



## OFFICE OF THE COUNTY AUDITOR

Craig Glendenning, CPA  
County Auditor

February 27, 2019

The Honorable Members of the County Council  
The Honorable County Executive Calvin Ball  
3430 Courthouse Drive  
Ellicott City, MD 21043

Dear Council Members and Dr. Ball:

In accordance with Section 212 of the Howard County Charter, I am reporting on the improper procedure regarding the absence of the required Fire Services Board.

### **BACKGROUND**

Section 6.322 of the County Code states: "There is a Fire and Rescue Board. Its membership and duties and responsibilities are set forth in subtitle 1, 'Fire Protection,' of title 17, 'Public Protection Services,' of the Howard County Code."

Per Section 17.101 of the County Code (attached), the Fire and Rescue Board (the Board) is comprised of seven members, which are appointed by the County Executive and confirmed by the County Council. Six of the members are recommended by the Howard County Volunteer Firefighter's Association. The seventh is a citizen advisory member selected by the County Executive.

The Board has three duties and responsibilities as outlined in the Code. The Board shall:

1. Provide advice and consultation to the County Executive, the Director of Fire and Rescue Services (also known as the Fire Chief), and other County Officials and employees on fire-related matters specified in the Code.
2. Provide comments to the County Executive after receiving the resumes of the Executive's top three choices for Fire Chief prior to filling the vacancy.

3. Review and make recommendations on any other matters related to Fire and Rescue Services, at the directive of the County Executive, Fire Chief, or by resolution of the County Council.

## **FINDINGS**

There is currently no Board, which runs counter to the requirements set out in the County Code (as noted above). According to Fire Department personnel, the most recent Board Member to be appointed for a five-year term was a volunteer from District 1 in November 2011. Their term expired at the end of 2016, and there have been no recent Board meetings or appointments on record.

## **CONCLUSION**

The County Executive should appoint and provide seven members of the Board to the County Council for confirmation, as required by the County Code. Once reestablished, the Board should perform the duties and responsibilities set forth in the County Code.

Sincerely,



Craig Glendenning  
County Auditor

cc: Mr. Gary Kuc, County Solicitor  
Mr. Lonnie Robbins, Chief Administrative Officer  
Mr. Day, President, Howard County Volunteer Firefighter's Association

*Administration's Response:*

Dear Mr. Glendenning,

Regarding your letter about the Fire and Rescue Services Board ("Board"), we have been reviewing the history, duties, responsibilities and the need for this Board in consultation with the Howard County Volunteer Firefighter's Association ("HCVFA"). In the way of background, this Board was created or signed into law in 1968 by House Bill 538, which was prior to Howard County becoming a Charter County. The Board contained seven members-- one from each volunteer fire company and one appointed by the County Commissioners. According to the legislation, the Board was created to "advise and consult with the County Commissioners and other County officials and employees from time to time on matters concerning the administration of fire suppression, fire prevention, fire training, arson investigation, and fire communications activities.". The County Commissioners appointed a fire coordinator, a part-time position that was the precursor to today's fire chief. At that time, all fire and rescue services were performed by the six volunteer fire corporations.

After adoption of a Charter form of government and as the fire service continued to evolve in the county, the County Executive in 1970 appointed a Fire Service Study Committee to make recommendations for improvements for the delivery of fire and rescue services. Among the recommendations was the creation of a full-time fire administrator and the operation of a volunteer fire service supplemented by trained, full-time, paid career personnel. In May 1971, the Howard County Fire Department was established, and the career employees assigned to the volunteer fire departments were transferred into the Howard County classified service as public safety employees.

Under Section 17.101, the Board would be comprised of members from HCVFA and HCVFA is already recognized by the County in Section 17.103. The providing of advice, review and/or recommendations to the County Executive or the Fire Chief on fire-related matters is accomplished through interaction with HCVFA. While Section 17.101 permits the Board to review resumes for any chief vacancy, we believe this provision is out dated and had relevance when the County had a volunteer dominated fire service under a commissioner form of government. This provision also runs afoul of the County Executive having sole discretion in making his department head appointments.

For all the reasons stated above and after consultation with the HCVFA, we believe the role of the Board has become obsolete. Thus, the Administration will be prefiling legislation in March to abolish this Board. Should you have any questions, please contact me.

Sincerely,

Lonnie R. Robbins  
Chief Administrative Officer  
Howard County Government  
3430 Courthouse Drive  
Ellicott City, Maryland 21043  
Office: 410-313-2171  
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**Sec. 17.101. - Fire and Rescue Services Board.**

- (a) *General Provisions.* General provisions applicable to this board are set forth in subtitle 3, "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the Howard County Code.
- (b) *Number of Members.* The Fire and Rescue Services Board shall have seven members, all residents of Howard County.
- (c) *Selection of Members.* Six of the members shall be appointed by the County Executive and confirmed by the County Council from names submitted by the Howard County Volunteer Firefighter's Association, which shall determine the qualifications of those six members. One member shall serve as a citizen advisory member and shall be appointed by the County Executive and confirmed by the County Council.
- (d) *Terms.* The Howard County Volunteer Firefighter's Association shall determine the initial terms of six members which it submits for appointment to the Fire and Rescue Services Board so that the terms of the members first appointed pursuant to this section shall serve staggered terms of one, two, three, four and five years. The members appointed by the County Executive shall serve a term of five years.
- (e) *Executive Secretary.* The Director of Fire and Rescue Services or the Director's designee shall serve as Executive Secretary of the Fire and Rescue Services Board and shall attend all meetings of the Board.
- (f) *Duties and Responsibilities.* The Fire and Rescue Services Board shall carry out all duties and responsibilities assigned to it by law, including the following:
  - (1) *Advice and consultation.* The Fire and Rescue Services Board shall advise and consult with the County Executive, the Director of Fire and Rescue Services, and other County Officials and employees on matters concerning the administration of:
    - (i) Fire suppression and prevention.
    - (ii) Rescue services.
    - (iii) Fire training.
    - (iv) Arson investigation.
    - (v) Fire communications activities.
    - (vi) Emergency medical services.
  - (2) *Nominee for Director of Fire and Rescue Services.* When there is a vacancy in the position of Director of Fire and Rescue Services, the County Executive shall provide to the Fire and Rescue Services Board for review and comment, the names and a copy of their resumes of the County Executive's top three choices to fill the vacancy. The Board shall provide comments to the County Executive within 15 business days after receiving the names. A new Director of Fire and Rescue Services may not be appointed until the 15 days has passed.
  - (3) *Other matters.* At the directive of the County Executive, Fire Chief, or by resolution of the County Council, the Fire and Rescue Services Board shall review and make recommendations on any matter related to fire or rescue services.