



**MEMORANDUM**

TO: Public Safety Committee

FROM:  Michael Faden, Senior Legislative Attorney  
Essie McGuire, Senior Legislative Analyst 

SUBJECT: **Worksession:** Bill 7-13, Emergency Medical Transportation – Use of Revenue – Amendment  
**Worksession:** FY14 Operating Budget MCFRS

Bill 7-13, Emergency Medical Transportation – Use of Revenue – Amendment, sponsored by the Council President at the request of the County Executive, was introduced on March 5, 2013.

Bill 7-13 would set aside 15% of the net Emergency Medical Services Transport (EMST) Insurance Reimbursement Program revenue to be allocated for the benefit of the local fire and rescue departments (LFRD's). This Bill would implement the Memo of Understanding that the Executive signed with the Montgomery County Volunteer Fire and Rescue Association (MCVFRA) in 2012 (see ©9-11). A public hearing was held on April 2 at which all speakers – then-Fire Chief Bowers, representing the County Executive, and representatives of the MCVFRA – endorsed the Bill.

**Amendments** Council staff **recommends** that the Committee adopt 2 amendments that all parties have reviewed without objection:

**Amendment 1** (see ©12) would (a) delete language from the 2012 law that required the Fire Chief to specify each year in the annual operating budget how the funds allocated to the LFRD's would be used; and (b) clarify that any employees hired by the LFRD's using EMST funds are neither County employees nor members of a separate LFRD merit system.

**Amendment 2** (see ©13) would authorize the funds to be allocated under a procedure specified in the annual operating budget resolution, rather than allocate the funds in the resolution itself.

**Budget resolution** Council staff **recommends** that the Committee endorse language for the FY14 operating budget resolution to specify the procedure to allocate the LFRD funds. All parties have reviewed the language on ©14 without objection.

The budget provision would:

- establish two dates for distribution of the actual net revenues from the previous 6 months;
- reference an application and review process conducted by the MCVFRA and the Fire Chief; and
- include a reversion clause that allows the Fire Chief to reallocate any funds, if necessary, that have not been spent or encumbered by one year after they are distributed.

The MOU provides that the EMST reimbursement funds will be distributed to the LFRD's through a process similar to the one followed for State 508 Amoss grants. The Committee has extensively discussed the Amoss grant process in the past two years, and the MCVFRA, the LFRD's, and MCFRS have together made significant improvements in the distribution and implementation of these funds. The Committee continues to receive quarterly reports on LFRD expenditures of the Amoss funds, and recently requested that information on multi-year projects be added to these reports. The Amoss policy and a brief process summary are attached for Committee reference (see ©15).

The reversion clause in the proposed budget provision is similar to one that the Council has included in Amoss appropriation resolutions. Its intent is to let the MCVFRA and the Fire Chief review projects with unencumbered funds, identify any problems, and work toward resolution. As the Committee has discussed, this clause does not prevent LFRD's from saving funds for large projects, and so far has been used very rarely to revert Amoss funds.

Council staff understands that MCVFRA has already conducted an application process and has identified projects to fund based on earlier revenue projections. Given the uncertainty of EMST revenue over the next several months, MCVFRA and the Fire Chief may need to develop a priority list or approach to decide how funds will be distributed in FY14.

Council staff agrees that the Amoss policy framework is a useful starting point for the FY14 process. MCVFRA and the Fire Chief should develop a formal policy for the EMST revenue. Council staff suggests that the Committee save time in the fall for an update on this policy development and other implementation issues.

This packet contains:

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Bill No. 7-13  
Concerning: Emergency Medical  
Transportation – Use of Revenue -  
Amendment  
Revised: 9/4/2012 Draft No. 1  
Introduced: March 5, 2013  
Expires: September 5, 2014  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: [date]  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) establish the percentage of emergency medical transport revenue to be allocated for the benefit of local fire and rescue departments; and
- (2) expand the purposes for which a local fire and rescue department may spend emergency medical transport revenue.

By amending

Montgomery County Code  
Chapter 21, Fire and Rescue Service  
Section 21-23A

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

Sec. 1. Section 21-23A is amended as follows:

**21-23A. Emergency Medical Services Transport Insurance Reimbursement Program.**

\* \* \*

(h) Use of Revenue.

\* \* \*

(3) (A) [A percentage of this account, which the Council must specify annually in the operating budget resolution, must be used to replace or augment apparatus owned and staffed by local fire and rescue departments and training, gear, and equipment for local fire and rescue departments.] 15% of the net Emergency Medical Services Transport Insurance Reimbursement Program revenue must be allocated in the annual operating budget resolution for the benefit of local fire and rescue departments for:

- (i) replacement or augmentation of apparatus owned by a local fire and rescue department;
- (ii) facilities owned by a local fire and rescue department;
- (iii) training for volunteers;
- (iv) gear and equipment for volunteers;
- (v) administrative staff to support a local fire and rescue department;
- (vi) volunteer recruitment and retention; and
- (vii) volunteer stand-by support.

(B) As part of the Executive's operating budget submission, the Fire Chief must transmit a plan for use of funds

designated for local fire and rescue departments. The plan  
the Chief transmits must specify:

[(A)] (i) the amount of this account the Chief recommends to  
allocate to replace apparatus that is owned [and  
staffed] by local fire and rescue departments in the  
next fiscal year; and

[(B)] (ii) the amount of this account to allocate to facilities,  
training, gear, administrative staff, volunteer  
recruitment and retention, volunteer standby  
support, and equipment for volunteers.

\* \* \*

*Approved:*

\_\_\_\_\_  
Nancy Navarro, President, County Council

\_\_\_\_\_  
Date

*Approved:*

\_\_\_\_\_  
Isiah Leggett, County Executive

\_\_\_\_\_  
Date

*This is a correct copy of Council action.*

\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council

\_\_\_\_\_  
Date

# LEGISLATIVE REQUEST REPORT

Expedited Bill 7-13

*Emergency Medical Transportation – Use of Revenue - Amendment*

<b>DESCRIPTION:</b>	Requires the County's annual budget to allocate 15% of the net revenues from the Emergency Medical Transport Insurance Reimbursement Program to local fire and rescue departments.
<b>PROBLEM:</b>	The bill implements one component of an agreement between the County and the Montgomery County Volunteer Fire and Rescue Association (MCVFRA) regarding implementation of the Emergency Medical Transport Insurance Reimbursement Program.
<b>GOALS AND OBJECTIVES:</b>	The 15% allocation established in the bill replaces language in current law that requires the Council to make a determination each year as to how much should be allocated to local fire and rescue departments in the annual budget. Under the bill, the authorized uses of this allocation are expanded to include: (1) replacement or augmentation of apparatus owned by local fire and rescue departments; (2) a facility owned by a local fire and rescue department; (3) training for volunteers; (4) gear and equipment for volunteers; (5) administrative staff to support a local fire and rescue department; (6) volunteer recruitment and retention; and (7) volunteer stand-by support.
<b>COORDINATION:</b>	Montgomery County Fire and Rescue Service
<b>FISCAL IMPACT:</b>	See Fiscal Impact Statement.
<b>ECONOMIC IMPACT:</b>	See Economic Impact Statement.
<b>EVALUATION:</b>	
<b>EXPERIENCE ELSEWHERE:</b>	
<b>SOURCE OF INFORMATION:</b>	Michael Faden, Senior Legislative Attorney, 240-777-7905
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	Fire and Rescue Service operates County-wide.
<b>PENALTIES:</b>	Not applicable

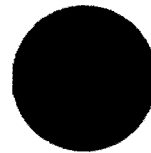


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MR.  
CC.  
SOF  
LL  
BOD  
ETC.OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850Isiah Leggett  
County Executive

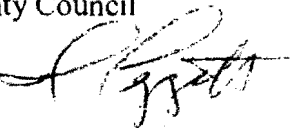
## MEMORANDUM

February 25, 2013

RECEIVED  
MONTGOMERY COUNTY

FEB 27 11 22

TO: Nancy Navarro, President, County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Proposed Legislation: Emergency Medical Transport Insurance Reimbursement Program – Use of Revenue

I am transmitting for Council introduction a bill that requires the County's annual budget to allocate 15% of the net revenues from the Emergency Medical Transport Insurance Reimbursement Program to local fire and rescue departments. I am also transmitting a Legislative Request Report, Fiscal Impact Statement and Economic Impact Statement for this bill. In a separate package transmitted simultaneously, I am recommending a supplemental appropriation to the FY13 Operating Budget of the Montgomery County Fire and Rescue Service in the amount of \$1,204,016 to fund the 15% allocation to the Montgomery County Volunteer Fire Rescue Association (MCVFRA) in FY13.

The 15% allocation established in the bill replaces language in current law that requires the Council to make a determination each year as to how much should be allocated to local fire and rescue departments in the annual budget. Under the bill, the authorized uses of this allocation are expanded to include: (1) replacement or augmentation of apparatus owned by local fire and rescue departments; (2) a facility owned by a local fire and rescue department; (3) training for volunteers; (4) gear and equipment for volunteers; (5) administrative staff to support a local fire and rescue department; (6) volunteer recruitment and retention; and (7) volunteer stand-by support.

The bill and supplemental appropriation implement one component of an agreement between the County and the MCVFRA regarding implementation of the Emergency Medical Transport Insurance Reimbursement Program. I am attaching a copy of that agreement. If you have any questions about this bill, please contact Assistant Chief Administrative Officer Kathleen Boucher at 240-777-2593 or Fire Chief Richard Bowers at 240-777-2435.

Attachments (4)

**Fiscal Impact Statement**  
**Bill xx-12 – Emergency Medical Transportation – Use of Revenue - Amendment**

**1. Legislative Summary**

The amendment would allocate 15 percent of net revenues from the Emergency Medical Services Transport Insurance Reimbursement Program to Local Fire and Rescue Departments (LFRDs) and expands the purposes for which a LFRD may expend the revenue. The legislation results from the Memorandum of Understanding (MOU) between the County and the Montgomery County Volunteer Fire Rescue Association (MCVFRA) regarding the use of EMS reimbursement revenue.

The amendment would allow the LFRDs to allocate this funding to replace or augment apparatus owned by the LFRDs, facilities, training, gear and equipment, administrative staff, volunteer recruitment and retention, volunteer standby support, and equipment for volunteers.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

The amendment would have no impact on total EMS reimbursement revenues or expenditures. But, because the bill allocates 15 percent of net revenues to the LFRDs, the funding available for other eligible purposes would be reduced by 15 percent. The amounts that would go to the LFRDs are shown below.

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

The last line on the chart shows the funding that would be set aside for the LFRDs:

	FY13	FY14	FY15	FY16	FY17	FY18	TOTAL
Revenue Projections	\$8,557,640	\$17,619,696	\$18,100,911	\$18,628,920	\$19,188,329	\$19,759,903	\$101,855,399
Implementation Costs	\$1,030,870	\$1,329,280	\$1,355,750	\$1,384,790	\$1,415,560	\$1,446,990	\$7,963,240
Available Revenue	\$7,526,770	\$16,290,416	\$16,745,161	\$17,244,130	\$17,772,769	\$18,312,913	\$93,892,159
LFRD Funding	\$1,129,016	\$2,443,562	\$2,511,774	\$2,586,620	\$2,665,915	\$2,746,937	\$14,083,824

**4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

Not applicable.

**5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

The bill does not authorize future spending.

**6. An estimate of the staff time needed to implement the bill.**

While not specifically addressed in the legislation, the MOU with the MCVFRA specifies that the distribution process would be similar to the Amoss grant process. The amount of



work effort to administer the payments to the LFRDs depends on how the funds are distributed and the proposed use of the funds. While this cannot be known with specificity at this time, MCFRS estimates it may require 0.50 FTE of work effort to administer the payments to the LFRDs.

**7. An explanation of how the addition of new staff responsibilities would affect other duties.**

See number 6 above.

**8. An estimate of costs when an additional appropriation is needed.**

An additional appropriation is required to implement this legislation. The County Executive has transmitted a supplemental appropriation request for \$1,204,016 related to this proposed legislation and to implement the MOU with the MCVFRA. MCFRS has received approval from the Department of Homeland Security (DHS), the granting agency, to use the SAFER grant funds as intended, which will free up EMS reimbursement revenue originally appropriated to provide a ladder truck in the First Battalion. The freed up revenue plus position lapse and previously unappropriated EMS revenue will provide the funding needed for the supplemental appropriation.

**9. A description of any variable that could affect revenue and cost estimates.**

The LFRDs would receive 15 percent of net revenue collected by the EMS reimbursement program. The variables affecting the estimate are the same as those that could affect gross revenues, which were listed in the FIS for the original legislation: fee rates charged, documentation to support billing, changes in Medicare and Medicaid reimbursement rates and regulations, changes in private insurance market rates, the number of transports performed annually by the FRS, changes in local health care costs, and the negotiated fee associated with third party billing.

**10. Ranges of revenue or expenditures that are uncertain or difficult to project.**

Not applicable

**11. If a bill is likely to have no fiscal impact, why that is the case.**

Not applicable


**12. Other fiscal impacts or comments.**

Not applicable

**13. The following contributed to and concurred with this analysis:**

Dominic Del Pozzo, Department of Fire and Rescue Service

Amy Wilson, Office of Management and Budget.

  
Jennifer A. Hughes, Director  
Office of Management and Budget

11/28/12  
Date

**Economic Impact Statement**  
**Emergency Medical Transportation – Use of Revenues**  
**Council Bill XX-12**

**1. The sources of information, assumptions, and methodologies used.**

Bill XX-12E, Emergency Medical Transportation – Use of Revenues would: 1) establish the percentage of revenue to be allocated for the benefit of the local fire and rescue departments (LFRDs); and 2) expand the purposes for which an LFRD may expend emergency medical transport revenue.

Based on our review of the legislation we do not believe the legislation will have an economic impact since it only regulates how Emergency Medical Services Transport reimbursement revenue may be used but does not result in a change in the total amount of revenue generated.

**2. A description of any variable that could affect economic impact estimates.**

Not applicable

**3. The bill's positive or negative effect, if any, on employment, spending, saving, investment, incomes, and property values in the County.**

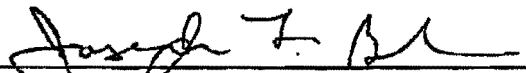
Not applicable

**4. If a bill is likely to have no economic impact, why that is the case.**

Based on our review of the legislation we do not believe the legislation will have an economic impact since it only regulates how Emergency Medical Services Transport reimbursement revenue may be used but does not result in a change in the total amount of revenue generated.

**5. The following contributed to and concurred with this analysis:**

David Platt, Department of Finance, Michael Coveyou, Department of Finance

  
\_\_\_\_\_  
Joseph F. Beach, Director  
Department of Finance

10/19/12  
\_\_\_\_\_  
Date

**Amended  
Memorandum of Understanding  
Between The County Executive of  
Montgomery County, Maryland  
And the  
Montgomery County Volunteer Fire Rescue Association**

**I. Recitals**

Whereas, the County Executive of Montgomery County, Maryland (the "Executive") and the Montgomery County Volunteer Fire Rescue Association (the "Association"), collectively referred to here in as the Parties, seek to improve communication and promote cooperation between the Parties as a means of enhancing the volunteer contribution to the County's combination volunteer-career emergency fire and rescue service and ultimately improving such services for residents of and visitors to the County; and

Whereas, the Parties through good-faith discussion and negotiation have identified specific measures to foster such communication and cooperation as described herein; and

Whereas, the Parties intend and agree that the commitments and obligations described in this Memorandum of Understanding ("MOU") are binding and enforceable;

It is hereby agreed as follows:

**II. Efforts to Ensure No Person Is Charged for EMS Transport**

The parties agree to work together to seek a legal basis satisfactory to the parties to achieve the policy goal that no person should receive from the County any out-of-pocket bill for that portion of the emergency medical service transport reimbursement charge that is not covered by the person's public or private insurance.

**III. Allocation of EMS Transport Fee**

A. The Parties agree that a portion of the revenue EMS Transport Fee program established in Legislative Bill 17-12 (as may be amended from time to time – this agreement is transferable to any amended law, policy or procedure involving an EMS Transport Fee program) shall be allocated to strengthening the volunteer component of the County's combination fire and rescue service.

B. The Executive agrees to propose an amendment for the Fiscal 2013 budget and in future annual budget submissions to the County Council that fifteen percent (15%) of net EMS Transport Fee program revenue be provided to the Local Fire and Rescue Departments (LFRD) for the purposes set forth in Section III.C of this MOU. The Executive further agrees that such proposed increases will be

supplemental to and not supplant the amount currently provided in the Montgomery County Fire and Rescue Service (MCFRS) Fiscal 2013 budget.

C. The Parties agree that the funds provided in this Section may be used for the following purposes: LFRD-owned facilities, apparatus, and equipment; supplies; training; volunteer recruitment and retention; stand-by support; and administrative personnel. The Parties further agree that such funds may not be used for any other purpose, including but not limited to fundraising, political activities or lobbying activities. Parties agree to jointly propose amending the current law to allow for funds to also be used for facilities and hiring administrative personnel.

D. The Parties agree that the funds provided in this Section shall be disbursed to the Association and allocated among the LFRDs in a manner similar to that used to allocate funds to the LFRDs under the state's Section 508 AMOSS Grant Funds and follow the Montgomery County Fire and Rescue Service Policy 03-07 AM procedures for the allocation process but not the internal Montgomery County departmental administrative review and sign off for the distribution of the funds.

E. If an LFRD requests EMS reimbursement funds for apparatus replacement or augmentation, the LFRD must submit to the Fire Chief a volunteer staffing plan for the apparatus unless a volunteer staffing plan for the apparatus already exists. The Fire Chief and MCVFRA President will review and consider each request following the approval process for use of EMS reimbursement funds set out in paragraph D., above.

F. The Executive also agrees to support legislation that would codify the allocation described in Section III.B and C of this MOU in County law.

#### **IV. Development and Implementation of Fire/Rescue Policy**

A. On or about January 1 of each year, the Fire Chief would propose and submit to the Association a list of issues on which he plans to develop a new policy, regulation or general order during that year. The Fire Chief shall solicit input from the LFRDs through the Association prior to the submission of the list. The Fire Chief agrees to refrain from proposing new policies, regulations or general orders not on the list absent exigent or extenuating circumstances. The Association, working with the LFRDs, agrees to use the opportunities created by this process to provide substantive and timely input to the Fire Chief to foster more effective planning and analysis in the policy formulation and development process.

B. To further promote communication and cooperation in the policy formulation and development process, the Fire Chief shall (absent exigent or extenuating circumstances) provide the Association with advanced notice and copies of draft policies, regulations and general orders at least 45 days in advance of formal publication for notice and comment.

C. The Fire Chief shall create and maintain County-Volunteer Working Groups to assist in policy formulation and development, and it is the intent of the Parties that to the maximum extent possible future policies, regulations and general orders would be formulated and developed through these joint Working Groups. The volunteer members of such Working Groups shall be appointed by the Association President. The Fire Chief shall create such Working Groups for the following areas: Apparatus and Vehicles, Equipment, Facilities, EMS, Training, and Operations.

#### **V. Areas for Bargaining Between the County and Association**

- A. The Parties agree that the following issues are subject to bargaining under the collective bargaining agreement between the County and the Association pursuant to Section 21-6 of the Montgomery County Code:
- use of vehicles titled to the LFRDs;
  - use of buildings and facilities owned by the LFRDs;
  - staffing of apparatus with volunteer personnel;
  - grants submitted by LFRDs to governmental organizations or private entities;
  - and
  - physical and other requirements for volunteer chief and operational officers.

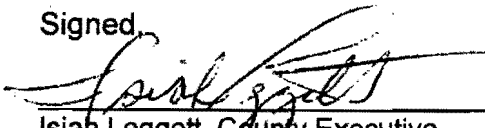
B. The Parties agree to begin discussions promptly on the issues in this Section with the goal of reaching agreements without the need for formal bargaining. If agreement cannot be reached between the Parties in a reasonable timeframe, the Parties agree to enter into formal bargaining on the issues unresolved in the above on the normal bargaining schedule.

#### **VI. Miscellaneous Provisions**


A. If any provision of this MOU is deemed by a court to be unlawful, the remaining provisions shall remain in full force and effect.

B. The Parties agree to a one-time-only (OTO) supplementation to the MCVFRA of \$75,000 in FY13 in accordance with our collectively bargained agreement.

Signed

  
Isiah Leggett, County Executive  
Montgomery County, Maryland

Date: 7-25-13

  
Marcine D. Goodloe, President  
Montgomery County Volunteer  
Fire and Rescue Association

Date: 2-15-13

## **Amendment 1**

### **To Bill 7-13, Emergency Medical Transportation – Use of Revenue - Amendment**

**By: County Executive**

PURPOSE: further clarify the uses of Emergency Medical Services Transport Insurance Reimbursement Program revenue, and specify the status of certain employees hired using this revenue.

***On ©2-3, amend lines 26-37 as follows:***

(B) [[As part of the Executive's operating budget submission, the Fire Chief must transmit a plan for use of funds designated for local fire and rescue departments. The plan the Chief transmits must specify:

[(A)] (i) the amount of this account the Chief recommends to allocate to replace apparatus that is owned [and staffed] by local fire and rescue departments in the next fiscal year; and

[(B)] (ii) the amount of this account to allocate to facilities, training, gear, administrative staff, volunteer recruitment and retention, volunteer standby support, and equipment for volunteers.]]

Any administrative staff hired or retained by a local fire and rescue department using revenue allocated under this Section is not a County employee or a member of the separate merit system referred to in Section 21-16(a).

## **Amendment 2**

### **To Bill 7-13, Emergency Medical Transportation – Use of Revenue - Amendment**

#### **By: Public Safety Committee**

PURPOSE: to further clarify the process to allocate certain Emergency Medical Services Transport Insurance Reimbursement Program revenue.

*On ©2, amend lines 7-15 as follows:*

- (3) (A) [A percentage of this account, which the Council must specify annually in the operating budget resolution, must be used to replace or augment apparatus owned and staffed by local fire and rescue departments and training, gear, and equipment for local fire and rescue departments.] 15% of the net Emergency Medical Services Transport Insurance Reimbursement Program revenue must be allocated under a procedure specified in the annual operating budget resolution for the benefit of local fire and rescue departments for:

F:\LAW\BILLS\1307 EMT Use Of Revenue-Amendment\Amendment 2.Doc

**Budget resolution language:**

As required by County Code §21-23A(h)(3)(A), the County Fire and Rescue Service (MCFRS) must use the following procedure to allocate for the benefit of local fire and rescue departments (LFRD's) 15% of the net Emergency Medical Services Transport (EMST) Insurance Reimbursement Program revenue (after deducting costs of implementing the Reimbursement Program) appropriated in this resolution for the purposes authorized in §21-23A(h)(3)(A):

- (a) Each LFRD may apply for funds under an application process conducted by the Montgomery County Volunteer Fire and Rescue Association (MCVFRA). MCVFRA must forward the results of that process to the Fire Chief by a date set by the Fire Chief. The Fire Chief must approve the final allocation for each LFRD and project.
- (b) By October 15, 2013, MCFRS must distribute to LFRD's 15% of the actual amount of revenue received in the restricted EMST Reimbursement account attributable to FY13 (after deducting EMST Reimbursement Program implementation costs), as calculated by the Department of Finance following year-end audit requirements.
- (c) By April 15, 2014, MCFRS must distribute 15% of the actual amount of revenue received in the restricted EMST Reimbursement account attributable to FY14 from July 1, 2013 to December 31, 2013 (after deducting EMST Reimbursement Program implementation costs), as calculated by the Department of Finance after a mid-year reconciliation of the funds in the account.
- (d) Any funds distributed under this procedure must be spent or encumbered by each LFRD to which funds are assigned no later than one calendar year after the last date funds are distributed (respectively, October 15, 2014 or April 15, 2015). Any funds that an LFRD does not encumber or spend by these dates automatically revert to MCFRS on October 15, 2014 or April 15, 2015 respectively. The Fire Chief must reallocate any funds reverted under this provision, consistent with §21-23A and other applicable State and County laws, regulations, policies, and guidelines.

The Fire Chief must report to the Council not later than October 15, 2013 and April 15, 2014: the total amount of funds in the restricted account; the total amount to be distributed to the LFRD's; each project and LFRD allocation; and the amounts distributed to and spent or encumbered by each LFRD to date, by project and fiscal year.

Any EMST Reimbursement Revenue attributable to FY14 that is not spent or encumbered by MCFRS by June 30, 2014, must remain in the restricted account and must not be spent unless reappropriated for a use allowed under County Code §21-23A.



### **Amoss Fund Process**

1. The LFRDs apply to the Amoss Fund Committee for Amoss funds that the County will distribute in the upcoming fiscal year
2. The committee reviews the LFRDs' requests and makes recommendations to the MCVFRA's Board of Directors
3. The committee notifies the LFRDs in writing of the board's decisions
4. LFRDs may appeal the board's decisions
5. The MCVFRA board submits final allocation recommendations to the Fire Chief
6. MCFRS personnel review requests that impact their areas of responsibility
7. The Fire Chief and MCVFRA President work through any differences
8. The Fire Chief's recommendations for allocations are transmitted to the County Executive and County Council
9. After County Council appropriates the funds, each LFRD signs an agreement with the county that stipulates how the funding allocated to that LFRD will be used
10. The County transmits the Amoss funds to the LFRDs
11. LFRDs may amend their agreements with the approval of MCFRS and MCVFRA
12. MCFRS tracks the expenditure of Amoss funds and is required to send a detailed report to the state by December 31<sup>st</sup> each year that shows unexpended funds as of June 30<sup>th</sup>



**POLICY AND PROCEDURE**  
**Montgomery County**  
**Fire and Rescue Service**

No. 03-07AM

DATE

05/1/06

TITLE

PROCEDURES FOR REQUESTS FROM STATE OF  
MARYLAND SEN. WILLIAM H. AMOSS FIRE, RESCUE,  
AND AMBULANCE FUND

Page 1 of 6

**MONTGOMERY COUNTY FIRE AND RESCUE SERVICE POLICY**

**PROCEDURES FOR REQUESTS FROM STATE OF MARYLAND  
SEN. WILLIAM H. AMOSS FIRE, RESCUE, AND AMBULANCE FUND  
FOR USE BY THE LOCAL FIRE DEPARTMENTS  
AND RESCUE SQUADS**

Issued by: MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Policy No. 03-07AM

Supersedes Policy No. 03-07

Authority: State of Maryland Article 38A, Section 45A-45D.; Montgomery County Code Section 21-2.(d)(2).; Hillandale vs. Montgomery County – Civil Case No. 24222.

Effective Date: May 1, 2006

**SUMMARY:** This policy amends the procedure facilitating the State of Maryland, Senator William H. Amoss Fund provided to the Local Fire and Rescue Departments (LFRDs) of Montgomery County, Maryland to ensure properly meeting the State's reporting requirements.

**Sec. 1. Purpose:** To establish a procedure for facilitating the application, allocation, and reporting process, as authorized by the State of Maryland, to provide Montgomery County's LFRDs with funding from the Senator William H. Amoss Fund.

**Sec. 2. Applicability:** This policy applies to the Montgomery County Fire and Rescue Service in the financial matters related to the Amoss Fund, and to all Montgomery County Local Fire and Rescue Departments that are the sole recipients of this fund.

**Sec. 3. Requirements:** The State of Maryland's criteria to receive, or distribute monies, and provide reports regarding the use of the Amoss Fund, must be adhered to in order to receive funding under Maryland Code, Public Safety, Title 8, Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

**Sec. 4. Definitions.**

- a. **Amoss Fund.** (Senator William H. Amoss Fire, Rescue and Ambulance Fund). The State of Maryland grants funds as part of an established State aid program for the local fire and rescue departments of the State of Maryland. These non-County tax funds are distributed through a procedure established by the State.



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- b. **Amoss Fund Committee ("Committee")**. The committee established by consent agreement by the Montgomery County Volunteer Fire Rescue Association (MCVFRA) as the authorized body to which all Local Fire and Rescue Departments (LFRDs) submit their requests for receipt of Sen. William H. Amoss Funds. The Amoss Fund Committee is authorized to recommend approval of Amoss Funds for the LFRDs, in accordance with this procedure.
- c. **Fire Chief**. The MCFRS Fire Chief who is appointed by the County Executive under Section 21-3 of the County Code, and serves as the Director of the Montgomery County Fire and Rescue Service.
- d. **Fire and Rescue Commission (FRC)**. The Commission that consists of seven members appointed by the County Executive, under Section 21-2 of the Montgomery County Code.
- e. **Local Fire and Rescue Department**. An individual fire or rescue squad corporation, authorized by Section 21-5 of the Montgomery County Code to provide fire and rescue services.
- f. **Montgomery County Volunteer Fire Rescue Association, Inc. (MCVFRA)**. An organization that represents the fire and rescue volunteers of Montgomery County, and the Local Fire and Rescue Departments.
- g. **Settlement Agreement**. Stipulation of settlement from Hillandale Vol. Fire Department, Inc. et al., vs. Montgomery County, Maryland, et al., Civil Action 24222, Circuit Court for Montgomery County, Maryland.

**Sec. 5. Procedure.**

- a. The **FRC** may recommend MCFRS system-wide priorities: to improve the efficiency and effectiveness of fire, rescue, and emergency medical services; to enhance the delivery of those services; to implement or demonstrate new or innovative service or delivery concepts; to improve training and operational readiness and capability; and to achieve strategic objectives. These priorities are recommended as guidelines.
- b. The **Amoss Fund Committee** will provide notification to the **LFRDs** regarding timeframes and application instructions for requesting funds. The **LFRDs'** applications to the **Amoss Fund Committee** must include justification for the items requested, as well as a status report of expenditures for the previous years' allocation, an explanation



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for any unspent **Amoss Funds** from prior years, and any other documentation that may be requested by the **Committee**.

- c. The **LFRDs** will prepare a list of resource requests, by priority, for submission to the **MCVFRA**. These submissions will be made according to the directions and deadlines set by the **MCVFRA**.
- d. Under the authority of **MCVFRA's** President and its Board of Directors, the **Amoss Fund Committee** will annually receive and review the **LFRDs'** requests for **Amoss-funded** projects for compliance with State and County laws. The **Committee** will make recommendations for allocation of requested funds submitted by the **LFRDs** to the **MCVFRA** Board of Directors for its final approval. After **MCVFRA** Board approval, the **Committee** will then notify the **LFRDs**, in writing, of **MCVFRA's** Board of Directors' recommended allocations to be submitted to the **Fire Chief**. The **LFRDs** may appeal the amount of recommended allocated funds for its projects to the **MCVFRA's** Board of Directors, in accordance with **MCVFRA's** established procedures. At the conclusion of the appeal process, the **Amoss Fund Committee** will submit its final recommendations to the **MCVFRA** Board of Directors, which will then forward the recommendations to the **Fire Chief**. **MCVFRA's** President will work directly with the **Fire Chief** on any questions or concerns regarding the **Amoss Fund** requests.
- e. The **LFRDs** may submit, or may be required to submit, additional information to **MCVFRA's** President or to the **Fire Chief** to support their requests for **Amoss Funds**.
- f. The **Fire Chief** will receive and respond to the **MCVFRA** President's recommendations on the **Amoss Funds** in a timely manner. Any differences between the **MCVFRA's** **Amoss Fund** requests and those of the **Fire Chief** will be settled by the **MCVFRA** President and the **Fire Chief**. The **Fire Chief's** recommendations for the annual **Amoss Fund** allocations, with comments from the **FRC** and the **MCVFRA**, are transmitted to the County Executive and County Council. The County Executive considers the recommendations, and then submits the annual **Amoss Fund** allocation recommendations to the County Council for its approval and appropriation.
- g. **Amoss Funds** will be used by the **LFRDs** as an addition to, and will not be substituted for, money appropriated or required by **MCFRS** for fire and rescue service protection.
- h. According to Maryland Code, Public Safety Title 8, **Amoss Funds** must not be used for:



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1. administrative costs;
2. compensation or fringe benefits for employees or members of the County government, or fire and ambulance companies;
3. expenses for travel or meals;
4. fuel, utility, or routine maintenance costs of facilities or apparatus;
5. acquiring new or replacement fire hydrants, water mains, or emergency alarm systems not installed at a fire, rescue, or ambulance facility;
6. insurance;
7. fundraising activities;
8. refinancing any debt or other obligation incurred before July 1, 1985;
9. replacing or repairing eligible items to the extent that insurance proceeds are available;
10. costs associated with the "911" emergency telephone system;
11. land or interests in land; and
12. any other items determined by the State to be ineligible.

i. According to Maryland Code, Public Safety, Title 8, **Amoss Funds** may be used only for:

1. acquiring or rehabilitating fire or rescue equipment, including ambulances;
2. acquiring or rehabilitating capital equipment used in connection with fire or rescue equipment; and
3. rehabilitating facilities used primarily to house firefighting equipment, ambulances, and rescue vehicles.



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- j. The **Fire Chief** will prepare and transmit grant agreements to the **LFRDs** within forty-five workdays of receiving the County Council's approved appropriation resolution for the **Amoss Funds**.
- k. Upon County certification, any reports required by the State will be provided to **MCVFRA's** President in a timely manner. However, the County will submit all **Amoss Fund** reports to the State of Maryland in the required time frame established by the State.
- l. Official correspondence received or sent by the County, relating to the annual allocations of distribution of State **Amoss Funds**, will be provided to **MCVFRA's** President in a timely manner.
- m. The **MCVFRA** and **Amoss Fund Committee** intend that the **Amoss Funds** approved by the County Council and distributed to the **LFRDs** are to be expended within 12 months of distribution to the **LFRD**, unless the distribution is related to a defined long-term project, or an extension or amendment is requested by the **LFRD**, and recommended by the **MCVFRA** Board of Directors and approved by the **Fire Chief**.
- n. All items purchased with **Amoss Funds** become the sole property of the **LFRD**.
- o. All items purchased with **Amoss Funds** will be titled in accordance with the **settlement agreement**.

**Sec. 6. Responsibilities.**

- a. The **LFRDs** must provide complete and accurate information to the **Amoss Fund Committee**, along with any other information the **Committee requests**, to facilitate the appropriate distribution of funds.
- b. The **Fire Chief** must ensure the timely distribution of funds.
- c. The **Amoss Fund Committee** must provide the **MCVFRA**, the **Fire Chief**, and the **LFRDs**, with all related information on the **Amoss Fund**.

**Sec. 7. Enforcement.** The Chief Administrative Officer or designee must verify that the disposition of **Amoss Funds** to the **LFRDs** complies with the requirements established by the State of Maryland and this procedure.



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Sec. 8. **Effective Date.** This policy is effective on May 1, 2006.

Attest:

**Signature on Original Document**

Thomas W. Carr, Jr., Chief  
Montgomery County Fire and Rescue Service

May 1, 2006

Date