PS Item #2
September 30, 2026
Worksession

M E M O R A N D U M

September 25, 2026

TO: Public Safety (PS) Committee

FROM: Christine Wellons, Chief Legislative Attorney

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

PURPOSE: Committee Worksession – recommendation expected

Expected Attendees:
Earl Stoddard, Assistant Chief Administrative Officer
Ashley Robinson, Battalion Chief, Montgomery County Fire and Rescue Services (MCFRS)
Russell Hartung, President, Montgomery County Volunteer Fire and Rescue Association (MCVFRA)

Bill 36-26, Fire and Emergency Services Commission – Duties and Responsibilities, was introduced on July 21, 2026. The Lead Sponsor is Councilmember Luedtke. A public hearing occurred on September 22, 2026. A worksession of the Public Safety (PS) Committee is scheduled for September 30.

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).

The FESC consists 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." The FESC meets at least monthly to conduct business. *See* Montgomery County Code, Section 21-2; Fire and Emergency Services Commission - Fire and Rescue Service - Montgomery County, MD.

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 on the proposed policy.
- 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, 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.

SUMMARY OF IMPACT STATEMENTS

Fiscal impact. The Office of Management and Budget (OMB) states: "The bill requires the Executive to designate staff, including alternate staff, to provide administrative support to the Fire and Emergency Services Commission. Depending on whether these responsibilities can be absorbed within existing resources, implementation of the bill may result in additional operating expenditures."

Economic impact. "The Office of Legislative Oversight (OLO) anticipates that Bill 36-26 would have an insignificant impact on economic conditions in the County, as measured by the Council's priority economic indicators. By revising the duties, responsibilities, and authorities of the Fire and Emergency Services Commission (FESC), the Bill would have no direct impact on residents, private organizations, or overall economic conditions in terms of the priority indicators."

Climate impact. "The Office of Legislative Oversight (OLO) anticipates Bill 36-26 will have no impact on the County's contribution to addressing climate change as it is proposing changes to an existing County commission."

Racial equity and social justice impact. "The Office of Legislative Oversight (OLO) finds the anticipated racial equity and social justice (RESJ) impact of Bill 36-26 is indeterminate. There are several unanswered questions to understand how proposed changes to review proposed fire and rescue policies and regulations would impact community members by race and ethnicity and racial and social inequities in the County."

SUMMARY OF PUBLIC HEARING

Testimony in support of the bill is available at Bill 36-26, Fire and Emergency Services Commission - Duties and Responsibilities - County Council - Montgomery County, MD.

ISSUES FOR THE COMMITTEE'S CONSIDERATION

The Committee might wish to discuss with the panelists the current and proposed processes of the FESC, which are summarized in the following chart.

Process re: Proposed Policies or Regulations:	Initial Comment Period	Policy Review Period at FESC	Effect of No Action	Notice of Disapprovals & Subsequent Process	Interim Orders
Current Statute	FESC provides a "reasonable" comment period.	60 days	Automatic approval of policy after 60 days of receipt from Chief. Automatic transmittal to Executive if no action 60 days after receipt.	No provisions requiring FESC to provide notice of disapprovals. No provisions regarding the effect of a disapproval in terms of whether it can be overridden.	No provisions regarding interim orders of the Fire Chief.
Bill 36-26	Comment period would be at least 30 days.	60 days	Automatic approval of policy after 60 days of receipt from Chief. Clarifies that a proposed regulation is transmitted to the Executive for review and promulgation under the Administrative Procedures Act of the County Code.	Notice of a disapproval would be required within 5 days of the disapproval. The policy or regulation could proceed under certain circumstances – either through promulgation as a Method(1) regulation, or through notice by the Executive to the Council (with an opportunity for the Council to affirm the disapproval).	Provides a process for interim orders when the Chief determines the order is necessary for public safety. The interim order generally must not exceed 90 days.

<u>Next step</u>: Recommendation regarding whether to enact Bill 36-26.

This packet contains:	Circle #
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Public testimony: Bill 36-26, Fire and Emergency Services Commission - Duties and Responsibilities - County Council - Montgomery County, MD

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	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

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.

Economic Impact Statement

Montgomery County, Maryland

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

Summary

The Office of Legislative Oversight (OLO) anticipates that Bill 36-26 would have an insignificant impact on economic conditions in the County, as measured by the Council's priority economic indicators. By revising the duties, responsibilities, and authorities of the Fire and Emergency Services Commission (FESC), the Bill would have no direct impact on residents, private organizations, or overall economic conditions in terms of the priority indicators.

Background and Purpose of Bill 36-26

In 2009, the County Council established the FESC whose duties and responsibilities include advising the Fire Chief, County Executive, and County Council on matters related to fire, rescue, and emergency medical services, making recommendations on how the County can achieve and maintain effective, efficient and equitable fire, rescue, and emergency medical services Countywide, and reviewing policies and regulations proposed by the fire chief.

Bill 36-26 would clarify the process FESC must follow when reviewing and approving policies and regulations and provide a process for the fire chief to issue interim orders without a delay. The Bill would also establish a deadline for the FESC's annual report and mandatory meetings.

Bill 36-26 was introduced by the County Council on July 21, 2026.[1]

Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impacts of Bill 36-26 on residents and private organizations, using the Council's priority economic indicators as the measure. In doing so, it examines whether the Bill would have a net positive or negative impact on overall economic conditions in the County.

By revising the duties, responsibilities, and authorities of the Fire and Emergency Services Commission, the Bill would have no direct impact on residents, private organizations, or overall economic conditions in terms of the Council's priority indicators. Therefore, OLO concludes that it would have an insignificant economic impact.

[1] Montgomery County Fire and Rescue Service, Fire and Emergency Services Commission, Accessed 7/27/2026.

Variables

Not applicable

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

Discussion Items

Not applicable

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

Contributions

Stephen Roblin, PhD (OLO) prepared this report.

Climate Assessment

Office of Legislative Oversight

BILL 36-26: FIRE AND EMERGENCY SERVICES COMMISSION – DUTIES AND RESPONSIBILITES

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 36-26 will have no impact on the County's contribution to addressing climate change as it is proposing changes to an existing County commission.

BACKGROUND AND PURPOSE OF BILL 36-26

In 2009, the Fire and Emergency Services Commission (FESC) was established by the County Council. Duties and responsibilities of the FESC include advising the Fire Chief, County Executive, and County Council on matters related to fire, rescue, and emergency medical services as well as making recommendations on how the County can achieve and maintain effective, efficient and equitable fire, rescue, and emergency medical services County-wide.[1] The FESC also reviews and approves policies and regulations proposed by the Fire Chief.[2]

Bill 36-26 would clarify the process FESC must follow when reviewing and approving polices and regulations and provide a process for the Fire Chief to issue interim orders without a delay. The Bill would also establish a deadline for the FESC's annual report and mandatory meetings.[3]

Bill 36-26 was introduced by the County Council on July 21, 2026.[4]

ANTICIPATED IMPACTS

As the Bill is proposing changes to an existing County commission, OLO anticipates Bill 36-26 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.[5] OLO does not offer recommendations or amendments as Bill 36-26 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help increase the County's community climate resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

[1] Montgomery County Fire and Rescue Service, Fire and Emergency Services Commission, Accessed 7/27/2026.
[2] Ibid.
[3] Montgomery County Council, Introduction Staff Report for Bill 36-26, Introduced July 16, 2026.
[4] Ibid.
[5] Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Fiscal Impact Statement

Office of Management and Budget

Bill 36-26	**Fire and Emergency Services Commission - Duties and Responsibilities**
Bill Summary	Bill 36-26 revises the duties and responsibilities of the Fire and Emergency Services Commission by establishing procedures for reviewing Fire Chief policies and regulations, authorizing interim orders, requiring annual reports and meetings, and establishing administrative support requirements.
Fiscal Impact Summary	The bill requires the Executive to designate staff, including alternate staff, to provide administrative support to the Fire and Emergency Services Commission. Depending on whether these responsibilities can be absorbed within existing resources, implementation of the bill may result in additional operating expenditures.

Fiscal Year	2027	2028	2029	2030	2031	2032	Total
Personnel Costs	$0	$0	$0	$0	$0	$0	$0
Operating Expenses	$0	$0	$0	$0	$0	$0	$0
Total Expenditures	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**
Revenues	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**
Total Impact	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**
FTE	0.00	0.00	0.00	0.00	0.00	0.00	

Fiscal Impact Analysis	The department cannot determine, at this time, the scope of the responsibilities associated with the designated staff or whether implementation can be accomplished using existing personnel. Should implementation require an expansion of the duties of existing staff or the creation of a new position, the bill could result in additional personnel and operating costs. Therefore, the fiscal impact is indeterminate.
Staff Impact	The staff impact is indeterminate because the department cannot determine whether implementation will require expanded responsibilities for existing staff or additional personnel.
Actuarial Analysis	The bill is not expected to impact retiree pension or group insurance costs.
Information Technology Impact	The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.
Other Information	
Later actions that may impact revenue or expenditures if future spending is projected	The bill does not authorize future spending.

Contributors	Dominic Del Pozzo, Montgomery County Fire and Rescue Services Vivian Ikoro, Office of Management and Budget

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

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

Summary

The Office of Legislative Oversight (OLO) finds the anticipated racial equity and social justice (RESJ) impact of Bill 36-26 is indeterminate. There are several unanswered questions to understand how proposed changes to review proposed fire and rescue policies and regulations would impact community members by race and ethnicity and racial and social inequities in the County.

Purpose of RESJ Impact Statements

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.[1] This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.[2]

Purpose of Bill 36-26

In 2009, the County Council established the Fire and Emergency Services Commission (FESC). The FESC is responsible for advising the Fire Chief, County Executive, and County Council on matters related to fire, rescue, and emergency medical services. The FESC makes recommendations on how to achieve and maintain effective, efficient and equitable fire, rescue, and emergency medical services Countywide. It also reviews and approves policies and regulations proposed by the fire chief.[3]

The purpose of Bill 36-26 is to update the responsibilities and functions of the FESC. If enacted, Bill 36-26 would:[4]

- Clarify the process the FESC must follow when reviewing and approving policies and regulations;
- Provide a process for the County Executive to proceed with policies and regulations that are disapproved by the FESC;
- Provide a process for the fire chief to issue interim orders (i.e., temporary policies and emergency regulations) without delay;
- Establish a deadline for FESC's annual report and mandatory meetings with the County Executive and Council, and
- Require the County Executive to designate staff to support the FESC's work.

The Council introduced Bill 36-26 on July 21, 2026.

Anticipated RESJ Impacts

To consider the anticipated impact of Bill 36-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

Community members at-large would be impacted by changes to the FESC's responsibilities and functions. Most of the proposed changes – such as clarifying public comment timeframes and reporting deadlines – are not likely to meaningfully benefit or burden community members by race and ethnicity nor impact racial and social inequities in the County. However, there are several unanswered questions related to a few of the proposed changes necessary to determine how Bill 36-26 would impact RESJ in the County. These include:

- What is the current distribution of fire and rescue services in the County by race, ethnicity, geography, and income?
- How does the FESC currently consider RESJ in its review of proposed policies and regulations? (By County law, the FESC is required to "achieve and maintain effective, efficient, and *equitable* fire, rescue, and emergency medical services Countywide.")
- Will the County Executive opt to proceed with policies and regulations disapproved of by the FESC that disproportionately benefit or burden community members by race, ethnicity, geography, or income?
- How does the fire chief consider RESJ in issuing interim orders?

Taken together, OLO finds the anticipated RESJ impact of Bill 36-26 is indeterminate.

Recommended Amendments

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.[5] OLO finds the anticipated impact of Bill 36-26 is indeterminate. As such, OLO does not offer recommended amendments. However, should the Council seek to improve the RESJ impact of this Bill, OLO offers one policy option for Council consideration:

- **Consider policies to improve RESJ impact of FESC and other boards, committees, and commissions (BCCs)**. As noted in the RESJIS for Bill 8-23, requiring RESJ training and action plans for each BCC, including the FESC, would help reinforce the County's efforts to advance RESJ.[6] Specifically, requiring a RESJ Action Plan for the FESC could specify actions the commission will take to consider RESJ in their review of proposed fire and rescue policies and regulations. The Council could also consider recommendations from the 2024 contractor review of BCCs, including strengthening data collection and reporting on BCC member demographics, engaging in targeted outreach and recruitment of community members who are underrepresented in BCCs, and addressing barriers to participation in BCCs, among others.[7]

Caveats

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making

process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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[1] Definition of racial equity and social justice adopted from M. Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World and Racial Equity Tools.
[2] Ibid.
[3] "Fire and Emergency Services Commission," Montgomery County Fire & Rescue Service.
[4] Introduction Staff Report for Bill 36-26, Montgomery County Council, Introduced July 21, 2026.
[5] Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.
[6] RESJIS for Bill 8-23, Office of Legislative Oversight, March 9, 2023, pg. 2.
[7] Arcstratta, OLO Report 2024-7, "Contractor Report on Composition of Montgomery County Boards, Commissions, and Committees," Office of Legislative Oversight, February 22, 2024, pgs. vi-viii.

MONTGOMERY CO VOLUNTEER FIRE RESCUE ASSOCIATION

230 N. Washington Street
Rockville, Maryland 20850
www.mcvfra.org

RUSSELL S. HARTUNG, PRESIDENT

September 24, 2026

The Honorable Natali Fani-Gonzalez
President
Councilmember / District 6
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

The Honorable Dawn Luedtke
Councilmember / District 7
Member - Public Safety Committee
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

The Honorable Sidney Katz
Councilmember / District 3
Chairperson - Public Safety Committee
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

The Honorable Kristin Mink
Councilmember / District 5
Member - Public Safety Committee
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear Honorable Councilmembers:

On behalf of the Montgomery County Volunteer Fire and Rescue Association (MCVFRA), which represents the 19 Local Fire and Rescue Departments (LFRDs) throughout Montgomery County, this is to provide comment on Montgomery County Council, "Bill 36-26, Fire and Emergency Services Commission – Duties and Responsibilities." Upon review of the document introduced on July 21, 2026, and subsequently presented for Public Hearing on September 22, 2026, the MCVFRA is generally in agreement with the proposed changes.

Notwithstanding, at the present time, Montgomery County Code, Chapter 21, Article II, Section 21-2 (d)(4), states, ***"…The Commission must review and may approve or disapprove any generally applicable Fire and Rescue Service policy or regulation proposed by the Fire Chief,…,"*** but this is not being followed with regard to the publication of Fire Chief's General Orders (FCGOs). Over the past year these policy centric documents have been, and continue to be, published outside of the required approval process noted above.

It is the position of the MCVFRA that the proposed related amendments contained in Bill 36-26 do not sufficiently address this compliance issue. Therefore, the MCVFRA respectfully proposes the following amendment within Chapter 21-2. Fire and Emergency Services Commission, Section (d) (Duties, responsibilities and authority), Subsection (4)(A) –

The Commission must review and [may] <u>must</u> approve or disapprove any generally applicable Fire and Rescue Service [policy] <u>document that contains policy creation/promulgation, amendment, and/or policy rescission to include among others "Policies and Procedures," "Fire Chief's General Orders," etc.,</u> or regulation proposed by the Fire Chief, including any regulation that may be issued by the Executive under this Chapter.

As a point of note, we agree that the Fire Chief should have the authority to take immediate policy action on a temporary basis, "for the safety of the County" by issuing "interim orders." However, this process should not be used to circumvent the required stakeholder and Commission review and respective authorities otherwise vested elsewhere.

To reiterate, we believe that in a like fashion and regardless of the written heading/title at the top of the page, all policy adoption and recission documents should be reviewed, considered, and approved by the Fire and Emergency Services Commission (FESC). Thank you for providing the opportunity to comment.

Sincerely,

Russell S. Hartung

Russell S. Hartung
President