

FIRE AND RESCUE BOARD OF ALLEGANY COUNTY, MARYLAND

BOUNDARY DISPUTE POLICY

I. PURPOSE

Pursuant to _42-2 (B) of the Code of Allegany County, Maryland, the Fire and Rescue Board of Allegany County (hereinafter referred to as “the Board”) has the authority to establish the primary service areas and boundaries for fire and rescue squads within Allegany County. This policy will be utilized by the Board in resolving boundary disputes between fire and rescue squad within the county.

II. PROCEDURE

A. All boundary disputes between fire and rescue squads within Allegany County shall be submitted in writing to the Board.

B. Mediation

Upon notice of a boundary dispute being submitted to the Board, the parties shall first submit to mediation provided by the Board under the following procedures:

1. The Board shall appoint at least one of its members to serve as a mediator of the dispute. The mediator(s) shall convene and chair a meeting between the departments involved.
2. The mediator(s) shall attempt to resolve the dispute to the satisfaction of both departments, as well as to the Board’s satisfaction.
3. The proposed solution arrived at through the mediation process shall be presented at the next regularly meeting of the Board for its ratification of the mediation.
4. Upon the appointment of a mediator(s) by the Board, the mediator(s) shall complete a report within 45 days of his/their appointment to be presented to the Board at its next meeting. Upon the agreement of all parties to the mediation, one extension of 15 days to the mediation period may be had.

C. Hearing

In the event that mediation fails to produce a resolution to the dispute, the Chairman of the Fire and Rescue Board of Allegany County shall appoint a committee of no less than three (3) of its members to adjudicate the dispute. A quorum of three (3) members is required for a hearing to proceed. This committee shall be the final step in resolving boundary disputes subject to the ratification by the Board of the committee’s decision.

D. Hearing Procedures

1. That there is and shall be a record made of the committee proceedings.
2. That each party is permitted to explain its position and to offer such information and documents as the committee finds relevant. Each party may call witnesses as it deems necessary in presenting its case to the committee. Witnesses will be subject to cross-examination by opposing party(ies) and may also be subject to questioning by members of the committee. However, in addition to legal counsel, which each department may employ its own discretion, each department will be limited to no more than three (3) of its members assisting in presenting that department's position.
3. That the committee is not bound by the rules of evidence and that any questioning of the parties shall be at the committee's discretion and that the committee shall respect all lawful privileges. The committee may delegate the responsibility for ruling on evidentiary issues to its counsel.
4. That the committee chair, in consultation with the other members of the committee, shall determine when the meeting is concluded. When the hearing is concluded, the committee shall meet in private to deliberate.

E. Criteria to be used in establishing primary service areas

1. "Response Time" – defined as the time required to travel from the emergency services station to the boundary line.
2. "Distance from Station" – defined as the mileage from the station to the boundary line.
3. "Geographic Boundary Definition" – defined as a physical object that is known and recognized and can be adequately defined so that all parties can take notice of same. Examples of objects include: platted street intersections, streams, and other waterways, public buildings, and large institutions, e.g. schools, churches, hospitals, armories. The examples provided are meant to be illustrative and not exhaustive of all geographic items which might be used to define boundaries.
4. The Board may from time to time amend the above-listed criteria. Any amendment to the criteria above-listed shall be approved by the full Fire and Rescue Board of Allegany County in public session.
5. The Board shall provide for independent collection of the data required to establish the above-listed criteria and shall not rely upon the parties to provide such information.
6. All decisions of the committee and ratified by the Board shall be final.

F. Failure to comply with the Board's decision

Pursuant to 42-2(B)(1) of the Code of Allegany County, Maryland, departments failing to adhere to the areas and boundaries established by this procedure.