



BOARD OF COUNTY COMMISSIONERS' (BOCC) CONCURRENCE FORM

This form must be completed for all staff reports being prepared for BOCC meetings/public hearings and is the cover sheet for the staff report. The original (single-sided) staff report needs to be submitted to the County Manager's Office one (1) week in advance of the scheduled presentation date. For Closed Sessions please submit the original (single-sided) and 8 (double-sided copies) of the staff report.

To: Office of the County Manager

From (Name & Division): Eric Smothers, President, FCFVRA **Phone #:** 301-401-3147

Requested Meeting Date (mm/dd/yr): 04/15/14 **Est. Presentation Time:** _____

Staff Report Topic:
(The text provided here will also be reflected on the meeting agenda and county's website.)

Emmitsburg Ambulance Company (Co. 26)

County Funds Requested/Required: \$ N/A

Type of Meeting:
(Click to place a check mark in the following appropriate boxes.)

Administrative Business (The Consent Agenda Committee determines which items are eligible for the consent agenda.)

Worksession Closed Session Public Hearing (a.m. or p.m.)

BOCC/BOE Mtg. County/Municipalities Mtg.

Power Point Presentation

Board Action Desired: Decision Guidance Information

Staff Report Review:

This staff report has been thoroughly reviewed first by the appropriate divisions/agencies noted on Page 2 followed by those outlined below :

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> (Page 2)
<input checked="" type="checkbox"/> Budget Officer	<u>ERH</u>	<u>4/9/14</u>	<u>N</u>
<input checked="" type="checkbox"/> Finance Director	<u>EW</u>	<u>4/9/14</u>	<u>N</u>
<input checked="" type="checkbox"/> County Attorney's Office	<u>JBM</u>	<u>4/10/14</u>	<u>no</u>
<input checked="" type="checkbox"/> County Manager	<u>ed</u>	<u>4/10/14</u>	<u>N</u>

Other Reviewing Divisions/Agencies:

(Click to place a check mark in the following appropriate spaces.)

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> <i>(noted below)</i>
<input type="checkbox"/> Animal Control			
<input type="checkbox"/> Business Development & Retention			
<input type="checkbox"/> Citizens Services			
<input type="checkbox"/> Community Development			
<input type="checkbox"/> Emergency Management			
<input checked="" type="checkbox"/> Fire & Rescue Services	GW	3/10/14	
<input type="checkbox"/> Health Services			
<input type="checkbox"/> Human Resources			
<input type="checkbox"/> Interagency Information Technologies			
<input type="checkbox"/> Internal Audit			
<input type="checkbox"/> Parks & Recreation			
<input type="checkbox"/> Public Works			
<input type="checkbox"/> Transit Services			
<input type="checkbox"/> Utilities & Solid Waste Management			
Other: _____			
Other: _____			
Other: _____			

Elected Officials or Independent Agencies:

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> <i>(noted below)</i>
<input type="checkbox"/> Board of Education			
<input type="checkbox"/> Board of Elections			
<input type="checkbox"/> Board of License Commissioners			
<input type="checkbox"/> Citizens Care & Rehabilitation Center/ Montevue Assisted Living			
<input type="checkbox"/> Frederick Community College			
<input type="checkbox"/> Frederick County Public Libraries			
<input type="checkbox"/> Sheriff's Office			
<input type="checkbox"/> Social Services			
<input type="checkbox"/> State's Attorney's Office			

Comments:

1. From: _____ Date: _____

2. From: _____ Date: _____

3. From: _____ Date: _____

4. From: _____ Date: _____

5. From: _____ Date: _____

FREDERICK COUNTY VOLUNTEER FIRE & RESCUE ASSOCIATION, INC.



5370 Public Safety Place
Frederick, Maryland 21704

www.FCVFRA.com

O: 301-600-2356 F: 301-600-2592



Executive Summary

Staff Report: Defunding Emmitsburg Volunteer Ambulance Company, Inc./Co. 26

County Funds Requested: 0

The Frederick County Volunteer Fire and Rescue Association (FCVFRA) has had several meetings with the Emmitsburg Volunteer Ambulance Company (Co. 26) on several occasions to correct internal deficiencies within their department. The issues stem from ongoing leadership and ineffective operational planning that began dating back to 2001. These issues remain consistent and membership continues to dwindle from this station. It is the decision of the FCVFRA to make a recommendation to defund this station and to move the operational component to the Vigilant Hose Fire Company (Co. 6).



**FREDERICK COUNTY GOVERNMENT
OFFICE OF THE COUNTY ATTORNEY**

John S. Mathias, County Attorney

*Michael J. Chomel, Senior Assistant County Attorney
Linda B. Thall, Senior Assistant County Attorney
Richard J. McCain, Assistant County Attorney
Kathy L. Mitchell, Assistant County Attorney*

Winchester Hall, 12 East Church Street
Frederick, Maryland 21701

www.FrederickCountyMD.gov

O: 301-600-1030 F: 301-600-1161

Commissioners

Blaine R. Young
President


C. Paul Smith
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Billy Shreve
David P. Gray
Kirby Delauter

Lori L. Depies, CPA
County Manager

MEMORANDUM

TO: Board of County Commissioners

FROM: John S. Mathias, County Attorney 

DATE: April 9, 2014

RE: Request of the FCVFRA, Inc. re: Emmitsburg Ambulance Co. No. 26

ISSUE

What actions would be required to implement the request of the Frederick County Volunteer Fire and Rescue Association, Inc. ("FCVFRA") to stop funding Emmitsburg Ambulance Company No. 26?

DISCUSSION

The FCVFRA has submitted a recommendation to the Board of County Commissioners to immediately stop funding Emmitsburg Ambulance Co. No. 26. Also recommended is that Company 26 should no longer be dispatched or allowed to provide EMS (Emergency Medical Services). April 7, 2014 Memorandum from FCVFRA President Eric Smothers to County Manager Lori Depies.

The Frederick County Code establishes minimum standards in §§ 1-2-66 and 1-2-67 (copy attached). Any company failing to meet these minimum standards must suspend operations immediately after a majority of the BOCC directs cessation of operations. § 1-2-68(A) (also attached). One of the minimum standards to conduct ambulance operations is that each company must have (at all times) ten active persons who live in the 1st due area or within five miles of the company building and have completed the MIEMS basic emergency medical technician course. § 1-2-67(D)(1).

According to the attached memorandum from President Smothers, Emmitsburg Volunteer Ambulance Company does not satisfy these requirements.

Under the County Code, § 1-2-68(A), the BOCC may direct the cessation of operations for a company that fails to meet the minimum standards.

A suspended company may make a written request that the BOCC “promptly hold a hearing on the suspension” § 1-2-68(B). At the BOCC hearing, the company will have the burden of establishing that it satisfies all of the minimum standards. § 1-2-68(B).

After discussion with the Division of Finance, it appears that the following issues need to be addressed by the BOCC in order to implement this request, in the event the BOCC decides to adopt the recommendation of the FCVFRA:

1. County Funding. As part of the FY 14 budget, the Division of Finance has disbursed \$67,932 to the Company. This represents the entire FY 14 funding allocation to the Company. The BOCC should determine whether and in what manner the amount of funds for the remainder of FY 14 should be recovered.
2. Amoss Funds. The Amoss funds are State grants and distributed in equal shares to all fire and emergency service companies in the County. A first distribution of part of the FY 14 Amoss funds has been distributed to all fire and emergency service companies. A second distribution is scheduled to be made in April. The BOCC should determine whether Company 26 will receive any monies from this second distribution of Amoss funds.
3. Ambulance Transport Billing Agreement. As with all volunteer corporations providing ambulance transport services, Co. 26 executed an “Ambulance Transport Billing Agreement” with the BOCC on October 24, 2002. Under the terms of this Agreement, Co. 26 receives a percentage of ambulance transport billing receipts. The Agreement provides, in Paragraph 7a, that the BOCC may terminate Agreement for cause upon giving sixty (60) days written notice to the Company. The BOCC should determine whether to give Co. 26 written notice of termination.
4. Subscription Club Payments. Certain individuals within the first due area have made subscription club payments. These individuals have been informed that they will receive advanced and basic life support calls with no additional out of pocket expense for the calendar year. Any third party reimbursement will be accepted as complete payment. The Rules and Regulations for the Billing for Ambulance Transport Fee Program provide that these subscription club payments “will be returned to the fire, rescue,

or ambulance company providing first due ambulance service.” The BOCC should consider what should happen to these subscription club payments.

5. Other monies provided to Company 26 in FY 14 Budget. Under the FY 14 Budget, Co. 26 receives indirect financial support in the nature of insurance, fleet services and similar expenses. The BOCC should determine whether Co. 26 will continue to receive this indirect financial support – particularly insurance. In making its decision the BOCC should further consider whether Co. 26 should continue to be recognized by the BOCC under Frederick County Code Section 2-8-1 to provide ambulance and emergency services in Frederick County. Withdrawal of recognition would clarify that any actions of that corporation are not performed under color of County law and are beyond the scope of the insurance coverage provided to recognized volunteer corporations.

RECOMMENDATION

In the event the BOCC accepts the recommendation of the FCVFRA, Inc. and suspends Co. 26, the BOCC should also decide:

1. Whether to seek recovery of FY 14 allocations paid to Co. 26 for that portion of FY 14 during which funding for Co. 26 is stopped.
2. Whether Co. 26 should receive the pending April distribution of Amoss funds.
3. Whether to: (a) provide written notice to Co. 26 that the BOCC is terminating the Ambulance Transport Billing Agreement; and (b) whether Co. 26 should receive ambulance transport funds for that portion of FY 14 that Co. 26 failed to meet minimum response standards.
4. What should happen to subscription club payments?
5. Whether to continue to provide indirect financial support (such as insurance) to Co. 26, and, if not, whether to withdraw recognition of Co. 26 under Frederick County Code Section 2-8-1.

In addition, Co. 26 may request a hearing before the BOCC on any suspension.

JSM/cb

Attachments

cc: Lori L. Depies, CPA, County Manager
Chief Denise Pouget, Director, Fire and Rescue Services Division
Erin White, Acting Director, Finance

§ 1-2-66. MINIMUM RESPONSE CRITERIA – FIRE OR RESCUE SERVICES.

(A) A fire or rescue service must meet the following minimum response criteria: the fire or rescue service must respond within 8 minutes from time of first dispatch for an emergency incident for at least 90% of the dispatches received during each calendar month.

(B) The Board of County Commissioners may consider the minimum response criteria separately for weekdays, weeknights, and weekends. The failure of a fire or rescue service to achieve the minimum response criteria established in subsection (A) above during any one of the separate time periods (weekdays, weeknights, or weekends) shall constitute a failure to meet these minimum response criteria.

(C) The Board of County Commissioners shall establish procedures to handle a failure to achieve minimum response criteria. Notwithstanding the establishment of these procedures, the Board may establish a special taxing district pursuant to § 2-8-6 of the Frederick County Code for any failure to meet the minimum response criteria established in subsections (A) and (B). (Ord. 89-49-580, 8-15-1989; Ord. 13-01-629, 1-8-2013)

§ 1-2-67. FIRE, RESCUE, AMBULANCE OR FIRST RESPONDER MINIMUM STANDARDS.

(A) As minimum standards, each fire, rescue, ambulance or first responder company shall:

(1) Maintain an active company membership of a sufficient number of operational volunteer members necessary to meet the minimum response criteria pursuant to § 1-2-66, including at least 3 active operational officers as determined by established officer qualification standards;

(2) Maintain an adequate means of receiving an alarm and alerting the company membership;

(3) Complete and file incident reports and maintain records of each response in the manner required by the Director of Fire and Rescue Services;

(4) Comply at all times with the applicable minimum standards contained in subsections (B), (C), (D) and (E) for the service being offered.

(B) As minimum standards to conduct fire operations, each fire company shall at all times have:

(1) Five active operators trained to drive the pumper and who are thoroughly familiar with the operation of the pumper;

(2) Ten active operational members who:

(a) Live in the first due area or within five miles of the company fire station required in subsection (B)(3); and

(b) Have successfully completed required firefighter certification training as conducted by the Maryland Fire and Rescue Institute (MFRI), Frederick County or its equivalent;

(3) A heated fire station of adequate size and construction for the housing of the apparatus and equipment required to meet the standards; and

(4) A motor pumper which is:

(a) In good operating condition;

(b) Of at least 1,000-gallon-per-minute capacity;

(c) Listed by the Maryland Rating Bureau;

(d) Registered as an emergency vehicle with the Maryland Motor Vehicle Administration; and

(e) Annually inspected and certified by the Fire and Rescue Standards Committee as meeting the current minimum equipment standards and pump test.

(C) As minimum standards to conduct rescue operations, each rescue company shall at all times have:

(1) Ten active members who:

(a) Live in the first due area or within five miles of the rescue building required in subsection (C)(2); and

(b) Have successfully completed the course in rescue or truck operations as offered by MFRI, Frederick County or its equivalent;

(2) A heated station of adequate size and construction for the housing of the apparatus and equipment required to meet the standards;

(3) A motorized piece of apparatus of minimum one-and-one-half-ton capacity;

(4) An annual inspection by the Standards Committee or the Emergency Medical Services (EMS) Committee of the association certifying that the rescue or truck company and all of its required equipment meet all current minimum equipment standards and pump tests.

(D) As minimum standards to conduct ambulance operations, each ambulance company shall at all times have:

(1) Ten active persons who:

(a) Live in the first due area or within five miles of the company building required in subsection (D)(2); and

(b) Have successfully completed the basic emergency medical technician course as certified by the Maryland Institute of Emergency Medical Services;

(2) A heated ambulance station of adequate size and construction for the housing of the apparatus required to meet the standards;

(3) An ambulance which is:

(a) In good working condition; and

(b) Adequately equipped with medical equipment and supplies; and

(4) An annual inspection by the EMS Committee certifying that the ambulance company and all of its required equipment meet the current minimum equipment and supplies standard.

(E) As minimum standards to operate a first responder special unit, each first responder special unit shall at all times have:

(1) Ten trained first responder personnel who are active members of the company and living in the first due area or within five miles of the company building required in subsection (E)(2);

(2) A heated station of adequate size and construction for the housing of the apparatus and equipment required to meet the standards; and

(3) An annual inspection by the EMS Committee of the association that the unit and all of its required equipment meet the current minimum equipment and supplies standards. (Ord. 93-15-079, 7-20-1993; Ord. 13-01-629, 1-8-2013)

§ 1-2-68. FAILURE TO COMPLY WITH MINIMUM STANDARDS.

(A) Any fire, rescue, ambulance or first responder company failing to meet the minimum standards established in §§ 1-2-66 and/or 1-2-67 shall suspend operations immediately after notification that a majority of the Board of County Commissioners has directed the cessation of operations.

(B) Upon written request by a company suspended under subsection (A), the Board of County Commissioners shall promptly hold a hearing on the suspension. At the hearing, the company shall have the burden of establishing compliance with all of the minimum standards established in §§ 1-2-66 and 1-2-67.

(C) If a fire, rescue, ambulance or first responder company fails to meet the minimum standards established in §§ 1-2-66 and/or 1-2-67, the Board of County Commissioners may suspend or terminate the company and immediately reassign the company's service area.

(D) The Board of County Commissioners may reinstate any suspended company upon proof satisfactory to the Board of County Commissioners that the company fully complies with all of the minimum standards established in §§1-2-66 and/or 1-2-67.

(E) Notification required under this section may be made in any manner reasonably calculated to give notice to the company. Delivery of the notice to the company station is sufficient notice under this section.

(F) The Board of County Commissioners may require inspections to ensure compliance with these minimum standards at any reasonable time. Nothing shall be interpreted as preventing the Board of County Commissioners from requiring a fire, rescue, ambulance or first responder company to successfully complete additional inspections at any reasonable time even though the company has been previously certified as meeting standards in an annual inspection.

(G) The Director of Fire and Rescue Services, upon the recommendation of the Standards Committee or the EMS Committee, may place any piece of equipment out of service for failure to meet the current standards. The Director shall, by the next work day, provide written notification to the Board of County Commissioners of any such actions to place equipment out of service. Once the piece of equipment meets the current standard, the Director shall return the piece of equipment to service. The Director shall, within 1 working day, notify the Board of County Commissioners of the return of the equipment to service.
(Ord. 93-15-079, 7-20-1993; Ord. 13-01-629, 1-8-2013)

**FREDERICK COUNTY
VOLUNTEER FIRE & RESCUE ASSOCIATION, INC.**



5370 Public Safety Place
Frederick, Maryland 21704

www.FCVFRA.com

O: 301-600-2356 F: 301-600-2592



MEMORANDUM

TO: Lori Depies, County Manager

FROM: Eric Smothers, President *ER for Eric Smothers*
FCVFRA

DATE: April 7, 2014

SUBJECT: Emmitsburg Ambulance Company

The issues at Emmitsburg Ambulance Company (Co. 26) date back to at least 1998.

A number of people, some of whom who have national expertise in the emergency services, have studied the administrative and operational issues, and made suggestions.

The observations and recommendations contained in those reports are similar. However, the officers at Co. 26 never took advantage of those suggestions to better their company which ultimately would enhance the delivery of EMS in the Emmitsburg community.

In a 1998 letter, it was suggested that Co. 26 "take full advantage of local resources" to help with the business and administrative function. Some of those with expertise included business leaders, and university personnel, as well as national, state, and county officials. It is apparent that Co. 26 didn't heed the suggestion as an investigative panel in 2001 wrote: "They seem to be lacking basic management skills which are essential to run efficient operations..."

Another panel noted: "They have a number of officers with little organizational and management experience..." The authors concluded: "Co. 26 cannot continue to conduct business in the current operational mode."

Fast forward to 2013, when an Emmitsburg area businessman offered to help the company, but was turned away. As noted in previous reports as well as at a meeting this year, the officers don't believe there is a problem at Co. 26.

Three members of the FCVFRA Executive Committee – Dale Kline, Alan Hurley and Gary Keller – along with former Volunteer Coordinator Doug Orner, met with Co. 26 and offered to help in any way. It should be noted that two of those are chiefs of very successful companies, including one who is a retired career firefighter/medic. The other member of the group is a businessman with budget expertise as well as the president of an all volunteer fire company. Their offers also were ignored.

In November 2013, it was brought to the Executive Board's attention that career personnel were being drawn into volunteer issues. It was felt that it was not a conducive atmosphere. It also was noted that priorities at Co. 26 were more about fund-raising than operational.

Other issues included no qualified operational officers, and whether the department has 10 members in accordance with the county ordinance.

Updates requested earlier, had not been forwarded.

After discussion, the board recommended that the career personnel assigned to Co. 26 be placed at Vigilant Hose (Co. 6). A reserve county ambulance is to be utilized. Further, they also will be dispatched to handle second due calls in the area during this 90-day period.

In early December 2013, Emmitsburg Ambulance officers were notified of the changes in person by President Smothers and Chief Pouget.

During a special meeting on Jan. 28, 2014, a list of active members was submitted to the Executive Committee.

However, the list was found to be inaccurate as it was determined that among those named were a resident of Mount Airy with a medical issue, students from a local university as well as people who had not completed the EMT course. Also, some were residents of Pennsylvania and addresses of others were incorrect.

The board felt insulted that the ambulance company would not be truthful.

The Emmitsburg Vol. Ambulance Company is in violation of 1-2-67 of the Frederick County Code which in part states that each fire, rescue, ambulance or first responder company shall have 10 members who live in the first due area or within five miles of the station.

Also, the executive committee feels the officers of Co. 26 continually demonstrate they don't understand the underlying mission of all county fire, rescue and EMS companies – the delivery of prompt and professional services.

Two specific examples of this surfaced at the February executive board meeting. First, Co. 26 officers stated they were unaware there were issues with the career staff originally assigned to their station.

It was clear that they had no regular interaction with the personnel assigned there. As a remedy, they asked that different firefighters/EMTs be chosen and sent.

Also, they announced that if the career staff were returned to their station, they would place their second ambulance out of service. When questioned about the statement, all agreed they would not run it.

Following this meeting, the executive committee decided to extend the sanction that Co. 26 only be dispatched to second calls should the BOCC not make a decision before the original 90 day period was up.

It should be noted that Co. 26 has failed to respond to the majority of the dispatched calls since December.

That, in itself, was very disheartening. We felt the department would have stepped up to the plate to prove us wrong.

Due to the continuing issues, including failure to comply with Frederick County Code 1-2-67, the executive committee voted to recommend to the BOCC they immediately stop funding to the corporation. Also, the Emmitsburg Volunteer Ambulance Co. should no longer be dispatched or allowed to provide EMS services.

The only way we see a future for this company is for the leadership to understand and promote the mission for its very existence. If this is accomplished, qualified members may be willing to volunteer.

Helping hands have been extended to Co. 26 officers for well over a decade, but never accepted.

We cannot allow this to continue as it places the lives of those who live, work or travel through the community in jeopardy.