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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 2-39A, 19A-16A, 19A-17, 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, 21-30, and 22-8 are amended as follows:

2-39A. Structure.

(a) Public-private partnership. The Montgomery County fire and rescue system is a public-private partnership, acting through the Montgomery County Fire and Rescue Service[, with the advice of the Fire and Rescue Commission], with the advice of the Fire and Emergency Services Commission.

* * *

19A-16A. Political activities of quasi-judicial officials.

* * *

(b) In this Section:

(1) County quasi-judicial official means:

* * *

(H) [a voting member of the Fire and Rescue Commission;]

[(I)] a member of a case review board of the Human Rights Commission;

[(J)] [(J)

[(K)] (J)

[(L)] (K)

[(M)] (L)

[(N)] (M)

[(O)] (N)

[(P)] (O)

[(Q)] (P)

* * *
28  19A-17.  **Who must file financial disclosure statements.**

* * *

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

* * *

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

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

[(6)] [(5)] (6) * * *

[(7)] [(6)] (7) * * *

[(8)] [(7)] (8) * * *

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

* * *

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

* * *

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

* * *

**Volunteer:** an individual who, without salary, performs fire, rescue, emergency medical, or related services as provided in this Chapter with the Montgomery County Fire and Rescue Service. [Compensation or
expense reimbursement for service on the Commission is not salary for purposes of this definition.]


(a) Established; membership.

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

(2) The Executive should appoint a person from a list of at least 5 volunteer local fire and rescue department personnel submitted by the LFRD representative each time the Executive appoints a member who must be a volunteer local fire and rescue department member. The Executive should appoint a person from a list of at least 5 career firefighters or rescuers submitted by organizations composed of career fire or rescue personnel each time the Executive appoints a member who must be a career firefighter or rescuer. If a list was submitted as provided in this paragraph and the Executive appoints a person whose name was not on that list to a Commission position reserved for a career firefighter or rescuer or volunteer local fire and rescue
department member, the Executive must explain to the Council why no person on the list was selected. If the Executive requests a list under this paragraph from the appropriate organizations and does not receive a list of at least 5 candidates within 30 days, the Executive may appoint a qualified person without explaining why no person was selected from a list.

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

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

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

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

[(c) Compensation. Compensation for commission members is established by the County Council in the annual operating budget. A Commission member who is a County employee or employee of a local fire and]
rescue department is entitled to the same compensation as any other Commissioner, unless required by any federal or state wage and hour law to receive different compensation. Funds for these payments must be included in the budget of the Commission submitted to the Council. The Council must make any changes in compensation when it adopts the annual operating budget. Commission members must be reimbursed for reasonable expenses as defined in the operating budget.]

[(d) Duties, responsibilities and authority.

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

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

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

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

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

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

   (B) advise the Chief, Executive, Council on County-wide policies, standards, procedures, plans, and programs that should apply to all fire, rescue, and emergency medical service operations;
review and make recommendations regarding the master plan for fire, rescue, and emergency medical services as provided in Section 21-12;

(D) recommend and comment on legislation, regulations, and policies that apply to or affect the Fire and Rescue Service;

(E) review and recommend any appropriate changes in communications and dispatch procedures for emergency communications centers;

(F) recommend guidelines for curriculum and programs of the Public Safety Training Academy and other training programs for Fire and Rescue Service employees and volunteers;

(G) recommend to the Chief, Executive, and Council a benefits program to provide financial protection for volunteers and their families if a volunteer becomes injured, disabled, or dies in the line of duty;

(H) after consulting the LFRD representative, recommend to the Chief, Executive, and Council policies and programs to recruit and retain volunteers; and

(I) promote coordination with other County-wide, regional, state, and national emergency management agencies and activities.

(4) The Commission must review and may approve or disapprove any generally applicable Fire and Rescue Service policy or regulation proposed by the Fire Chief, including any regulation that may be issued by the Executive under this Chapter. Before taking any action under this paragraph, the Commission must
give the Fire Chief, LFRD representative, employee organization, and the public a reasonable opportunity to comment. If the Commission does not approve or disapprove a proposed policy within 60 days after receiving it from the Chief, the policy is automatically approved. If the Commission does not approve or disapprove a proposed regulation within 60 days after receiving it from the Chief, the regulation is automatically transmitted to the Executive for review. This paragraph does not apply to:

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

(B) any individual personnel action.]

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

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

[(g) Automatic membership termination. Any Commissioner who is absent from 25 percent or more of the scheduled meetings of the Commission during any 6-month period has resigned from the Commission. In this subsection, “scheduled meetings” means any meeting that takes place at least 7 days after notice of the meeting. The effective date of the resignation is 10 days after the Fire Chief notifies the County Executive, County Council, and Commission. The Executive may waive the resignation for good cause, such as illness, emergency situations, or other extenuating circumstances. If the Executive waives a resignation under this subsection, the Executive must notify the Commission, the
Council, and the member in writing and explain why the resignation was waived. If the Executive does not grant a waiver, the Executive must appoint a successor to complete the unexpired term as provided in subsection (b).]

* * *

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

(a) Established; membership.

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

(2) The Executive should appoint a person from a list of at least 5 volunteer local fire and rescue department personnel submitted by the LFRD representative each time the Executive appoints a member who must be a volunteer local fire and rescue department member. The Executive should appoint a person from a list of at least 5 career firefighters or rescuers submitted by organizations composed of career fire or rescue personnel each time the Executive appoints a member who must be a career firefighter or rescuer. If a list was submitted as provided in this
paragraph and the Executive appoints a person whose name was not on that list to a Commission position reserved for a career firefighter or rescuer or volunteer local fire and rescue department member, the Executive must explain to the Council why no person on the list was selected. If the Executive requests a list under this paragraph from the appropriate organizations and does not receive a list of at least 5 candidates within 30 days, the Executive may appoint a qualified person without explaining why no person was selected from a list.

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

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

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

(b) **Vacancy**. Any vacancy on the Commission must be filled as provided in subsection (a). If in the case of an unscheduled vacancy the Executive requests a list under subsection (a) from the appropriate organizations and does not receive a list of at least 5 candidates within 15 days, the Executive may appoint a qualified person without explaining why no person was selected from a list. A replacement member serves for the remainder of the original term.
Compensation. A Commission member is not entitled to compensation for service on the Commission. Each Commission member must be reimbursed for reasonable travel and dependent care expenses, as appropriated in the operating budget.

Duties, responsibilities and authority.

(1) The Commission must recommend how the County can:
   (A) achieve and maintain effective, efficient, and equitable fire, rescue, and emergency medical services County-wide, and
   (B) improve the policy, planning, and regulatory framework for all fire, rescue and emergency services operations.

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

(3) The Commission, in addition to any other functions assigned by law or regulation, may:
   (A) advise the Fire Chief, County Executive, and County Council on any matter relating to fire, rescue and emergency medical services, and review the performance of the County Fire and Rescue Service and any action taken or policy adopted by the Service;
   (B) advise the Chief, Executive, and Council on County-wide policies, standards, procedures, plans, and programs that should apply to all fire, rescue, and emergency services operations;
   (C) review and make recommendations regarding the master plan for fire, rescue, and emergency medical services as provided in Section 21-12;
(D) recommend and comment on legislation, regulations, and policies that apply to or affect the Fire and Rescue Service;

(E) review and recommend any appropriate changes in communications and dispatch procedures for emergency communications centers;

(F) recommend guidelines for curriculum and programs of the Public Safety Training Academy and other training programs for fire and emergency services employees and volunteers;

(G) recommend to the Chief, Executive, and Council a benefits program to provide financial protection for volunteers and their families if a volunteer becomes injured, disabled, or dies in the line of duty;

(H) after consulting the LFRD representative, recommend to the Chief, Executive, and Council policies and programs to recruit and retain volunteers; and

(I) promote coordination with other County-wide, regional, state, and national emergency management agencies and activities.

(4) The Commission must review and may approve or disapprove any generally applicable Fire and Rescue Service policy or regulation proposed by the Fire Chief, including any regulation that may be issued by the Executive under this Chapter. Before taking any action under this paragraph, the Commission must give the Fire Chief, LFRD representative, employee organization, and the public a reasonable opportunity to comment. If the Commission does not approve or disapprove a proposed policy
within 60 days after receiving it from the Chief, the policy is automatically approved. If the Commission does not approve or disapprove a proposed regulation within 60 days after receiving it from the Chief, the regulation is automatically transmitted to the Executive for review. This paragraph does not apply to:

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

(B) any individual personnel action.

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

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

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

21-3. Fire Chief; Division Chiefs.

(d) The Division Chief must:

(3) assist LFRD's in training, risk management, use and maintenance of apparatus, budget preparation, and formulating department policy and recommendations to the Chief [and Commission] and Commission:
(e) The Fire Chief must appoint an Internal Affairs Officer, after considering any recommendation by the Commission after considering any recommendation by the Commission. The Officer must assist the Chief in monitoring compliance with County laws, regulations, policies, and procedures and investigate matters assigned by the Chief.

* * *

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

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

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

* * *

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

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

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

* * *

21-7. Appeals of certain disciplinary actions.

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

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

(c) Procedures. The [Commission] Executive by regulation must establish
procedures for hearing and deciding appeals under this Section. The
regulation must specify which categories of appeals may be heard by a
hearing examiner or otherwise must be decided on the basis of a written
record. The [Commission] Merit System Protection Board must hear an
appeal if it complies with all applicable [Commission] procedures. If
the [Commission] Board receives more than one appeal involving the same individual personnel action, the [Commission] Board must consolidate the appeals.

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

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

1. the witness cannot be subpoenaed; or
2. the witness cannot attend a hearing.

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

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

(1)] under a collective bargaining agreement;

(2) under County personnel laws and regulations; or

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

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

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

* * *

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

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

* * *

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

21-10. Response areas.

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

21-11. Communications procedures and dispatch times.

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

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

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

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

* * *


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

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


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

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

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

* * *

21-18. Training requirements and certification standards.
(a) The County Executive[, after receiving Commission approval under Section 21-2(d)(4).], after receiving Commission approval under Section 21-2(d)(4), must issue regulations establishing training requirements for all active fire, rescue, and emergency medical services personnel in the Fire and Rescue Service, including the local fire and rescue departments, consistent with the Integrated Emergency Command Structure.

* * *

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


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

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

* * *

(k) Point system. To qualify as an active volunteer under subsection (a), a 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:

<table>
<thead>
<tr>
<th>Total department/station call responses per year</th>
<th>000 to 999</th>
<th>1000 to 7499</th>
<th>7500 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responses required to earn 1 point, if not qualified for maximum 30 points</td>
<td>2</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
Responses per year required to receive maximum 30 points

<table>
<thead>
<tr>
<th></th>
<th>50</th>
<th>100</th>
<th>120</th>
</tr>
</thead>
</table>

The [Commission] Chief annually must determine for each LFRD whether the total annual calls must be computed by department or by station.

* * *

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

* * *


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

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

(c) The [Commission] Chief must forward the [Commission’s comments on the Fire Chief’s] Commission’s comments and recommendations on
the Chief's proposed budget, together with a summary[,] and an
analysis of County-wide implications and relationships to applicable
provisions of the fire service master plan[,] and the Commission's
recommendations on the proposed budget[,] to the County Executive for
review and submission to the County Council as required by the County
Charter. The [Commission] Chief must transmit [its comments] the
proposed budget to the Executive by the deadline established by the
Executive.

* * *

21-23. Taxation.

* * *

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

* * *

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

* * *


* * *

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

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

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

* * *

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

21-27. Purchasing and contracting.

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


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


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

(1) the cause, origin, and circumstances of any fire, and any factors contributing to its spread;

(2) the nature and extent of any personal injury or illness;

(3) details of any hazardous materials incident; and

(4) any other information that the [Commission] Chief requires.

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

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

Sec. 2. Effective Date; Transition.

(a) This Act takes effect on August 1, 2009.
Any reference in any law, regulation, or Fire and Rescue Service policy to the Fire and Rescue Commission must be treated as referring to the Fire and Emergency Services Commission created under Section 21-2, as amended by Section 1 of this Act, unless the context clearly indicates otherwise.

In initially appointing the Fire and Emergency Services Commission under Section 21-2, the Executive must designate one career and one volunteer appointee to serve one year initial terms, one career appointee to serve a 2 year initial term, and one volunteer appointee to serve a 3 year initial term, and one member of the public to serve a term of one year, one to serve a term of 2 years, and one to serve a term of 3 years.

Approved:

Philip M. Andrews, President, County Council

Date

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date