

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2019-5

INTRODUCED BY: COMMISSIONERS PORTER, FRANKLIN, AND LEVENGOOD

INTRODUCED ON: SEPTEMBER 10, 2019

ATTEST:


LARRY C. PORTER, PRESIDENT

PUBLIC HEARING: OCTOBER 8, 2019 BEGINNING AT 6:15 PM
COURTHOUSE, 109 MARKET STREET, ROOM 106,
DENTON, MARYLAND

THIRD READING:

ENACTED:

EFFECTIVE:

Chapter 107 – Fire Companies – Volunteer Fire Fighter Length of Service Award Program

AN Act concerning the Volunteer Fire Fighter Length of Service Award Program;
FOR the purpose of modifying certain provisions governing the membership, nomination,
appointment, and terms of the Length of Service Award Program Committee;
BY amending §107-4 of the Code of Public Local Laws of Caroline County, Maryland.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the County Commissioners codified certain provisions related to the Volunteer Fire Fighter Length of Service Award Program (the "LOSAP Program") in 2014 with the adoption of Legislative Bill #2014-3;

WHEREAS, the purpose of the LOSAP Program is to provide a benefit to individuals who have fulfilled specific service requirements as an active member of a Caroline County volunteer fire-fighting organization; and

WHEREAS, volunteer fire fighters provide a vital public safety service to the residents of Caroline County; and

WHEREAS, the LOSAP Committee has recommended certain changes to provisions of the law governing its membership; and

WHEREAS, this Bill may also be known by its short title “Chapter 107 – Fire Companies – Volunteer Fire Fighter Length of Service Award Program.”

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline County, Maryland, that:

SECTION 1. §107-4 OF CHAPTER 107 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY, MARYLAND IS HEREBY AMENDED AS FOLLOWS:

§107-4 Length of Service Award Program Committee.

A. Establishment and charge. A Length of Service Award Program Committee shall be constituted for the purpose of guiding the administration of the program on behalf of the Caroline County Commissioners and qualified members of Caroline County's volunteer fire departments and companies.

B. Membership. The Committee shall consist of ~~five~~ **EIGHT** voting members:

~~(1) Four representatives from the Caroline County Volunteer Fireman's Association;~~
~~and~~

~~(2) A County Commissioner or designee.~~

(1) A REPRESENTATIVE FROM THE DENTON, FEDERALSBURG, GOLDSBORO, GREENSBORO, PRESTON, QUEEN ANNE'S-HILLSBORO, AND RIDGELY VOLUNTEER FIRE COMPANIES; AND

(2) A COUNTY COMMISSIONER OR DESIGNEE.

(3) IN ORDER TO QUALIFY FOR SERVICE ON THE COMMITTEE, MEMBERS REPRESENTING A FIRE COMPANY MUST BE A RESIDENT OF CAROLINE COUNTY AND A MEMBER IN GOOD STANDING OF THAT COMPANY AND MUST REMAIN SO FOR THE DURATION OF THEIR TERM.

C. NOMINATION AND APPOINTMENT. REPRESENTATIVES OF THE VOLUNTEER FIRE COMPANIES SHALL BE APPOINTED TO THE COMMITTEE BY THE COUNTY COMMISSIONERS IN THE FOLLOWING MANNER:

(1) NOMINATION.

(a) EACH VOLUNTEER FIRE COMPANY SHALL SELECT A PRIMARY AND SECONDARY NOMINEE TO REPRESENT THE COMPANY ON THE COMMITTEE.

(b) THE NOMINEES SHALL BE SUBMITTED TO THE COUNTY COMMISSIONERS, ALONG WITH ANY OTHER BACKGROUND INFORMATION REQUESTED.

- (c) THE COUNTY COMMISSIONERS SHALL FORWARD THE NAMES OF THE NOMINEES TO THE VOLUNTEER FIREMAN'S ASSOCIATION AT LEAST 14 DAYS PRIOR TO A SCHEDULED MEETING OF THE ASSOCIATION.
 - (d) THE ASSOCIATION SHALL HAVE THE OPPORTUNITY TO OBJECT TO ANY NOMINEE. IF THE ASSOCIATION OBJECTS TO A NOMINEE, THEY SHALL PROVIDE A WRITTEN EXPLANATION TO THE COUNTY COMMISSIONERS, ALONG WITH A RECORD OF A ROLL CALL VOTE ON THE OBJECTION. SUCH WRITTEN DOCUMENTATION SHALL BE PROVIDED TO THE COUNTY COMMISSIONERS WITHIN 14 DAYS OF THE VOTE BY THE ASSOCIATION.
 - (e) FAILURE BY THE ASSOCIATION FOR ANY REASON TO TAKE UP A NOMINATION AT ITS NEXT SCHEDULED MEETING AFTER RECEIVING SUCH NOMINATION, OR FAILURE BY THE ASSOCIATION TO FORWARD WRITTEN DOCUMENTATION OF AN OBJECTION WITHIN THE TIMEFRAME SPECIFIED IN §(D) OF THIS SUBSECTION, SHALL CONSTITUTE THE WAIVER OF THE ASSOCIATION'S RIGHT TO OBJECT.
 - (f) THE COMMISSIONERS SHALL CONSIDER ANY OBJECTION RAISED BY THE ASSOCIATION WHEN MAKING AN APPOINTMENT BUT SHALL NOT BE BOUND BY THE OBJECTION TO REJECT A NOMINEE.
- (2) APPOINTMENT.
- (a) THE COMMISSIONERS SHALL APPOINT THE NOMINEE DESIGNATED AS THE PRIMARY NOMINEE FOR A COMPANY, UNLESS THE PRIMARY NOMINEE IS FOUND TO BE INELIGIBLE FOR SERVICE ON THE COMMITTEE UNDER THE CAROLINE COUNTY ETHICS ORDINANCE. THE COUNTY COMMISSIONERS MAY ALSO CHOSE NOT TO APPOINT THE PRIMARY NOMINEE IF THE ASSOCIATION HAS OBJECTED TO THE APPOINTMENT.
 - (b) IF THE PRIMARY NOMINEE IS REJECTED FOR A REASON SPECIFIED IN §(A) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS SHALL APPOINT THE SECONDARY NOMINEE.
 - (c) IN THE EVENT BOTH NOMINEES ARE FOUND TO BE INELIGIBLE TO SERVE, THE COUNTY COMMISSIONERS SHALL REQUEST THE NOMINATING FIRE COMPANY SUBMIT A NEW SLATE OF NOMINEES.

D. TERMS AND VACANCIES.

- (a) TERMS. INITIAL APPOINTMENTS OF VOLUNTEER FIRE COMPANY MEMBERS SHALL BE AS FOLLOWS: TWO FOR ONE-YEAR TERMS, TWO FOR TWO-YEAR TERMS, AND THREE FOR THREE-YEAR TERMS. THE LENGTH OF THE INITIAL TERMS SHALL BE DETERMINED BY BLIND DRAW. THEREAFTER, ALL APPOINTMENTS SHALL BE FOR THREE-YEAR TERMS. MEMBERS

MAY SERVE AN UNLIMITED NUMBER OF TERMS. A MEMBER WHOSE TERM HAS EXPIRED MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

- (b) **VACANCIES. VACANCIES SHALL BE FILLED IN THE SAME MANNER AS DESCRIBED IN § C. OF THIS SECTION. A MEMBER APPOINTED TO FILL A VACANCY SHALL SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.**

D.E. Additional provisions.

- (1) The Committee shall have no authority to enter into contracts on behalf of the County nor incur any obligation binding upon County government unless expressly authorized to do so by the County Commissioners.
- (2) The Committee shall be subject to all provisions of the Caroline County Ethics Ordinance and the Maryland Open Meetings Act, and all public general laws of Caroline County.
- (3) Additional duties of members, ~~terms of office,~~ removal from office, appointment of officers, conduct of meetings, and other responsibilities of the Committee shall be established by resolution of the County Commissioners and as subsequently amended. The authority of the Committee shall be limited to those powers expressly set forth in or as allowed by this Article.

SECTION 2. Matter deleted is shown by ~~striketrough~~. Matter added is shown in **BOLD CAPITALIZATION**.

SECTION 3. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 4. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court or competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code") in consultation with and subject to the approval of the County shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 6. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes.

SECTION 7. This Bill shall take effect on _____.

Enacted this ____ day of _____, 2019.

ATTEST:

**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**

Jennifer M. Farina
Administrative Coordinator

Larry C. Porter, President

(SEAL)

Daniel J. Franklin, Vice President

Wilbur Levensgood, Jr., Commissioner