

DRAFT

Charles County Fire and Emergency Medical Services

Emergency Medical Services

Emergency Medical Services will be provided by the Department of Emergency Services and the Charles County Volunteer EMS Association.

The Director of Emergency Services will be appointed by the County Executive. The Director of Emergency Services will appoint a Deputy Director.

A volunteer EMS Chief will be elected by the Charles County Volunteer EMS Association.

Fire

The Charles County Volunteer Firemen's Association will provide all fire suppression services for Charles County.

A Volunteer Program Administrator will be hired by the Charles County Government to serve under the Director of Emergency Services. This will be a merit position. (INCLUDE VOLUNTEER CHIEF IN INTERVIEW PROCESS? MINIMUM __ YEARS VOLUNTEER EXPERIENCE REQUIRED?)

A Volunteer Fire Chief will be elected by the Charles County Volunteer Firemen's Association. The Volunteer Fire Chief will be the Chief Operational Officer for the Volunteer Fire Services in Charles County.

The Volunteer Program Administrator is responsible for administrative duties related to county fire prevention and suppression services. The Volunteer Program Administrator holds no operational authority. (NEED TO ELABORATE ON RESPONSIBILITIES – ADD ITEMS COUNTY CHIEF PRESENTED THAT WERE ISSUES, PGM RELATIONS, COMMERCIAL/RESIDENTIAL DEVELOPMENT PLANS, BUILDING CODES, VACANT HOUSING TRACKING, “SEAT AT THE TABLE”, ETC.)

All departments will follow the association's by-laws and code of conduct. Capital purchases will be approved by the Board of Fire and Rescue (see article 1, section 6).

Article 1

Section 1

Funding Generally; Board of Fire and Rescue

A. The County Executive shall levy for each fiscal year a fire, rescue, and emergency medical services tax at the rate of \$.064 per \$100 of assessed value of all taxable real property other than operating real

property of a public utility and \$0.16 per \$100 of assessed value of all personal property and operating real property of a public utility in Charles County.

B. Said fire, rescue, and emergency medical services tax shall be levied and collected in the same manner as other state and County taxes are now levied and collected.

C. The proceeds collected from the County fire, rescue, and emergency medical services tax shall thereafter be paid by the County Executive twice a year, as determined by the Board of Fire and Rescue, to all the volunteer Fire Departments, rescue squads, including mobile intensive care units, and dive rescue units, in Charles County. The proceeds shall be distributed as directed by the Board of Fire and Rescue.

D. The Board of Fire and Rescue shall review and make recommendations concerning the financing of the volunteer fire departments, rescue squads, including mobile intensive care units, and dive rescue units, in Charles County. Distribution of the proceeds of the fire, rescue, and emergency medical services tax shall be to the various volunteer fire departments, rescue squads, mobile intensive care units, and dive rescue units in accordance with a formula agreed on by the Board of Fire and Rescue and the Executive Committee of the Charles County Volunteer Firemen's Association and the Executive Committee of the Charles County Association of Emergency Medical Services. If an agreement cannot be reached, the formula employed in the previous year's distribution shall continue in use until an agreement is reached. The revenue received from the fire, rescue, and emergency medical services tax shall be allocated and distributed as follows:

(1) 62.5% to the various fire departments and dive rescue units of Charles County.

(2) 31.25% to the various rescue squads and mobile intensive care units of Charles County.

(3) 6.25% to be used to provide funds to pay for the funded length of service award described in § 54-8 of this chapter.

E. The funds received by the respective Fire Departments and rescue squads, including mobile intensive care units and dive rescue units, from this fire, rescue, and emergency medical services tax shall be used for the purpose of purchasing, repairing, replacing, operating and maintaining their firefighting, rescue, and emergency medical services equipment and apparatus and the housing of the same and for fire prevention and training. The amount and type of equipment and apparatus of said Fire Departments, rescue squads, mobile intensive care units, and dive rescue units shall conform to the standards prescribed by the Charles County Volunteer Firemen's Association and by the Charles County Association of Emergency Medical Services, respectively. No resolution, regulation or bylaw shall be passed by said Fire Departments, rescue squads, mobile intensive care units, and dive rescue units limiting or restricting the territory within the area covered by this fire, rescue, and emergency medical services tax within which it will respond to emergency calls.

F. In addition to the fire, rescue, and emergency medical services tax benefits, the Executive of Charles County is authorized to pay out of the general funds of the County additional funds to the various Fire Departments, rescue squads, mobile intensive care units, and dive rescue units as they deem necessary. The Board of Fire and Rescue shall consider these payments in determining the amounts due the various Fire Departments, rescue squads, mobile intensive care units, and dive rescue units under the formula distribution plan and in determining whether excess proceeds exist.

Section 2

Inspection of equipment and apparatus; compliance with Association standards required; report

A. The Charles County Volunteer Firemen's Association, at least once each calendar year, shall conduct an inspection by a duly appointed committee of the Association to ascertain whether each fire department's equipment and apparatus, including dive rescue units, complies with the standards of the Association, and the Association, on or before the 15th of October of each year, shall submit a report, in writing, to the County Executive and the Board of Fire and Rescue Commissioners stating whether each department, company, or unit does or does not meet the standards of the Association. Each noncompliance with the standards shall be documented by the Charles County Volunteer Firemen's Association.

B. The Charles County Association of Emergency Medical Services shall, at least twice each calendar year, conduct an inspection by a duly appointed committee of the Association to ascertain whether each volunteer rescue squad's equipment and apparatus, including mobile intensive care units, complies with the standards of the Association. The Association shall, on or before the first day of June and December of each year, submit a report in writing, to the County Executive and the Board of Fire and Rescue stating whether each unit meets or fails to meet the standards of the Association.

Section 3

Noncompliance with Association standards; withholding or reallocation of proportionate funds.

A. In the event that any one of the fire departments, rescue squads, mobile intensive care units, or dive rescue units in Charles County fails to comply with the standards of its respective Association, then the Board of Fire and Rescue may withhold the funds proportionate to the noncompliance of the standards until said department, squad, mobile intensive care unit, or dive rescue unit has complied with the standards of said Association or has presented an acceptable plan for attaining compliance with the standards of said Association to the Board of Fire and Rescue. If said department, squad, mobile intensive care unit, or dive rescue unit does not comply with the standards, then the proportionate funds allocated to that department, squad or mobile intensive care unit shall be distributed, as necessary, among the companies assuming coverage of that area.

Section 4

Discontinuance as active firefighting or rescue organization; distribution of funds, assets, and liabilities.

A. In the event that any one of the fire departments, rescue squads, mobile intensive care unit, or dive rescue units in Charles County ceases to be an active firefighting, rescue, or emergency medical services organization or if the funds provided for herein are not used for the purposes set forth in Section 1 and Section 2 of this article, the County Executive shall cease paying to that department, squad, mobile intensive care unit, or dive rescue unit such funds, and the same shall be held and distributed, as necessary, on the recommendations of the Board of Fire and Rescue, to those departments, squads, mobile intensive care units, or dive rescue units assuming coverage of that area; provided, further, that the beneficial assets of said fire departments, rescue squads, or mobile intensive care units, or dive rescue units shall become the property of Charles County and that the County Executive may, at their discretion, assume some or all of the liabilities of such organizations. The County Executive may, on the

recommendation of the Board of Fire and Rescue, give such assets to those fire departments, rescue squads, mobile intensive care units, or dive rescue units assuming coverage of the area or to any other fire department, rescue squad, mobile intensive care unit, or dive rescue unit active in Charles County.

Section 5

Capital expenditures; financial statements.

A. Review and approval procedures for capital expenditures.

(1) No fire department, rescue squad, mobile intensive care unit, or dive rescue unit receiving benefits under Section 1 and Section 2 of this article shall obligate itself or expend funds for any capital expenditure, including the purchase of land, the purchase, erection or modification of any building or structure or the acquisition of apparatus, without first obtaining approval of the Executive Committee of the Charles County Volunteer Firemen's Association or the Charles County Association of Emergency Medical Services and the Board of Fire and Rescue.

(2) The Board of Fire and Rescue shall review each such proposal and, in the event that the proposed expenditure exceeds the funds allocated in the formula distribution plan, shall ensure that the organization requesting such approval is aware of the excess and possesses adequate funds or means to raise such funds without having a detrimental effect on its firefighting, rescue, or emergency medical service capability or jeopardizing the organization's financial stability.

B. On or before October 1 of each year, each fire department, rescue squad, mobile intensive care unit, and dive rescue unit, to which money is paid by the County Executive shall submit to the Board of Fire and Rescue and to the County Executive a statement prepared by a certified public accountant of all cash receipts and disbursements, regardless of source, for the previous fiscal year and other pertinent information as required by the Board of Fire and Rescue.

Section 6

Board membership; terms; powers and duties.

A. The Board of Fire and Rescue shall be composed of seven members, one of whom shall be a County Council Member, two shall be appointed by the County Executive, one of whom shall be elected by the Charles County Volunteer Firemen's Association, one of whom shall be elected by the Charles County Association of Emergency Medical Services and two of whom shall be appointed by the Governor. Each member of the Board of Fire and Rescue shall serve without compensation. Vacancies are to be filled in the same manner as the original membership was filled. The two gubernatorial members shall be comprised of one person not affiliated with the Firemen's Association or Emergency Medical Services of Charles County and one person who is knowledgeable of the operational functions of the Firemen's Association and Emergency Medical Services of Charles County.

B. The terms of office for the members of the Board of Fire and Rescue Commissioners are as follows:

(1) For the two members who are appointed by the Governor, four-year terms.

(2) For the one member who is a member of the Charles County Council, a term of four years, to be filled on whatever time basis the County Executive so choose, but only while the County Council Member is serving a term of office in that capacity.

(3) For the one member who is elected by the Charles County Volunteer Firemen's Association, a one-year term beginning January 1.

(4) For the one member who is elected by the Charles County Association of Emergency Medical Services, a one-year term beginning January 1.

(5) For the two members who are appointed by the Charles County Executive, four-year terms beginning on January 1.

C. In addition to any other powers that are granted under this article, the Board of Fire and Rescue Commissioners may:

(1) Swear witnesses and take sworn testimony;

(2) Hire a Program Coordinator, a clerical or administrative assistant, or both, provided that the salary and benefits of the Program Coordinator and clerical or administrative assistant are paid out of fire, rescue, and emergency medical services taxes; and

(3) After consultation with the County Attorney:

(a) Require, as a condition of receiving tax moneys, each County Fire Department, rescue squad, mobile intensive care unit, or dive rescue unit to submit financial records or minutes of meetings to the Board;

(b) Remove from office, or bar from office, in any County fire department, rescue squad, mobile intensive care unit, or dive rescue unit any individual who refuses to submit any record as required under this chapter or otherwise deliberately violates the provisions of this chapter; and

(c) Provide for an appeal process for any individual charged with a violation under this section.

Article II

Length of Service Award Program

Program established.

There is hereby established a length of service award program for qualified active volunteer members of the Charles County Volunteer Fire Companies, Volunteer Rescue Squads, volunteer mobile intensive care units, and volunteer dive rescue units. For the purposes of Article II "active volunteer member" means a person who accumulated a minimum of 50 points per calendar year in accordance with the point system set forth in Article II.

Section 1

Determination and payment of benefits.

A. Any person who has served as a member of any Charles County volunteer fire company, volunteer rescue squad, volunteer mobile intensive care unit, or volunteer dive rescue unit is eligible to receive the benefits set forth in this article if the person is certified in accordance with the provision of § 54-11 to

have served as an active volunteer subsequent to December 31, 1973. Any person who discontinued active volunteer service prior to January 1, 1974, may receive credit for the service after being certified in accordance with the provisions of § 54-11.

B.

Beginning January 1, 1974, any person who has reached the age of 60 years and who has completed a minimum of 25 years of certified active volunteer service with any Charles County volunteer fire company, volunteer rescue squad, volunteer mobile intensive care unit, or volunteer dive rescue unit, or combination thereof, shall receive benefits in the amount of \$100 per month for life. Payments shall begin on the first day of the first month following eligibility. The program shall be administered by the County Commissioners of Charles County, and payment shall be made directly to the volunteer entitled to such benefits. Beginning July 1, 1984, and annually thereafter, this amount shall be increased or decreased by an amount equal to the annual increase or decrease as reflected by the consumer price index, using the published May figure each year. This amount shall not exceed a 4% increase or decrease per year and shall be cumulative.

B-1. Effective July 1, 2013, the computation in Subsection B above, relating to the Consumer Price Index or cost-of-living increase, is temporarily suspended and the benefit amount shall be \$10.

[Added 5-22-2013 by Bill No. 2013-10]

C. Additional payment, cost-of-living increase.

(1) An additional payment of \$2 per month shall be added to the benefits described in Subsection B of this section for each full year of volunteer service in excess of 25 years. Beginning July 1, 1984, and annually thereafter, this amount shall be increased or decreased by an amount equal to the annual increase or decrease as reflected by the consumer price index, using the published May figure each year. This amount shall not exceed a 4% increase or decrease per year and shall be cumulative. Beginning July 1, 1990, the amount payable monthly for each year in excess of 25 years shall be equal to 4% of the amount payable under Subsection B of this section.

(2) In lieu of a cost-of-living increase for fiscal year 2000, on July 1, 1999, an increase of \$1 shall be applied to the value of one year's qualifying service. Subsequent to June 30, 2000, a cost-of-living increase shall be calculated as provided in subsection B of this section.

C-1. Effective July 1, 2013, the computation in Subsection C above, relating to the Consumer Price Index or cost-of-living increase, is temporarily suspended and the benefit amount shall be \$10.

[Added 5-22-2013 by Bill No. 2013-10]

D. In the event that any active volunteer becomes disabled during the course of service as a volunteer fire, rescue, or emergency medical services person while actively engaged in providing such services and in the event that the disability prevents the volunteer from pursuing the volunteer's normal occupation and that the disability is of a permanent nature as certified by the State Workers' Compensation Commission or other competent medical authority as designated by the County Commissioners, then the volunteer is entitled to receive the benefits prescribed in Subsection B of this section and any other benefits, regardless of age or length of service. These benefits shall begin on the first day of the first month following the establishment of the permanency of the disability.

E. In the event that a qualified volunteer who has completed a minimum of 25 years of certified active volunteer service with any Charles County volunteer fire company, volunteer rescue squad, volunteer mobile intensive care unit, or volunteer dive rescue unit or combination thereof, shall become permanently and totally disabled, for any reason, and such disability is certified by the State Workers' Compensation Commission, or its successor agency, or other competent medical authority designated by the County Commissioners, then that volunteer shall be entitled to receive benefits earned as provided under Subsections B and C of this section, regardless of age. These benefits shall begin in the month following certification of disability.

F. In the event that any qualified volunteer shall die while receiving benefits, then the surviving spouse is entitled to benefits equal to 75% of the volunteer's benefits. This rate applies to any person who is receiving benefits on or before July 1, 1989, as well as to any person who begins to receive benefits after July 1, 1989. These benefits shall terminate upon death or remarriage of the spouse.

G. In the event that a qualified volunteer dies prior to receiving any benefits under this section, the surviving spouse is entitled to benefits equal to 75% of the benefits earned by the deceased volunteer. This rate applies to any person who is receiving benefits on or before July 1, 1989, as well as to any person who begins to receive benefits after July 1, 1989. These benefits shall terminate upon death or remarriage. The deceased volunteer must have been:

[Amended 9-21-2022 by Bill No. 2022-03]

- (1) One who is at least 55 years of age and has completed 25 years of certified service; or
- (2) One who is eligible to receive benefits under Subsection I of this section.

H. When a qualified volunteer dies, a death benefit of \$5,000 shall be paid to the volunteer's spouse or estate.

[Amended 5-22-2013 by Bill No. 2013-10]

I. In the event that any active volunteer, herein defined as one who has had at least two years of qualifying service in the five preceding years, attains the age of 70 years and fails to achieve the required 25 years of service, then the volunteer is entitled to a monthly benefit of the number of years of certified service completed multiplied by \$4. These benefits shall be payable in the normal manner.

J. When an unqualified volunteer is killed in the line of duty during the course of service as a member of a fire, emergency medical service, or specialized rescue unit or dies having completed at least one year of length of service award program qualifying service and is carried on current membership rosters and does not qualify for death benefits as provided in Subsection H of this section, a death benefit of \$5,000 shall be paid to the unqualified volunteer's spouse or estate.[2]

[Amended 5-22-2013 by Bill No. 2013-10]

[2]Editor's Note: The provisions of this Act that apply to unqualified volunteers shall be construed retroactively and shall be applied to and interpreted to affect all unqualified volunteer firemen and squadmen who were killed in the line of duty during the course of service after 7-1-1989.

K. When receipts of funds from § 54-1D(3) exceed the costs of the benefits described in Subsections A through J of this section, the Board of Fire and Rescue Commissioners may utilize the excess funds to provide additional benefits to those persons eligible to receive benefits under this section.

L. Beginning in July 1999, a member who is at least 55 years old and has completed a minimum of 25 years of qualifying service, may elect to receive an early length of service program award benefit equal to 75% of the benefit that person would have received at the age of 60 years. That member's credit for additional years of service shall equal 75% of the benefit awarded to a member who begins benefits at the age of 60 years. The election of early length of service award program benefits shall be a final choice of benefits by the member.

[1]Editor's Note: The provisions of this Act that apply to unqualified volunteers shall be construed retroactively and shall be applied to and interpreted to affect all unqualified volunteer firemen and squadmen who were killed in the line of duty during the course of service after 7-1-1989.

§ 54-10

Benefit adjustments upon annual review; certification lists.

[1984, ch. 756, sec. 130B; 1987, ch. 36; 1996, ch. 67; 1997, ch. 466; 2001, ch. 549]

A. Cost-of-living review; adjustments.

(1) Commencing July 1, 1984, and annually thereafter, a cost-of-living review shall be made by the County Commissioners to adjust the benefits provided under § 54-9B, C, D, E, F, G, H, I, J, and L of this article. The adjustment shall increase or decrease the benefits according to an amount equal to the annual increase or decrease as reflected by the current May consumer price index, but shall not exceed a 4% increase or decrease per year and shall be cumulative. Revised or reviewed benefits shall commence on October 1 of the year.

(2) Any benefit adjustment made under this section shall be applied only prospectively.

A-1. Effective July 1, 2013, the computation in Subsection A above, relating to the Consumer Price Index or cost-of-living increase, is temporarily suspended and the benefit amount shall be \$10.

[Added 5-22-2013 by Bill No. 2013-10]

B. It is the responsibility of each participating volunteer fire company, volunteer rescue squad, volunteer mobile intensive care unit, or volunteer dive rescue unit to maintain detailed and accurate records of each volunteer member on forms prescribed by the Executive Committee of the Charles County Volunteer Firemen's Association, Inc., and approved by the Board of Fire and Rescue Commissioners.

C. Submission and review of certification lists.

(1) Each February 15, and each February 15 thereafter, the Board of Directors of each volunteer fire company, volunteer rescue squad, volunteer mobile intensive care unit, or volunteer dive rescue unit shall furnish to the Executive Committee of the Charles County Volunteer Firemen's Association, Inc., a statement under oath certifying all volunteers of the department, company, squad, or unit who have qualified for credit for the previous year. Each statement shall contain all members' ages, previous credits earned, and other information as may be required by the Executive Committee.

[Amended 3-17-2015 by Bill No. 2015-02]

(2) Upon receipt of this statement, the Executive Committee of the Charles County Volunteer Firemen's Association, Inc., shall review the list of each company or unit and furnish a copy thereof to the Board of Fire and Rescue Commissioners, together with a certification as to the accuracy of each list, by April 15 of each year. After the Board of Fire and Rescue Commissioners approves the certified list, it shall forward a copy of each approved list to the department, company, squad, or unit concerned by May 15 of each year. These lists shall be posted in a conspicuous place within each department, squad, company, or unit building for a period of not less than 30 days.

[Amended 3-17-2015 by Bill No. 2015-02]

(3) Appeals.

(a) A person whose name does not appear on the certified list or who is denied credit for services prior to January 1, 1974, has the right to appeal at any time after the posting of these lists.

(b) The appeal shall be in writing and addressed to the Board of Fire and Rescue Commissioners, which shall make a final decision. The person appealing may request a hearing in lieu of the written appeal. The hearing shall be conducted by the Board of Fire and Rescue Commissioners within 60 days of the request and not less than 10 days after notifying the appellant of the date.

§ 54-11

Benefit qualification determined by point system; program funding.

[1984, ch. 756, sec. 130C; 1987, ch. 36; 2001, ch. 549]

A. In order to qualify for the benefits, points shall be credited to each volunteer in accordance with the following:

(1) One point shall be credited for each hour of attendance in a recognized training course, provided that not more than 25 points may be credited for all training courses attended per year.

(2) One point shall be credited for each company or County drill attended in its entirety, provided that not more than 25 points may be credited for all drills attended per year.

(3) One point shall be credited for each official company or County meeting pertaining to Charles County fire, rescue, or emergency medical services attended, provided that not more than 25 points may be credited for all meetings attended per year.

(4) One point shall be credited for each call to which a volunteer responds, provided that not more than 40 points may be credited for all calls responded to per year.

(5) Twenty-five points shall be credited for completion of a one-year term as an appointed or elected officer in any of the fire, rescue, or emergency medical services organizations of Charles County, provided that not more than one office shall be counted in any calendar year.

(6) One point shall be credited for each hour of acceptable collateral duties, such as but not limited to apparatus and building maintenance, administrative duties, official standby and fire prevention, provided that not more than 25 points may be credited for all collateral duties performed per year.

(7) Until July 1, 1984, a volunteer member who serves or has served full-time military service in the Armed Forces of the United States shall receive credit at the rate of five points for each month served, provided that not more than 50 points can be credited for each calendar year. A maximum of four years of creditable service may be acquired in this manner. After July 1, 1984, credit shall be given only to active volunteer members who enlist or are conscripted into the Armed Forces of the United States. New volunteer members with previous military service shall not receive credit for such service.

B. A volunteer who begins to receive their LOSAP benefits on or after July 2, 2018 must be at least 16 years of age to begin earning points or otherwise earn credit for service according to the provisions of this section.

[Added 7-24-2018 by Bill No. 2018-02[1]]

[1] Editor's Note: This bill also renumbered former Subsections B through D as Subsections C through E, respectively.

C. In order to provide credit for service prior to January 1, 1974, each unit shall review its past and present membership rosters to determine the number of years of credit to which each member or past member is entitled. In making this analysis, the standards for active service shall be used as guidelines. Approval of service shall be certified by the Board of Directors of each department or squad. If a volunteer member has service in more than one unit, that person shall receive credit for the service in each organization, provided that not more than one year's credit may be granted for each calendar year of volunteer service.

D. In the event that sufficient records are unavailable to prove service prior to January 1, 1974, the certification may be made by a unit after thorough investigation and on the best information, knowledge and belief of the Board of Directors of the individual's department or squad.

E. In the event that funding as provided by § 54-1D of this chapter is not sufficient, the Board of Fire and Rescue Commissioners shall provide additional funds taken from the funds allocated to the various Fire Departments, rescue squads, mobile intensive care units, and dive rescue units in amounts proportionate to their receipts from the fire, rescue, and emergency medical services tax. If the funds provided for length of service award are in excess of the requirements, the Board of Fire and Rescue Commissioners may allocate these funds to aid in the recruitment or retention of volunteers or for any use authorized under §§ 54-1 and 54-2 of this chapter.