

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: April 1, 2009
Effective: August 1, 2009
Sunset Date: None
Ch. 5, Laws of Mont. Co. 2009

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Leventhal, Knapp, Elrich, and Ervin

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

Boldface	<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

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

535 * * *

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

539 (1) 25 points for completing a one-year term in an
 540 eligible elected or appointed position; and

541 (2) 2 points for each full month of service in any
 542 eligible elected or appointed position during a term
 543 of less than one year.

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

547 * * *

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

551 * * *

552 (6) Participation in Department or Station Responses — 30 points
 553 maximum for responding on at least the number of calls indicated
 554 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.

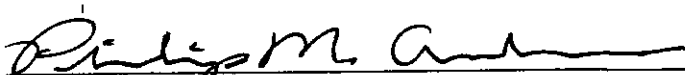
657 **Sec. 2. Effective Date; Transition.**

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

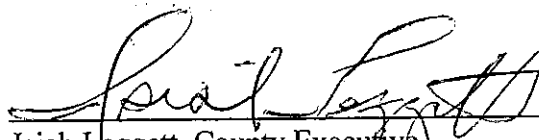
659 (b) Any reference in any law, regulation, or Fire and Rescue Service policy
660 to the Fire and Rescue Commission must be treated as referring to the
661 Fire and Emergency Services Commission created under Section 21-2,
662 as amended by Section 1 of this Act, unless the context clearly indicates
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  March 26, 2009
Philip M. Andrews, President, County Council Date

672 *Approved:*

673  April 1, 2009
Isiah Leggett, County Executive Date

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

675  April 2, 2009
Linda M. Lauer, Clerk of the Council Date