under Section  
 522 21-2(d)(4),], after receiving Commission approval under Section 21-2(d)(4), must  
 523 issue regulations establishing a code of ethics and on-duty personal conduct that is  
 524 consistent with applicable law, including Chapters 19A and 27. The code must apply  
 525 to all fire, rescue, and emergency medical services personnel, including  
 526 administrative personnel. The code must specify prohibited conduct and the  
 527 procedures and actions available to address any violation. The Fire Chief may refer a  
 528 matter to the County Ethics Commission or Human Rights Commission.

529 **21-21. Length of service award program for volunteers.**

530 \* \* \*

531 (k) *Point system.* To qualify as an active volunteer under subsection (a), a  
 532 volunteer accumulates points under this subsection during each calendar

year that are not transferable to another year. An individual must not receive points for any activity performed as a County employee.

\* \* \*

(4) (A) Elected and Appointed Position – 25 points maximum per calendar year for any combination of service in eligible and appointed positions as follows:

- (1) 25 points for completing a one-year term in an eligible elected or appointed position; and
- (2) 2 points for each full month of service in any eligible elected or appointed position during a term of less than one year.

(B) The Fire [and Rescue Commission] Chief annually must [approve] designate a list of the elected and appointed positions eligible to earn points. The list must include:

\* \* \*

- (vi) member of [a committee of the Commission, the Fire Board, or] a committee of the Commission or the Maryland State Firemen's Association (MSFA);

\* \* \*

(6) Participation in Department or Station Responses — 30 points maximum for responding on at least the number of calls indicated in the appropriate column below:

Total department/station call responses per year	000 to 999	1000 to 7499	7500 or more
Responses required to earn 1 point, if not qualified for maximum 30 points	2	4	5

Responses per year required to receive maximum 30 points	50	100	120
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555 The [Commission] Chief annually must determine for each LFRD whether the total  
 556 annual calls must be computed by department or by station.

557 \* \* \*

558 (8) Collateral Duties – 25 points maximum: Each qualified activity  
 559 for the LFRD that lasts at least 4 hours earns 1 point. The  
 560 [Commission] Chief annually must [approve] designate a list of  
 561 the collateral duties under which a volunteer may perform  
 562 qualified activities, such as apparatus and building maintenance;  
 563 fire prevention and education activities; fund raising activities;  
 564 and administrative or auxiliary duties.

565 \* \* \*

566 **21-22. Budget preparation.**

567 (a) Each local fire and rescue department supported in whole or in part with  
 568 tax funds must prepare an annual budget recommendation that describes  
 569 its requirements with appropriate justification in a format prescribed by  
 570 the County Executive. Each department’s budget recommendation  
 571 must be submitted to the Fire Chief by the deadline set by the Chief.

572 (b) The Fire Chief must prepare [and submit to the Commission for its  
 573 review and comment] and submit to the Commission for its review and  
 574 comment a unified Fire and Rescue Service budget, including the  
 575 proposed budgets for local fire and rescue departments and the staff and  
 576 compensation proposed for [the Commission and] the LFRD  
 577 representative.

578 (c) The [Commission] Chief must forward the [Commission’s comments  
 579 on the Fire Chief’s] Commission’s comments and recommendations on

580 the Chief's proposed budget, together with a summary[,] and an  
 581 analysis of County-wide implications and relationships to applicable  
 582 provisions of the fire service master plan, [, and the Commission's  
 583 recommendations on the proposed budget,] to the County Executive for  
 584 review and submission to the County Council as required by the County  
 585 Charter. The [Commission] Chief must transmit [its comments] the  
 586 proposed budget to the Executive by the deadline established by the  
 587 Executive.

588 \* \* \*

589 **21-23. Taxation.**

590 \* \* \*

591 (b) *Tax levy and collection.* The County Council may levy a tax on each  
 592 \$100 of the assessed value of taxable property in the fire tax district at a  
 593 rate to yield an amount that the Council finds sufficient to fund:

594 \* \* \*

595 (3) the operation of [the Commission and] the Fire and Rescue  
 596 Service;

597 \* \* \*

598 **21-24. Fire tax funds.**

599 \* \* \*

600 (d) *Audit.* Financial transactions involving County fire tax funds must be  
 601 included in the annual audit required by the Charter. Copies of the  
 602 annual audit must be provided to the County Council[,], the  
 603 Commission, and each local fire and rescue department[, and the  
 604 Commission].

605 **21-26. Title to assets; sale or disposition.**

606 \* \* \*

607 (e) The County may accept title and all encumbrances to any fire, rescue,  
 608 or emergency medical service apparatus, equipment, facility or  
 609 property from any local fire and rescue department that requests the  
 610 transfer of title, even if the item is subject to an existing debt. The  
 611 Chief Administrative Officer must approve or reject the transfer [after  
 612 considering any recommendations by the Commission] after  
 613 considering any recommendation by the Commission. The Chief  
 614 Administrative Officer[, after considering the advice and  
 615 recommendations of the Commission,], after considering the  
 616 Commission’s advice and recommendations, must develop procedures  
 617 for the orderly disposition of assets of any local fire and rescue  
 618 department that is unable to provide fire, rescue, or emergency medical  
 619 services so that the assets continue to be used to provide fire, rescue,  
 620 and emergency medical services in that community.

621 \* \* \*

622 (g) For purposes of operation, the Chief Administrative Officer[, after  
 623 considering the advice and recommendations of the Commission,], after  
 624 considering the Commission’s advice and recommendations, must  
 625 assign fire stations when built or acquired to a local fire and rescue  
 626 department or, with the concurrence of the County Executive and  
 627 County Council, to the Fire and Rescue Service. This Section does not  
 628 preclude the Fire and Rescue Service from operating a fire station as  
 629 otherwise provided by law.

630 **21-27. Purchasing and contracting.**

631 The Fire Chief[, after receiving Commission approval under Section  
 632 21-2(d)(4),] , after receiving Commission approval under Section 21-2(d)(4), must

633 establish procedures, by regulation, that govern any purchase or contract by any  
 634 department that will be financed in whole or in part with tax funds.

635 **21-30. Hillandale.**

636 (a) There is hereby created a Fire Board of the Hillandale Volunteer Fire  
 637 Department, Inc., which is subject to this Chapter, the regulations and  
 638 policies of the [Commission] County, and the direction of the Fire  
 639 [Administrator] Chief. The board of trustees of the Hillandale  
 640 Volunteer Fire Department, Inc., constitute the Fire Board.

641 \* \* \*

642 **22-8. Report of fire and rescue incidents.**

643 (a) The Division of Fire and Rescue [Services] Operations and any local  
 644 fire and rescue department must report each incident involving the  
 645 delivery of, or a request to deliver, fire, rescue or emergency medical  
 646 services, to the Fire and Rescue Service in a manner prescribed by the  
 647 Fire [and Rescue Commission] Chief. Each report must include:

- 648 (1) the cause, origin, and circumstances of any fire, and any factors  
 649 contributing to its spread;
- 650 (2) the nature and extent of any personal injury or illness;
- 651 (3) details of any hazardous materials incident; and
- 652 (4) any other information that the [Commission] Chief requires.

653 (b) The Fire [Administrator] Chief, or the [Administrator's] Chief's  
 654 designee, is the custodian of each report submitted under this Section.

655 (c) A local fire and rescue department need not maintain any report after it  
 656 is submitted under this Section.

657 **Sec. 2. Effective Date; Transition.**

658 (a) This Act takes effect on August 1, 2009.

659 (b) Any reference in any law, regulation, or Fire and Rescue Service policy  
660 to the Fire and Rescue Commission must be treated as referring to the  
661 Fire and Emergency Services Commission created under Section 21-2,  
662 as amended by Section 1 of this Act, unless the context clearly indicates  
663 otherwise.

664 (c) In initially appointing the Fire and Emergency Services Commission  
665 under Section 21-2, the Executive must designate one career and one  
666 volunteer appointee to serve one year initial terms, one career appointee  
667 to serve a 2 year initial term, and one volunteer appointee to serve a 3  
668 year initial term, and one member of the public to serve a term of one  
669 year, one to serve a term of 2 years, and one to serve a term of 3 years.

670 *Approved:*

671

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Philip M. Andrews, President, County Council

Date

672 *Approved:*

673

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Isiah Leggett, County Executive

Date

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

675

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Linda M. Lauer, Clerk of the Council

Date