

Resolution No.: 16-292
Introduced: September 18, 2007
Adopted: September 18, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Repeal of Fire and Rescue Commission Regulation 1-04AM, Enforcement Procedure for the Fire Administrator Regarding Local Fire and Rescue Department Personnel

Background


1. On September 5, 2007, the Council received a request to repeal Fire and Rescue Commission Regulation, 1-04AM, Enforcement Procedure for the Fire Administrator Regarding Local Fire and Rescue Department Personnel, which was originally adopted under Method 2 of Section 2A-15 of the Code. Section 2A-15 requires that to repeal an adopted regulation, an issuer must use the procedure under which the regulation was adopted.
2. County Code Chapter 21 formerly provided for a Fire Administrator who was authorized, among other things, to take disciplinary action against volunteers and employees of local fire and rescue departments in certain situations, subject to Fire and Rescue Commission enforcement policies adopted by regulation. Regulation 1-04AM established the enforcement policies required by law.
3. Chapter 21 was later amended by Bill 36-03 to eliminate the position of Fire Administrator and establish a Fire Chief instead. The bill authorized the Fire Chief to take disciplinary action against volunteers and employees of the local fire and rescue departments in certain situations, but eliminated the requirement for a regulation establishing enforcement policies.
4. Bill 36-03 also established a process for the Fire Chief to engage in direct negotiation with a representative of the local fire and rescue departments on issues including procedures to evaluate and discipline volunteer firefighters. In January 2007, the Council approved a negotiated agreement that covers disciplinary issues for firefighter volunteers. As the agreement does not apply to probationary volunteers and employees of local fire and rescue departments, the Montgomery County Fire and Rescue Service issued a disciplinary action policy covering those personnel.
5. The Executive requests repeal of Regulation 1-04AM because it is obsolete.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

Fire and Rescue Commission Regulation 1-04AM, Enforcement Procedure for the Fire Administrator Regarding Local Fire and Rescue Department Personnel, is repealed.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council