



Committee: PS
Committee Review: At a future date
Staff: Christine Wellons, Chief Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #3D
July 21, 2026
Introduction

SUBJECT

Bill 36-26, Fire and Emergency Services Commission – Duties and Responsibilities

Lead Sponsor: Councilmember Luedtke

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Bill 36-26 would:

- (1) revise the duties, responsibilities, and authorities of the Fire and Emergency Services Commission;
- (2) establish a deadline for the Commission's annual report and mandatory meetings; and
- (3) generally amend the law regarding fire and rescue services in the County.

This report contains:

Staff Report
Bill 36-26

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MEMORANDUM

July 16, 2026

TO: County Council

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Bill 36-26, Fire and Emergency Services Commission – Duties and Responsibilities

PURPOSE: Introduction – no Council votes required

Bill 36-26, Fire and Emergency Services Commission – Duties and Responsibilities, is scheduled for introduction on July 21, 2026. The Lead Sponsor is Councilmember Luedtke. A public hearing is scheduled for September 22, 2026.

Bill 36-26 would:

- (1) revise the duties, responsibilities, and authorities of the Fire and Emergency Services Commission;
- (2) establish a deadline for the Commission’s annual report and mandatory meetings; and
- (3) generally amend the law regarding fire and rescue services in the County.

BACKGROUND

The purpose of Bill 36-26 is to clarify the responsibilities and functions of the County’s existing Fire and Emergency Services Commission (FESC).

BILL SPECIFICS

A major duty of the FESC is to review and approve policies and regulations proposed by the Fire Chief. Bill 36-26 would clarify the process FESC must follow when reviewing and approving the policies and regulations. Additionally, the bill would provide a process for the Chief to issue interim orders without delay.

In particular:

- FESC would be required to give the Fire Chief, the LFRD representative, employee organizations, and the public at least 30 days to comment.
- In the event FESC does not approve or disapprove a proposed policy within 60 days after receiving it from the Chief, the policy would be deemed approved, and the Chief would be able to approve and implement the policy.
- In the event FESC does not approve or disapprove a proposed regulation within 60 days after receiving it from the Chief, the regulation would be deemed approved by FESC and would be transmitted to the Executive for review and promulgation under Chapter 2A {Administrative Procedures Act}.
- Within 5 days of any approval or disapproval, FESC would be required to notify the Chief and the Executive of the approval or disapproval.
- If FESC disapproves of a policy or regulation under this paragraph, the Executive would be able to proceed with the policy or regulation if:
 - in the case of a policy:
 - the Executive notifies the Council in writing of the disapproval and the Executive's intent to proceed; and
 - within 60 days of the notice, the Council does not adopt a resolution disapproving of the policy; or
 - in the case of a proposed regulation:
 - the Executive submits to the Council the proposed regulation under Method (1);
 - the Executive includes with the submission to the Council all comments received from the Commission and members of the public regarding the proposed regulation; and
 - the Council approves the Method (1) regulation under Chapter 2A.

Notwithstanding the process described above, if necessary for the safety of the County in the determination of the Fire Chief, the Fire Chief would be able to issue and implement an interim order in the form of:

- a temporary generally applicable policy; or
- an emergency regulation under Chapter 2A.

The duration of the interim order would not exceed 90 days unless the Fire Chief submits the policy or regulation to FESC for approval or disapproval.

Regarding staffing of the FESC, the bill would require the Executive to designate staff, including alternate staff if the primary staff is unavailable, to support the work of the Commission. The designated staff would provide administrative support to the Commission, including scheduling, records management, the preparation and publication of required records, and the transmittal of decisions and recommendations of the Commission.

The chair of the Commission would be required to notify the Executive immediately in writing if the designated staff and alternate staff are absent or otherwise not providing necessary administrative support to the Commission.

This packet contains:
Bill 36-26

Circle #
1

Bill No. 36 - 26
Concerning: Fire and Emergency
Services Commission – Duties and
Responsibilities
Revised: July 14, 2026 Draft No. 1
Introduced: July 21, 2026
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Luedtke

AN ACT to:

- (1) revise the duties, responsibilities, and authorities of the Fire and Emergency Services Commission;
- (2) establish a deadline for the Commission's annual report and mandatory meetings; and
- (3) generally amend the law regarding fire and rescue services in the County.

By amending

Montgomery County Code
Chapter 21, Fire and Rescue Services
Section 21-2

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:

Sec. 1. Section 21-2 is amended as follows:

21-2. Fire and Emergency Services Commission.

* * *

(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 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) Review of policies and regulations.

- (A) The Commission must review and [may] must 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.
- (B) Before taking any action under this paragraph, the Commission must give the Fire Chief, LFRD

representative, employee organization, and the public [a reasonable opportunity] at least 30 days to comment.

(C) If the Commission does not approve or disapprove a proposed policy within 60 days after receiving it from the Chief, the policy is [automatically] deemed approved by the Commission and the Chief may approve and implement the policy.

(D) If the Commission does not approve or disapprove a proposed regulation within 60 days after receiving it from the Chief, the regulation is [automatically] deemed approved by the Commission and must be transmitted to the Executive for review and promulgation under Chapter 2A {Administrative Procedures Act}.

(E) Within 5 days of any approval or disapproval under this paragraph, the Commission must notify the Chief and the Executive of the approval or disapproval.

(F) If the Commission disapproves of a policy or regulation under this paragraph, the Executive may proceed with the policy or regulation if:

(i) in the case of a policy:

(aa) the Executive notifies the Council in writing of the disapproval and the Executive's intent to proceed; and

(bb) within 60 days of the notice, the Council does not adopt a resolution disapproving of the policy; or

(ii) in the case of a proposed regulation:

(aa) the Executive submits to the Council the proposed regulation under Method (1);

(bb) the Executive includes with the submission to the Council all comments received from the Commission and members of the public regarding the proposed regulation; and

(cc) the Council approves the Method (1) regulation under Chapter 2A.

(G) This paragraph does not apply to:

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

(ii) an interim order under subsection (e) of this Section;
or

[(B)] (ii) any individual personnel action.

(e) Interim orders.

(1) If necessary for the safety of the County in the determination of the Fire Chief, the Fire Chief may issue and implement an interim order in the form of:

(A) a temporary generally applicable policy; or

(B) an emergency regulation under Chapter 2A.

(2) The duration of the interim order must not exceed 90 days unless the Fire Chief submits the policy or regulation to the Commission for approval or disapproval pursuant to subsection (d) of this Section.

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

Within 60 days after submission of an annual report under subsection (f), and more frequently at the request of the Executive, the Council President, or a majority of the Council, the Commission must meet with:

(1) the Executive; and

(2) the Council or, at the discretion of the Council President or a majority of the Council, a committee of the Council responsible for public safety matters.

~~[(f)]~~ (g) *Annual report.*

(1) The Commission must forward to the Executive and Council an annual report [describing Commission recommendations and activities] by September 1 of each year.

(2) The annual report must describe the activities and recommendations of the Commission for the prior fiscal year.

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

~~[(h)]~~ (i) *Advocacy.* The Commission must not engage in any advocacy activity at the State or federal levels unless that activity is approved by the Office of Intergovernmental Relations.

(j) *Staffing.*

(1) The Executive must designate staff, including alternate staff if the primary staff is unavailable, to support the work of the Commission.

(2) The designated staff must provide administrative support to the Commission, including scheduling, records management, the preparation and publication of required records, and the transmittal of decisions and recommendations of the Commission.

134 (3) The chair of the Commission must notify the Executive
 135 immediately in writing if the designated staff and alternate staff are
 136 absent or otherwise not providing necessary administrative support
 137 to the Commission.