

**CODE HOME RULE
BILL NO. 03 - 07**

A Bill Entitled:

**AN ACT TO REPEAL AND RE-ENACT §42-1 THROUGH §42-3
OF CHAPTER 42 OF THE CODE OF PUBLIC LOCAL LAWS OF
ALLEGANY COUNTY, MARYLAND (1983 EDITION, AS
AMENDED), ENTITLED "EMERGENCY SERVICES BOARD"**

SECTION I.

WHEREAS, the Board of County Commissioners wishes to amend certain provisions of Chapter 42, Article I, of the Code of Public Local Laws, and re-enact a new §42-1 through §42-3, entitled "Emergency Services Board", which said request has been made by the current Fire and Rescue Board; and

WHEREAS, the Board of County Commissioners wishes to establish a new Board to be entitled "Emergency Services Board", which Board shall be charged with the following mission:

"The mission of the Allegany County Emergency Services Board shall be to effectively promote the delivery and the highest quality of emergency services to the citizens and visitors of Allegany County through an appointed body that will be responsible for equitable disbursement of funding and development of standards."

SECTION II.

NOW, THEREFORE, Pursuant to authority granted by the Legislature of the State of Maryland, be it enacted by the Board of County Commissioners of Allegany County, Maryland, that §42-1 through §42-3 of Chapter 42, Article I, of the Code of Public Local Laws of Allegany County (1983 Edition, as amended) shall be repealed, and the following §42-1 through §42-3 are enacted to read as follows:

**ARTICLE I
EMERGENCY SERVICES BOARD**

§42-1. Creation.

The Allegany County Emergency Services Board is hereby created to regulate the fire, emergency medical services, and related services in Allegany County. The Allegany County Emergency Services Board will have the authority to promulgate rules and regulations governing

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the emergency service operations and related functions. The Board is directed to organize and establish a Fire Services Committee and an Emergency Medical Service Committee as more fully detailed in §42-3 of this Article.

§42-2. Appropriations.

A. The County Commissioners of Allegany County are hereby authorized, empowered and directed to appropriate funding to the Allegany County Emergency Services Board for redistribution to the eligible fire and rescue organizations as herein provided.

B. The funding is to be an amount that is at least equal to the average amount of funds expended by the Allegany County Commissioners during the previous three fiscal years. For the purpose of this section, the amount expended by the Allegany County Commissioners in any fiscal year shall not include any distribution or expenditure of funds made by the Allegany County Commissioners from revenue collected by the County from the taxation of paper gaming within the County, nor shall any one time special allocations be considered in the amount of funds expended by the Allegany County Commissioners.

C. The funds appropriated under this subtitle shall be used as an addition to, and shall not be substituted for, monies appropriated from other sources. The appropriation provided herein may be increased at any time by a Resolution of the County Commissioners prior to the annual levy date, to apply to the subsequent fiscal year.

D. The Board will have the power to allocate and revise the allocations, subject to the criteria herein established in §42-3.

§42-3. Organization.

A. MEMBERSHIP

The Allegany County Emergency Services Board shall be composed of ten (10) members representing the following:

1. The Chairperson of the Fire Service Committee. The term of office will be for one year;
2. An individual who is a member of the Fire Service Committee and has been selected by majority vote by the Fire Service Committee. The term of office will be for one year;

3. A representative of the Maryland State Fire Marshal's Office who is assigned to conduct or supervise operations in Allegany County or his/her selected designee to serve in his/her absence. His/her term on the Allegany County Emergency Services Board will continue until a replacement appointment is selected
4. The Chairperson of the Emergency Medical Service Committee. The term of office will be for one year;
5. An individual who is a member of the Emergency Medical Service Committee and has been selected by majority vote by the Emergency Medical Service Committee. The term of office will be for one year;
6. A representative of the Region 1 Emergency Medical Services Council who resides in Allegany County and represents an Allegany County group on the EMS Council. His/her term on the Allegany County Emergency Services Board will continue until a replacement appointment is selected;
7. A representative of the career fire and Emergency Medical Service in Allegany County. (Fifty-one percent [51%] of the membership must be full-time employees in order to qualify as a career service department) This position will be a two year term selected by and rotated between the departments with the order of rotation being selected initially by a lottery;
8. The Director of the Allegany County Department of Public Safety and Homeland Security or his/her selected designee to serve in his/her absence. His/her term on the Allegany County Emergency Services Board will continue until a replacement appointment is selected;
9. An Allegany County citizen who is not affiliated with any emergency services organization or division of government in Allegany County. This position will serve on the Fire Service Committee.
10. An Allegany County citizen who is not affiliated with any emergency services organization or division of government in Allegany County. This position will serve on the Emergency Medical Service Committee.

B. MEMBERSHIP SELECTION

1. Criteria for membership in Paragraph A positions 1, 2, 4, and 5 of this section include:

- a. The Committee, in which the member will be representing, must meet together and select their representatives to the Allegany County Emergency Services Board and the alternates to serve in their absence;
 - b. The name of the members selected and their alternates is to be submitted to the Allegany County Emergency Services Board Chair in writing prior to the January Emergency Services Board meeting;
 - c. Failure of the organizations to select a representative by the January meeting will result in the Allegany County Emergency Services Board Chair recommending to the Allegany County Commissioners an individual from the area of the vacancy to fill the membership opening; and
 - d. No member under §42-3, paragraphs A-1, 2, 4 and 5 can serve more than four years in succession on the Allegany County Emergency Services Board in any capacity.
2. All proposed new appointments and alternates as proposed under paragraphs A of §42-3 will be submitted by the Allegany County Emergency Services Board Chair to the Allegany County Commissioners for ratification. New Allegany County Emergency Services Board members will take office at the February meeting pending their ratification by the Allegany County Commissioners.
 3. Criteria for membership in Paragraph A positions 9 and 10 of this section include: The Allegany County Commissioners shall appoint two citizens at large. These members will not be affiliated with a fire, rescue or emergency medical service company. Initially, to provide for staggered terms, one citizen will be appointed for a one year term and one citizen will be appointed for a two year term. After the initial term, all terms will be for two years and can be followed by more than one term in succession.
 4. Any member may be removed from the Allegany County Emergency Services Board by the Allegany County Commissioners for (1) inefficiency, (2) neglect of duty, (3) malfeasance in office or (4) attendance. Vacancies will be filled within thirty (30) days by the methods outlined above and will be for the unexpired term. Failure of the organizations to select a replacement representative within thirty (30) days will result in the Allegany County Emergency Services Board Chair recommending to the Allegany County Commissioners an individual from the area of the vacancy to fill the membership opening.

5. All members will serve without compensation, but may be reimbursed for expenses incurred in the course of their Allegany County Emergency Services Board duties.
6. Alternates of record are not considered members of the Board but shall have full privileges, including voting, in the absence of the appointed member which they represent.

C. BOARD OFFICERS AND DUTIES

1. The officers of the Allegany County Emergency Services Board shall be a Chairman, a Vice Chairman, and a Secretary. All officers will be selected from the Board membership.
2. The Chairman will be selected from and by the Allegany County Emergency Services Board and ratified by the Allegany County Commissioners. The Chairman will vote in decisions of the Board only to break a tie and will report directly to the County Commissioners. The Board will also elect the Vice-Chairman and the Secretary. The election of the Chairman, Vice-Chairman and Secretary will be held at the first meeting in February of each calendar year. The term of office will be for one (1) year, February through January. In the event that there are no candidates willing to assume the office of Chairman, the Director of the Allegany County Department of Public Safety and Homeland Security or his/her selected designee will fill the position.
3. The appointment or election to the office of Chairman, Vice-Chairman, or Secretary will not extend the term of membership on the Board as provided for elsewhere in this act.
4. Administrative and/or clerical support for the Board will be provided through the Allegany County Department of Public Safety and Homeland Security.
5. The Chairman will be the chief administrative officer and preside over all meetings of the Board. The Chairman may appoint and assign members of the Board to committees as he/she deems necessary. The Chairman may also appoint non-board members to committees or duties in order to take advantage of expertise and experience of persons not members of the

Board. Non-board members so appointed will not have voting rights on the Board, and will serve only in the special capacity for which appointed and have only the responsibilities designated by the Chairman.

6. The Vice-Chairman will assume the Chairman's duties in the absence of the Chairman.
7. The Secretary will be responsible for maintaining accurate records of all Board business, processing all correspondence, and attending to other administrative duties assigned by the Chairman.

D. BOARD DUTIES AND RESPONSIBILITIES

The Allegany County Emergency Services Board shall be and is endowed with the power necessary and appropriate to execute the following functions:

1. To develop criteria for establishing primary service areas and boundaries for Emergency Service Organizations and to establish such areas and boundaries.
2. To establish criteria, as per the By Laws of the Maryland State Firemen's Association, for the establishment of new Emergency Service Organizations and for the establishment of new sub-stations within existing Emergency Service Organizations. No new Emergency Service Organization, station or sub-station will receive funding allocation unless approved by the Emergency Service Board. The Board shall consider population, travel distance, assessable base, and other factors in developing the criteria.
3. To establish usage and eligibility requirements for the annual funding allocation that the County Commissioners shall make to the Allegany County Emergency Services Board, for distribution to eligible Emergency Service Organizations which provide twenty-four (24) hour service, subject to the following:
 - a. All Emergency Service Organizations receiving funds shall receive a primary base amount. Additional allocations for sub-stations, population base, assessable base, travel distance, and ambulance service shall be based on criteria established by the Allegany County Emergency Services Board;
 - b. Each eligible Emergency Service Organization shall receive no less than 2.5 percent of the Allegany County Emergency Services Board allocation for fire and rescue organizations;

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- c. The City of Cumberland Fire Department shall receive no less than 18 percent of the Allegany County Emergency Services Board allocation for fire and rescue organizations; and
 - d. Allegany County Emergency Services Board special allocations, including administrative costs, special funding, etc., will be established annually. This shall be in addition to the Allegany County Emergency Services Board allocations for fire and rescue organizations. This shall not be counted for the purpose of calculating percentage allocations.
- 4. To govern all solicitation of funding by any Emergency Services Organization based in Allegany County outside of their primary first due response area. Solicitations outside of their primary first due response area must receive prior approval by the Allegany County Emergency Services Board.
- 5. To establish equipment standards for Emergency Service Organizations that meet the current Maryland State Firemen's Association By-Laws. These equipment standards shall be reviewed and amended as required on an annual basis by the Allegany County Emergency Services Board. The Allegany County Emergency Services Board may establish standards greater than those set forth by the Maryland State Firemen's Association providing funding is identified to exceed these standards.
- 6. To establish training standards for Emergency Service Organizations, their members and officers that will meet the requirements of the State of Maryland, its regulatory agencies, and the Maryland State Firemen's Association. These training standards shall be reviewed and amended as required on an annual basis by the Allegany County Emergency Services Board. The Allegany County Emergency Services Board may establish standards greater than those set forth by the Maryland State Firemen's Association providing funding is identified to exceed these standards. All Emergency Services Organizations will provide upon request from the Allegany County Emergency Services Board, a listing of all members and their respective training records.
- 7. To establish and review on an as needed basis the Standard Operating and Administrative Procedures that govern the daily operations of the Emergency Service Organizations in Allegany County. Procedural topics to be considered include:
 - a. Emergency Response Procedures which shall include, but not be limited to, Command, Accountability, Personnel Requirements, Equipment Response Requirements and Specialized Operations.

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- b. Communications Procedures which shall include, but not be limited to, Radios and frequencies, Alerting, Standard Operating Procedures (SOP's) for radio usage and Equipment Numbering.
 - c. Human Resources Procedures which shall include, but not be limited to, tax incentives, recruitment/retention incentives, death benefits and a Length Of Service Award Program (LOSAP).
 - d. Inspection and Testing Procedures which shall include, but not be limited to, Pump testing of fire equipment, Annual inspection of ambulances, Inspection of Monitor/ Defibrillators, Automatic External Defibrillator's (AED's), and Department Of Transportation inspections.
 - e. Reporting Procedures which shall include, but not be limited to, State requirements (fire reports, 508 requests, etc.) and Allegany County requirements.
 - f. Mutual Aid Agreements
 - g. Response Statistics
 - h. Quality Assurance
8. The Emergency Services Board shall annually evaluate the county-wide Fire and EMS delivery system progress and make recommendations to the Allegany County Commissioners regarding updates and improvements which have occurred to the system or need to be implemented.

E. FIRE SERVICE COMMITTEE

The Emergency Services Board shall organize and recognize a Fire Service Committee for the purpose of serving as an advisory group to the Emergency Services Board. The Chairman of the Fire Service Committee shall make a report at each meeting of the Emergency Services Board to advise the Board members of the status of current projects and to present items for Board approval. The Emergency Services Board shall strongly consider the ratification of the item as presented based upon the consensus vote of the Fire Service Committee.

1. COMMITTEE MEMBERSHIP

The Fire Service Committee will be made up of one chief officer (Chief, Deputy Chief or Assistant Chief) from each Emergency Services Organization providing fire protection services in Allegany County. Each organization shall have only one vote.

2. OFFICERS AND DUTIES

The officers of the Allegany County Emergency Services Board Fire Service Committee shall be a Chairman, a Vice Chairman, and a Secretary. All officers will be selected from the Committee membership.

a. The Chairman will be the chief administrative officer and preside over all meetings of the committee. The Chairman may appoint and assign members of the committee to sub committees as he/she deems necessary. The Chairman may also appoint non-committee members to sub committees or duties in order to take advantage of expertise and experience of persons not members of the committee. Non-committee members so appointed will not have voting rights on the committee, and will serve only in the special capacity for which appointed and have only the responsibilities designated by the Chairman.

b. The Vice-Chairman will assume the Chairman's duties in the absence of the Chairman.

c. The Secretary will be responsible for maintaining accurate records of all committee business, processing all correspondence, and attending to other administrative duties assigned by the Chairman.

3. REPRESENTATION ON THE EMERGENCY SERVICES BOARD

a. The Chairman of the Fire Service Committee will serve as a member of the Emergency Services Board. The Vice Chairman of Fire Services Committee shall serve as the alternate for the Chairman.

b. The Fire Service Committee must select a Member At Large representative to the Allegany County Emergency Services Board, and an alternate to serve in their absence;

- c. The names of the Fire Service Committee Chairperson and Member At Large selected and their alternates are to be submitted to the Allegany County Emergency Services Board Chair prior to the January Emergency Services Board meeting;
- d. Failure of the organizations to select one or more representatives will result in the Allegany County Emergency Services Board selecting an individual from the area of the vacancy to fill the membership opening;
- e. Alternates of record are not considered members of the Board but shall have full privileges, including voting, in the absence of the representative which they represent.

4. **COMMITTEE DUTIES AND RESPONSIBILITIES**

The Allegany County Emergency Services Board Fire Service Committee shall be responsible for researching, developing, and providing recommendations to the Emergency Services Board appropriate to execute the following functions:

- a. To develop criteria for establishing primary service areas and boundaries for Emergency Service Organizations.
- b. To establish equipment standards for Fire Service Related Emergency Service Organizations. These equipment standards shall be reviewed and amended as required on an annual basis.
- c. To establish training standards for Emergency Service Organizations, their members and officers that will meet the requirements of the State of Maryland, its regulatory agencies, and the Maryland State Firemen's Association. These training standards shall be reviewed and amended as required on an annual basis.
- d. To establish and review on an as needed basis the Standard Operating and Administrative Procedures that govern the daily operations of the Emergency Service Organizations in Allegany County. The Standard Operating and Administrative Procedures to be reviewed include but are not limited to:

- (1) Emergency Response Procedures which shall include, but not be limited to, Command, Accountability, Personnel Requirements, Equipment Response Requirements and Specialized Operations.
 - (2) Communications Procedures which shall include, but not be limited to, Radios and frequencies, Alerting, Standard Operating Procedures (SOP's) for radio usage and Equipment Numbering.
 - (3) Human Resources Procedures which shall include, but not be limited to, tax incentives, recruitment/retention incentives, etc.
 - (4) Inspection and Testing Procedures which shall include, but not be limited to, Pump testing of fire equipment, Automatic External Defibrillator's (AED's), and Department Of Transportation inspections.
 - (5) Reporting Procedures which shall include, but not be limited to, State requirements (fire reports, 508 requests, etc.) and County requirements.
 - (6) Mutual Aid Agreements
 - (7) Response Statistics
 - (8) Quality Assurance
- e. Other duties as requested or assigned by the Emergency Services Board.

G. EMERGENCY MEDICAL SERVICE COMMITTEE

The Emergency Services Board shall organize and recognize an Emergency Medical Service (EMS) Committee for the purpose of serving as an advisory group to the Emergency Services Board. The Chairman of the Emergency Medical Service (EMS) Committee shall make a report at each meeting of the Emergency Services Board to advise the Board members of the status of current projects and to present items for Board approval. The Emergency Services Board shall strongly consider the ratification of the item as presented based upon the consensus vote of the Emergency Medical Service (EMS) Committee.

1. COMMITTEE MEMBERSHIP

The Emergency Medical Service (EMS) Committee will be made up of one chief officer (Chief, Deputy Chief, Assistant Chief, Captain or Lieutenant) from each Emergency Services Organization providing emergency ambulance services in Allegany County. Each organization shall have only one vote.

2. OFFICERS AND DUTIES

The officers of the Allegany County Emergency Services Board Emergency Medical Service (EMS) Committee shall be a Chairman, a Vice Chairman, and a Secretary. All officers will be selected from the Committee membership.

- a. The Chairman will be the chief administrative officer and preside over all meetings of the committee. The Chairman may appoint and assign members of the committee to sub committees as he/she deems necessary. The Chairman may also appoint non-committee members to subcommittee or duties in order to take advantage of expertise and experience of persons not members of the committee. Non-committee members so appointed will not have voting rights on the committee, and will serve only in the special capacity for which appointed and have only the responsibilities designated by the Chairman.
- b. The Vice-Chairman will assume the Chairman's duties in the absence of the Chairman.
- c. The Secretary will be responsible for maintaining accurate records of all committee business, processing all correspondence, and attending to other administrative duties assigned by the Chairman.

3. REPRESENTATION ON THE EMERGENCY SERVICES BOARD

- a. The Chairman of the Emergency Medical Service (EMS) Committee will serve as a member of the Emergency Services Board. The Vice Chairman of the Emergency Medical Service (EMS) Committee shall serve as the alternate for the Chairman.
- b. The Emergency Medical Service (EMS) Committee must select a Member At Large representative to the Allegany County Emergency Services Board, and an alternate to serve in their absence;

- c. The names of the Emergency Medical Service (EMS) Committee Chairperson and Member At Large selected and their alternates are to be submitted to the Allegany County Emergency Services Board Chair prior to the January Emergency Services Board meeting;
- d. Failure of the organizations to select one or more representatives will result in the Allegany County Emergency Services Board selecting an individual from the area of the vacancy to fill the membership opening;
- e. Alternates of record are not considered members of the Board but shall have full privileges, including voting, in the absence of the representative which they represent.

4. **COMMITTEE DUTIES AND RESPONSIBILITIES**

The Allegany County Emergency Services Board Emergency Medical Service (EMS) Committee shall be responsible for researching, developing, and providing recommendations to the Emergency Services Board appropriate to execute the following functions:

- a. To develop criteria for establishing primary service areas and boundaries for Emergency Service Organizations.
- b. To establish equipment standards for Emergency Medical Service Related Emergency Service Organizations. These equipment standards shall be reviewed and amended as required on an annual basis.
- c. To establish training standards for Emergency Service Organizations, their members and officers that will meet the requirements of the State of Maryland, its regulatory agencies, and the Maryland State Firemen's Association. These training standards will be reviewed and amended as required on an annual basis.
- d. To establish and review on an as needed basis the Standard Operating and Administrative Procedures that govern the daily operations of the Emergency Service Organizations in Allegany County. The Standard Operating and Administrative Procedures include but are not limited to:

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- (1) Emergency Response Procedures which shall include, but not be limited to, Command, Accountability, Personnel Requirements, Equipment Response Requirements, and Specialized Operations.
 - (2) Communications Procedures which shall include, but not be limited to, Radios and frequencies, Alerting, Standard Operating Procedures (SOP's) for radio usage and Equipment Numbering.
 - (3) Human Resources Procedures which shall include, but not be limited to, tax incentives, recruitment/retention incentives, etc.
 - (4) Inspection and Testing Procedures which shall include, but not be limited to, Automatic External Defibrillator's (AED's), and Department Of Transportation inspections.
 - (5) Reporting Procedures which shall include, but not be limited to, State requirements (EMAIS reports, 508 requests, etc.) and County requirements.
 - (6) Mutual Aid Agreements
 - (7) Response Statistics
 - (8) Quality Assurance
- e. Other duties as requested or assigned by the Emergency Services Board.

§42-3. Distribution of Appropriations.

The County Commissioners shall make semi-annual appropriations to the Emergency Services Organizations based upon authorization by the Allegany County Emergency Services Board on October 1st and April 1st of each fiscal year. The County Finance Office shall distribute said sums to the eligible fire and rescue organizations. The payments shall be made as per the allocation schedule (Exhibit E) herein provided.

1. Before the Board shall release the sums herein provided to the respective fire, rescue and emergency medical service organizations, the said Board shall have the power to require the officers of said fire and rescue organizations to appear before them and show, to the satisfaction of said Board, that any sums of money paid, or

to be paid, shall be used for: the purchase, repair, or maintenance of firefighting and rescue equipment; for the repair and maintenance and/or upkeep of the buildings used by the respective organizations; or for the payment of personnel salaries and benefits.

2. Any organization failing to comply with the purposes stated herein or with the rules and regulations, as promulgated by the Board, shall, after investigation by the said Board, be declared ineligible for receipt of funds, and no further distribution shall be required until, in the opinion of the Board the respective organization has remedied all deficiencies, and is in compliance with all appropriate legal regulations.

Section III.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, that this Act shall become effective forty-five (45) days from the date of passage, May 6, 2007.

PASSED this 22nd day of March, 2007.

**BOARD OF COUNTY COMMISSIONERS OF
ALLEGANY COUNTY MARYLAND**

James J. Stakem, President

Robert M. Hutcheson, Commissioner

ATTEST:

Carol A. Gaffney, Clerk

Dale R. Lewis, Commissioner

CERTIFICATION

I, Carol A. Gaffney, Clerk to the County Commissioners of Allegany County, Maryland, a body corporate and politic, duly organized and existing under the laws of the State of Maryland, hereby certify that the above Act was duly adopted at the public meeting of the Allegany County Commissioners held on the 22nd day of March, 2007.

Carol A. Gaffney, Clerk