

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2011 Legislative Session

Bill No. CB-60-2011

Chapter No. _____

Proposed and Presented by The Chair (by request – County Executive)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Fire Safety

3 For the purpose of amending the method of appointment for members of the Fire Commission;
 4 expanding the duties and responsibilities of the Fire Commission; amending the composition and
 5 function of the Volunteer Fire Service Qualifications Review Board; and generally relating to
 6 fire safety.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 11. FIRE SAFETY.

9 Sections 11-150, 11-301, 11-302, 11-303, 11-328,
 10 11-331, 11-333, 11-335, 11-342, and 11-343

11 The Prince George's County Code

12 (2007 Edition, 2010 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 14 Maryland, that Sections 11-150, 11-301, 11-302, 11-303, 11-328, 11-331, 11-333, 11-335, 11-
 15 342, and 11-343 of the Prince George's County Code be and the same are hereby repealed and
 16 reenacted with the following amendments:

17 SUBTITLE 11. FIRE SAFETY.

18 DIVISION 2. ADMINISTRATION.

19 **Sec. 11-150. Authority of Fire Chief.**

20 (a) Generally. The Fire Chief is hereby authorized and directed to administer the
 21 provisions of this Subtitle. The Fire Chief or authorized representative shall have such other

1 powers and perform such other duties as are set forth in this Subtitle and as may be conferred and
 2 imposed from time to time by law. The Fire Chief may delegate any of his or her powers or
 3 duties under this Subtitle to the Office of the Fire Marshal or to other fire officials.

4 * * * * *

5 (d) The Fire Chief shall ensure all aspects of the Fire/EMS Department administrative
 6 activities are facilitated with appropriate staff, to ensure both career membership and volunteer
 7 corporations have the necessary equipment, staff, and administrative support to accomplish the
 8 Department’s mission, within allowable tolerances of the budgetary process.

9 (e) Fiscal Stewardship. The Fire Chief shall exercise financial discipline and protect
 10 entrusted resources, including all expenditures of funds related to the Fire/EMS Department. As
 11 a trusted public steward, the Fire Chief is obligated to respect, honor and uphold all federal, state
 12 and local laws, and the regulations, policies and procedures of Prince George’s County, the State
 13 of Maryland and the United States.

14 **DIVISION 5. FIRE COMMISSION.**

15 **Sec. 11-301. Fire Commission; membership.**

16 (a) There shall be a Fire Commission composed of nine (9) members [elected by the
 17 volunteer fire companies of Prince George's County. Each company shall be entitled to cast one
 18 (1) vote for each member of the Commission. The first election shall take place in the month of
 19 December 1970, and an election shall take place annually thereafter during the month of July.]
 20 that are appointed by the County Executive and confirmed by the County Council. All members
 21 shall reside in Prince George’s County at the time of their appointment and continuously while
 22 serving on the Commission.

23 (b) Three members shall be active members of a County volunteer fire department or
 24 rescue squad, three members shall be active employees of the Fire/EMS Department, and three
 25 members shall be citizens from the general public and shall not have any personal, family, or
 26 business connection with the County Fire/EMS Department or any County volunteer fire
 27 department or rescue squad.

28 (c) Each member shall serve a term of three (3) years. A member may not serve more than
 29 two (2) consecutive full terms, not counting any portion of an unexpired term. For the initial
 30 appointment of the Commission, the members shall be appointed in a manner to provide for the
 31 expiration of terms for one member of each class for each year.

1 (d) The County Executive shall designate one of the citizen members as Chair and another
 2 citizen member as Vice-Chair.

3 **Sec. 11-302. Duties.**

4 [The Fire Commission shall review the financial needs and requests for public funds of and
 5 each volunteer fire company. It shall formulate annually one capital budget, one capital
 6 improvement program, and one current expense budget for all volunteer fire companies with
 7 respect to the expenditure of public funds, and shall submit said budgets and program, together
 8 with appropriate justification, to the County Executive in accordance with the provisions of the
 9 Charter.] The Fire Commission shall provide guidance and advice to the Fire Chief, who shall
 10 then consider said guidance and advice in making recommendations to the County Executive and
 11 County Council. In addition to any other functions assigned by law or Executive regulation, the
 12 Fire Commission shall:

13 (a) provide advice on any matter relating to the provision of emergency medical services,
 14 fire prevention activities and fire suppression services;

15 (b) in a timely fashion, review policies, standards, procedures, plans, and programs
 16 relating to the provision of emergency medical services, fire prevention activities and fire
 17 suppression services;

18 (c) in a timely fashion, review and advise on the capital and operating budget for the
 19 Fire/EMS Department;

20 (d) review and make recommendations on the proposed Public Safety Master Plan
 21 provisions for fire, rescue, and emergency medical services;

22 (e) recommend and comment on legislation, regulations, and policies that apply to or
 23 affect the Fire/EMS Department;

24 (f) recommend strategies for recruitment and retention programs to encourage community
 25 participation in the volunteer fire companies;

26 (g) recommend guidelines for curriculum and programs of the Fire/EMS Training
 27 Academy and other training programs for career and volunteer members; and

28 (h) prepare an annual report describing Fire Commission recommendations and activities.

29 **Sec. 11-303. [Reserved.] Administration.**

30 (a) The Fire/EMS Department shall provide staff and other support to the Fire
 31 Commission, subject to appropriation; and

1 (b) Fire Commission members shall not be entitled to compensation. Fire Commission
2 members may be reimbursed for reasonable travel expenses, subject to appropriation and
3 approval by the Fire Chief.

4 **DIVISION 6. VOLUNTEER FIRE COMPANIES.**

5 * * * * *
6 **Sec. 11-328. Length of Service Award Program.**

7 * * * * *
8 (d) Funding. The Fire Commission will annually submit, with the Volunteer Fire
9 Department budget[s] recommendations, a request for funds to pay administrative expenses and
10 to pay those volunteer members who are eligible or will become eligible for the program. The
11 request shall identify by name each member to receive payment and specify the number of
12 months for which payment will be made to that individual during the fiscal year, if for less than a
13 full year.

14 (e) Administration.

15 (1) The program shall be administered by the Office of Human Resources
16 Management in accordance with standards and procedures established by the Prince George's
17 County Fire [Commission] Chief, the Office of Human Resources Management, and the Prince
18 George's County Office of Finance.

19 (2) The Prince George's County Fire [Commission] Chief and/or the Prince George's
20 County Office of Finance and the Prince George's County Office of Audits and Investigations
21 shall have the authority to audit records of volunteer participation in addition to any other audits
22 required by law. [The County Executive shall make available to the Fire Commission any
23 temporary secretarial or clerical assistance as may become necessary to carry out the provisions
24 of this Act.]

25 (f) Certification. It shall be the responsibility of each participating department to maintain
26 a detailed and accurate record for each volunteer member in accordance with the following:

27 (1) All records shall be maintained on forms prescribed by the Prince George's
28 County Fire Commission, in accordance with the needs of the Fire Chief and the Director of
29 Finance.

30 * * * * *

DIVISION 7. MINIMUM QUALIFICATIONS FOR VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE CARE PROVIDERS.

Sec. 11-331. Definitions.

(a) The words defined in this Section shall have the meanings set forth below whenever they appear in this Division, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular provision.

* * * * *

(8) **Equivalent course of study** means a program, certification, or course of study or training which is deemed and approved by the Fire Commission and the Fire/EMS Training Academy as materially equivalent with respect to any other such program, certification, or course.

* * * * *

Sec. 11-333. Firefighter and EMS Care Provider volunteer classes.

(a) Subject to the applicable provisions of this Division and for purposes of this Division, volunteer firefighters shall be designated among classes of seniority as follows:

- (1) Junior Volunteer Firefighter;
- (2) Active Volunteer Firefighter;
- (3) Volunteer Fire Line Officer;
- (4) Deputy or Assistant Volunteer Fire Chief; and
- (5) Volunteer Fire Chief.

* * * * *

(c) No member of any designated organization shall be appointed to active status to any officer, deputy chief, assistant chief, or chief class designation provided in this Section until such time as the Fire Commission reviews and the governing body of such designated organization [or] and the Fire [Commission] Chief shall have duly issued a certificate, in writing, which evidences that such member meets or exceeds the conditions, qualifications, and requirements applicable thereto according the provisions of this Division.

* * * * *

Sec. 11-335. Volunteer Firefighters and Volunteer EMS Care Providers.

(a) Except as otherwise provided herein, prior to appointment to the capacity of a volunteer firefighter or EMS care provider, whether of the junior or active class designation,

1 each applicant thereto shall establish compliance with the minimum qualifications as follows:

2 * * * * *

3 (2) **Application.** Such applicant shall have furnished a completed application form
4 as prescribed from time to time by the Fire [Commission] Chief, which application form shall
5 require the recordation of such information as is reasonably necessary to demonstrate that the
6 applicant possesses the qualifications required by this Section.

7 (3) **Medical standards.** Such applicant shall meet or exceed such medical standards
8 as are established by the Fire [Commission] Chief, which medical standards shall be based upon
9 reasonable tests and examinations necessary to ascertain that the applicant's physical and mental
10 health is adequate to insure that the applicant is able to perform in firefighting or rescue
11 operations without the threat of injury to self, other firefighters or EMS care providers, or
12 members of the general public.

13 * * * * *

14 **Sec. 11-342. Administration of Division.**

15 (a) **Disputes.** Subject to the provision for recommendation by the Qualification Review
16 Board and any governing body which is an interested party, any dispute concerning the purposes,
17 provisions, and administration of this Division shall be subject to review by the Fire Commission
18 and determination by the Fire [Commission] Chief.

19 (b) **Determinations by Fire [Commission] Chief.** The Fire [Commission] Chief shall
20 have the specific authorities and responsibilities to render the following determinations provided
21 in accordance with this Division:

22 (1) Any dispute concerning the issuance or failure to issue any certificate provided in
23 accordance with the purposes, provisions, and administration of Section 11-333(c);

24 (2) Any determination concerning the qualification of any program, certification, or
25 course as one which shall be deemed an equivalent course of study with respect to any other
26 course enumerated herein, within the meaning of Section 11-331(a)(8) and purposes of this
27 Division; and

28 (3) Any request of appeal tendered by an interested party with respect to any prior
29 adverse determination provided in accordance with this Division and rendered by the
30 Qualifications Review Board or any governing body.

31 * * * * *

1 (d) **Determinations by Qualifications Review Board.** The Qualifications Review Board
2 shall have the specific authorities and responsibilities as follows:

3 (1) To evaluate and make recommendation with respect to any dispute made subject
4 to review by the Fire Commission and determination by the Fire [Commission] Chief pursuant to
5 the provisions of this Division, including, without limitation, any dispute concerning the issuance
6 or failure to issue any certificate provided in accordance with the purposes, provisions, and
7 administration of Section 11-333(c);

8 (2) To evaluate and develop recommendations concerning qualification of any
9 program, certification, or course as one which shall be deemed substantially related to
10 firefighting or the provision of emergency medical services, or the operations and enforcement of
11 the provisions of this Subtitle, and shall constitute continuing education within the meaning set
12 forth in Section 11-331(a)(4) and for purposes of this Division;

13 (3) To make such general studies, surveys, inquiries, and evaluations concerning the
14 improvement of qualifications or training for active status; and

15 (4) To report its recommendations, findings, and evaluations to the Fire
16 [Commission] Chief.

17 (e) **Form and standards of determinations.** Any determination made pursuant to the
18 provisions of this Division by the Fire [Commission] Chief, a governing body, or the
19 Qualifications Review Board shall be rendered in writing, and shall be certificated through
20 attestation by any officer so authorized by the governing body in interest, and shall be made
21 upon the basis of a preponderance of the evidence.

22 (f) **Procedures; regulations.** The Fire [Commission] Chief shall promulgate [its own]
23 rules and regulations as may be necessary and appropriate to execute [its] responsibilities under
24 this Division; provided, such rules or regulations shall provide, among other things, that any
25 appeal as provided under this Division shall be duly taken only upon the giving of timely notice
26 thereof to the Qualifications Review Board and, further, shall provide that the Qualifications
27 Review Board and Fire Commission shall be afforded a period of not less than thirty (30), and
28 not more than sixty (60) days, from the date of notice for the purpose of evaluating such appeal
29 and making such recommendations as provided herein.

Sec. 11-343. Volunteer Fire Service Qualifications Review Board.

(a) There is hereby established a Volunteer Fire Service Qualifications Review Board which shall [monitor the development of] provide recommendations to the Fire Chief regarding the appropriate qualifications and standards of training for volunteer firefighters and volunteer EMS care providers, and to support the enhancement of standards and qualifications of service provided by designated organizations.

(b) The Qualifications Review Board shall consist of five (5) members who shall be designated in accordance with the following:

(1) One (1) member shall be designated from, among, and by the Fire Commission[, which member shall constitute and serve as Chairman of the Qualifications Review Board];

(2) Two (2) members shall be designated by the Fire Chief from and among the members of the Prince George's County Fire/EMS Department, one of which members shall be sworn to the rank of Major and the other of which shall be sworn and appointed to the position of Volunteer Division Chief, of which one shall constitute and serve as Chair of the Qualifications Review Board per the designation of the Fire Chief;

(3) One (1) member shall be designated from among the members of the Prince George's County Volunteer Fire and Rescue Association, Inc., a Maryland nonstock corporation, or its lawful successor, which is organized and existing in Prince George's County, Maryland, and which member shall be so designated by the President of such association; and

(4) One (1) member shall be designated from, by, and among the members of the Volunteer Fire Chief's Council or its lawful successor, an unincorporated and nonprofit professional association organized and existing in Prince George's County, Maryland.

(c) Each member of the Qualifications Review Board shall serve for an indefinite term, and subject to the pleasure of the Fire Chief and the person or association by which such member is so designated to serve.

(d) The Qualifications Review Board shall promulgate its own rules and regulations as may be necessary and appropriate to execute its responsibilities under this Division.

* * * * *

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of

1 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
2 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
3 Act, since the same would have been enacted without the incorporation in this Act of any such
4 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

5 * * * * *

6 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
7 calendar days after it becomes law.

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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