

MEMORANDUM

TO: County Council

FROM: Michael Faden, Senior Legislative Attorney
Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: **Public Hearing:** Bill 30-11, Fire and Emergency Services Commission - Duties

Bill 30-11, Fire and Emergency Services Commission - Duties, sponsored by Councilmembers Elrich and Leventhal, was introduced on September 27, 2011. A Public Safety Committee worksession is tentatively scheduled for December 1.

Bill 30-11 would repeal the authority of the Fire and Emergency Services Commission to approve or disapprove certain Fire and Rescue Service policies and regulations. This Bill does not affect the Commission's role to advise the Fire Chief, County Executive, and Council under County Code §21-2(d)(1) and (3).

This packet contains:	<u>Circle #</u>
Bill 30-11	1
Legislative Request Report	8

Bill No. 30-11
Concerning: Fire and Emergency
Services Commission - Duties
Revised: 7/20/2011 Draft No. 1
Introduced: September 27, 2011
Expires: March 27, 2013
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Elrich and Leventhal

AN ACT to:

- (1) repeal the authority of the Fire and Emergency Services Commission to approve or disapprove certain Fire and Rescue Service policies and regulations; and
- (2) generally amend the duties of the Fire and Emergency Services Commission.

By amending

Montgomery County Code
Chapter 21, Fire and Rescue Services
Sections 21-2, 21-8, 21-8A, 21-9, 21-10, 21-11, 21-13, 21-16, 21-18, 21-19, 21-27

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. Sections 21-2, 21-8, 21-8A, 21-9, 21-10, 21-11, 21-13, 21-16, 21-18, 21-19, and 21-27 are 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;

- 28 (D) recommend and comment on legislation, regulations, and
29 policies that apply to or affect the Fire and Rescue Service;
- 30 (E) review and recommend any appropriate changes in
31 communications and dispatch procedures for emergency
32 communications centers;
- 33 (F) recommend guidelines for curriculum and programs of the
34 Public Safety Training Academy and other training
35 programs for fire and emergency services employees and
36 volunteers;
- 37 (G) recommend to the Chief, Executive, and Council a benefits
38 program to provide financial protection for volunteers and
39 their families if a volunteer becomes injured, disabled, or
40 dies in the line of duty;
- 41 (H) after consulting the LFRD representative, recommend to
42 the Chief, Executive, and Council policies and programs to
43 recruit and retain volunteers; and
- 44 (I) promote coordination with other County-wide, regional,
45 state, and national emergency management agencies and
46 activities.
- 47 [(4) The Commission must review and may approve or disapprove
48 any generally applicable Fire and Rescue Service policy or
49 regulation proposed by the Fire Chief, including any regulation
50 that may be issued by the Executive under this Chapter. Before
51 taking any action under this paragraph, the Commission must
52 give the Fire Chief, LFRD representative, employee organization,
53 and the public a reasonable opportunity to comment. If the
54 Commission does not approve or disapprove a proposed policy

55 within 60 days after receiving it from the Chief, the policy is
56 automatically approved. If the Commission does not approve or
57 disapprove a proposed regulation within 60 days after receiving it
58 from the Chief, the regulation is automatically transmitted to the
59 Executive for review. This paragraph does not apply to:

- 60 (A) any decision expressly assigned to another person or body
- 61 by this Chapter; or
- 62 (B) any individual personnel action.]

63 * * *

64 **21-8. Integrated Emergency Command Structure.**

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

72 * * *

73 **21-8A. Standardized Incident Management System.**

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

- 77 (1) based on nationally recognized incident management systems for
- 78 fire and rescue operations; and
- 79 (2) compatible with the National Incident Management System.

80 * * *

81 21-9. Disaster plan.

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

87 21-10. Response areas.

88 The Fire Chief[, after receiving Commission approval under Section 21-
89 2(d)(4),] must establish response areas served by each fire or rescue station that
90 collectively cover the entire County. The boundaries of a response area are generally
91 the mid-points in road distances between that station and the nearest fire or rescue
92 stations. However, the response area boundaries must consider geographic or other
93 features that affect dispatch operations.

94 21-11. Communications procedures and dispatch times.

95 The Fire Chief[, after receiving Commission approval under Section 21-
96 2(d)(4),] must establish comprehensive and consistent communications and dispatch
97 procedures that maintain appropriate allowable dispatch times for all fire and rescue
98 units and promote public safety.

99 21-13. Temporary transfer of apparatus.

100 The County Executive[, after receiving Commission approval under Section
101 21-2(d)(4),] must adopt a regulation establishing policies for the long- or short-term
102 transfer of apparatus. The Fire Chief, when authorized by regulation, may transfer
103 any apparatus purchased in whole or in part with tax funds, including any apparatus
104 titled to a local fire and rescue department. The Chief must provide as much advance
105 notice as possible before transferring apparatus. The regulation must not require the
106 transfer of any apparatus that was not purchased with any County tax funds, except in
107 an emergency.

108 **21-16. Personnel administration for local fire and rescue departments.**

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

115 * * *

116 **21-18. Training requirements and certification standards.**

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

123 * * *

124 **21-19. Code of ethics and personal conduct.**

125 The County Executive[, after receiving Commission approval under Section
 126 21-2(d)(4),] must issue regulations establishing a code of ethics and on-duty personal
 127 conduct that is consistent with applicable law, including Chapters 19A and 27. The
 128 code must apply to all fire, rescue, and emergency medical services personnel,
 129 including administrative personnel. The code must specify prohibited conduct and
 130 the procedures and actions available to address any violation. The Fire Chief may
 131 refer a matter to the County Ethics Commission or Human Rights Commission.

132 **21-27. Purchasing and contracting.**

133 The Fire Chief], after receiving Commission approval under Section 21-
134 2(d)(4),] must establish procedures, by regulation, that govern any purchase or
135 contract by any department that will be financed in whole or in part with tax funds.

136 *Approved:*

137

Valerie Ervin, President, County Council Date

138 *Approved:*

139

Isiah Leggett, County Executive Date

140 *This is a correct copy of Council action.*

141

Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 30-11

Fire and Emergency Services Commission - Duties

DESCRIPTION: Bill 30-11 would repeal the authority of the Fire and Emergency Services Commission to approve or disapprove certain Fire and Rescue Service policies and regulations

PROBLEM: The Commission current has veto authority over Fire and Rescue Service policies and regulations, which has limited the Fire Chief's ability to modify current policies.

GOALS AND OBJECTIVES: To abolish the Commission's regulatory function and retain its advisory functions.

COORDINATION: Fire and Rescue Service

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Michael Faden, Senior Legislative Attorney, 240-777-7905

APPLICATION WITHIN MUNICIPALITIES: Not applicable

PENALTIES: Not applicable