

Referendum Article
TOWN OF BROWNFIELD
Brownfield Municipal Fire Department

Shall the Town adopt an ordinance entitled “Brownfield Fire Department Ordinance”?
(This would change the Volunteer Fire Department to a Municipal Fire Department)

Brownfield Fire Department Ordinance

The purpose of this Ordinance is to establish the “Brownfield Fire Department” as a municipal department of the Town of Brownfield, pursuant to the home rule authority granted in Title 30-A M.R.S. § 3001.

ARTICLE 1 - NAME

The organization shall be known as the “Brownfield Fire Department” (referred to as the “Department” hereafter).

ARTICLE 2 – PURPOSE

2.1. Establishment: The Brownfield Fire Department is established as a municipal department of the Town of Brownfield under Title 30-A M.R.S. § 3151 (1) and 3152 (1)A as the municipal fire department of and for the Town of Brownfield, Maine.

2.2. Purpose: This Department exists to protect and serve the health, safety, and welfare of the citizens of Brownfield, Maine. To that end, it shall endeavor to provide for:

- the preservation of life, the environment, and property from destruction by fire or other hazards;
- the prevention and extinguishment of fire;
- the safety and preservation of life from natural and man-made disasters;
- the assistance by mutual aid to municipalities by agreements approved by the municipal officers or municipal legislative bodies; and
- the maximum legal protection available to the Fire Chief and members of the Department.

2.3. Recognition: The Department is the sole provider of fire protection for the Town of Brownfield. No other organization, agency, association, corporation, department, or other entity, current or previous is recognized, authorized, or sponsored by the Town to provide or support this service, unless, by contract or mutual agreement executed by the Board of Selectmen and with the concurrence of the Fire Chief.

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ARTICLE 3 – ORGANIZATION

3.1. Administration: The Fire Chief shall be the Administrative Department Head and Chief Executive of the Department. The Fire Chief reports directly to the Board of Selectmen. Duties, powers, and responsibilities of the Fire Chief are set forth in Title 30-A M.R.S. § 3153 and this ordinance.

3.2. Operations: The Department shall operate as directed by the Fire Chief according to accepted industry standards, ordinances, laws, and rules of the State of Maine and as much as practical standards of the National Fire Protection Association. The Fire Chief shall ensure the Department follows requirements of the National Incident Management System as much as practical.

3.3. Mutual Aid: The Fire Chief shall recommend to the Board of Selectmen for their approval any mutual aid agreements deemed mutually beneficial to the Town. The Town shall adhere to the provisions of Title 37-B M.R.S. §§ 784, 784-B and Title 30-A § 3156.

ARTICLE 4 – EMPLOYMENT

4.1. Employees: Persons hired by the Town to serve as regular employees within the Department must be at least 18 years of age and capable of completing training to be certified or licensed as a firefighter, emergency vehicle operator, first responder, or other emergency service personnel.

4.2. Application for Employment: The Board of Selectmen shall develop a process for the hiring of Department employees in a similar fashion to all other Town employees. Such process shall be outlined in the Town's Personnel Policy.

4.3. Employees Under 18 years of age: Also known as Junior Firefighters, these employees must be between the ages of 14 and 17. These employees are subject to the Maine Department of Labor's "Rules Governing Hazardous Occupations for Minors Under the Age of Eighteen in Non-Agricultural Employment". (12 C.M.R.170 Chapter 11)

4.4. Compensation: All regular employees shall be compensated consistent with the Department's appropriations provided through the Town's budget process and in accordance with the Town of Brownfield Personnel Policy.

4.5 The duties of Brownfield firefighters shall have the powers and duties set forth in 30-A M.R.S § 3154.

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ARTICLE 5 – RULES, REGULATIONS, AND STANDARD OPERATING GUIDELINES

5.1. Rules and Regulations: The Fire Chief may promulgate such rules and regulations as necessary to ensure the efficient operation and administrations of the Department. Such rules and regulations shall communicate Department policy consistent with Town policy, State and federal law, rules and regulations as well as industry standards. Rules and regulations shall be issued as formal written directives. Said rules and regulations shall not be effective until approved by the Board of Selectmen.

5.2. Standard Operating Guidelines (SOG): The Fire Chief or Assistant Fire Chief shall implement, or cause to be implemented, the necessary guidelines to ensure standard and efficient operation and execution of the Department's mission. SOGs will refer to matters of firefighting and rescue tactics, equipment operations, safety, and other matters regarding emergency operations. SOGs shall be issued as formal written instructions. The Fire Chief is the final approval authority for SOGs.

5.3. Collaboration: Rules, regulations, SOGs and policy, as much as practical, should be developed collaboratively with Department leadership and subject matter expert's involvement. All Department employees must be informed of any new or updated rules, regulations, or guidelines via e-mails or by posting electronically or manually in a common access area. The Board of Selectmen shall be informed of the implementation of new, updated, or canceled rules, regulations, or guidelines.

5.4. Conflict: Any rule, regulation or guideline shall not conflict with Town policy, ordinance, state or federal law, regulation, or other industry standards. In the event of said conflict, governing Town policy/ordinance, state or federal law, regulation shall dictate.

ARTICLE 6 – DISCIPLINE, SUSPENSION, AND DISMISSAL

6.1. Discipline:

a) The Board of Selectmen shall ensure that disciplinary processes, procedures, or circumstances that apply to Town employees also apply equally to employees of this Department. The Chief shall ensure that Town policies with respect to disciplinary matters are complied with.

b) The Fire Chief may establish rules or regulations to process and handle disciplinary matters particular to the Department. Such rules or regulations are to supplement Town policy and must not conflict with Town policy.

6.2. Grievance Procedure: All grievances will be handled in accordance with applicable sections of the Department's rules and regulations and the Town of Brownfield Personnel Policy.

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6.3. Disciplinary Procedure: All discipline, suspensions, and dismissals shall be handled in accordance with applicable sections of the SOGs and the Town of Brownfield Personnel Policy as they may be amended.

6.4. Suspension and Dismissal:

- a) The Fire Chief may suspend any Department employee for cause and pending an investigation, the matter must be referred to the Board of Selectmen for action.
- b) Only the Board of Selectmen may dismiss or terminate employment.

ARTICLE 7 – APPOINTMENT, DUTIES, AND RESPONSIBILITIES OF FIRE DEPARTMENT OFFICERS

7.1. Fire Chief: The Fire Chief is hired and appointed by the Board of Selectmen. The Fire Chief is the Chief Executive, Chief of Department, and senior ranking fire official within the Town of Brownfield. The authority of the Fire Chief is outlined in Title 30-A M.R.S. § 3153 (2) and (3).

- a) In addition to duties and responsibilities as Fire Chief, this position also serves as; Municipal Fire Inspector under Title 25 § M.R.S.2391. Town Forest Fire Warden under Title 12 M.R.S. § 8902, and Fire Safety Official under Title 8 M.R.S. § 221-A (3).
- b) The Board of Selectmen may appoint the Fire Chief to also serve as the Emergency Management Director under Title 37-B § M.R.S. 782, should, in their judgement, this be in the best interest of the Town.
- c) The Board of Selectmen shall prepare a job description for the Fire Chief's position. This job description shall outline the knowledge, skills, and abilities required of the Fire Chief. It shall also outline any and all desired qualifications, licenses, certifications, education, and experience desired of Brownfield's Fire Chief.

7.2. Assistant Fire Chief: The Fire Chief shall select and recommend to the Board of Selectmen, for their approval and appointment, an Assistant Fire Chief to serve as Chief of Operations and as the second senior ranking officer in the Department and first in succession to the Fire Chief. The Assistant Chief shall assist the Fire Chief in areas and tasks assigned by the Fire Chief. The Assistant Chief shall have the power to act with full authority of the Fire Chief in the event of the Fire Chief's absence or incapacity.

- a) The Fire Chief shall prepare for approval of the Board of Selectmen a job description for the Assistant Chief's position.

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7.3. Fire Officers: Officers within the Department are those individuals promoted to positions of rank and assigned supervisory, management, and administrative responsibilities. These are positions of increased trust and competence.

a) Officer Rank Structure is listed below from senior to junior:

- Chief
- Assistant Chief
- Deputy Chief
- Captain
- Lieutenant

7.4. Job Descriptions: The Fire Chief shall develop job descriptions and qualification requirements for all officer and leadership positions within the Department, including the Assistant Chief. Such job descriptions shall be approved by the Board of Selectmen.

7.5. Promotions and Officer Selection: The Fire Chief shall develop a process for determining the most suitable candidates for promotion to officer and leadership positions. The final approval authority for all promotions rests with the Board of Selectmen.

a) The Fire Chief may make temporary or acting officer appointments. Temporary or acting appointments may not exceed ninety (90) days and are not considered permanent positions for which due process/for cause proceedings are required before the expiration of the appointment.

7.6. Removal of Officers: The Fire Chief may recommend to the Board of Selectmen the removal of any officer for cause, following inquiry and investigation. Reports discussions and documents produced during an inquiry and investigation are confidential and shall be handled as such. Discussions, presentations, and meetings regarding the removal of an officer shall be done in executive sessions, except if the officer at issue requests in writing that said proceedings be conducted in open session pursuant to 1 M.R.S. § 405(6)(A)(3).

7.7. Number of Officers: The Fire Chief shall prepare for the approval of the Board of Selectmen an organizational structure for the Department. This structure will outline the number of officers needed at each rank and the tasks assigned to each position.

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ARTICLE 8 – REPORTING

The fire Chief shall provide periodic reports to the Board of Selectmen as follows:

8.1. Monthly Report: The Fire Chief shall provide a written report by the 15th of each month following monthly reporting on:

a) Status of Calls for Service and Operations.

- Number and types of calls responded to;
- Number and types of calls unable to answer and why;
- Any other significant calls or operations.

b) Status of Personnel.

- Personnel who made a significant training achievement (i.e. Firefighter II, Driver/Operator, EMT etc.);
- Personnel hired, personnel terminated or resigned;
- Scheduling shortfalls and difficulties, personnel shortages;
- Leadership vacancies, appointments, or promotional processes;
- Any other significant personnel matters.

c) Status of Equipment and Maintenance

- Apparatus maintenance conducted or major maintenance needs;
- Standard fire, office, communications etc., equipment maintenance conducted or major maintenance needs;
- Facility maintenance conducted or major maintenance needs, including station, hydrants, cisterns, and other fixed assets.

d) Other: Any other items of importance to the readiness of the Department.

8.2. Quarterly Reports: For each calendar quarter the Fire Chief shall provide a written report on the:

- a) Status of Compliance with Public Sector Safety Compliance Directives of the Bureau of Labor Standards as applicable.
- b) Training and educational accomplishments during the previous quarter and any upcoming training or educational events. Training shortfalls or deficiencies should also be noted.

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- c) Status and availability of personal protective equipment (PPE), breathing apparatus, and any other PPE.

8.3. Annual Report: For each fiscal year, The Fire Chief shall provide an annual summary to the Board of Selectmen. This written report should include the previous year's call statistics, personnel statistics, and an assessment of the material condition of fire apparatus, personal protective equipment, fire station and the systems within the fire station, hydrants, and any other equipment matters as necessary.

8.4. State Reporting: The Fire Chief shall ensure that the Department is making the required reports to the State Fire Marshall as required by protocol, rule, or law including but limited to Title 25 M.R.S. § 2395.

ARTICLE 9 – DEPARTMENT ASSETS AND FUNDS

9.1. Municipal Appropriation: All funds raised or appropriated for the Department at town meetings shall be treated as municipal funds under Title 30-A M.R.S. § 5652 et seq., as amended

- a) Expenditure of Funds: The Fire Chief is authorized to expend budgeted funds as authorized by the Board of Selectmen in accordance with its policy on purchasing and spending. The Fire Chief shall work with the Town Treasurer to ensure Department bills are paid in a timely manner and to monitor budget status and availability of funds.

9.2. Other Funding: All funds raised, granted, or donated to the Department in the Town of Brownfield or the Brownfield Fire Department's name, by Department personnel or any others, which are held or deposited in an account bearing the Town's tax identification number for any and all purposes, shall be treated as municipal funds pursuant to Title 30-A M.R.S. § 5652, as amended. The Selectmen may authorize or approve the expenditure of these funds in accordance with its Policy on Purchases regarding Donated Funds, as it may be amended from time to time.

9.3. Other Assets and Equipment: All assets and equipment of the Department shall be considered property of the Town of Brownfield.

9.4. Capital and Replacement Planning: The Fire Chief will prepare and maintain a plan for the replacement of fire apparatus and other capital equipment. A plan for the upkeep, replacement, and acquisition of standard equipment shall also be maintained. These plans will be updated annually.

ARTICLE 10 – PRIVILEGES AND IMMUNITIES

10.1. Members of the Brownfield Fire Department shall be entitled to the privileges and immunities provided by the Maine Tort Claims Act, Title 14 M.R.S. § 8101 et. seq. and Title 14 M.R.S. § 164.

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ARTICLE 11 – VALIDITY / SEVERABILITY / CONFLICT

11.1. The invalidity of any provision of this ordinance shall not invalidate any other part or provision of this ordinance. If any of the provisions of this Ordinance are inconsistent with the provisions of other Ordinances of the Town of Brownfield, or any of the provisions of this Ordinance are inconsistent with the provisions of State or Federal law or regulation, the more stringent requirements shall be applicable and controlling. If any inconsistencies exist between the provisions of this Ordinance and the provisions of the SOGS, Rules and Regulations of Brownfield Fire Department, the provisions of this Ordinance shall govern.

ARTICLE 12 – AMENDMENTS

12.1. This Ordinance may be amended by a majority vote of any legal town meeting when such amendment has received public hearing, which hearing has been advertised and given a legal ten (10) day notice.

ARTICLE 13 – EFFECTIVE DATE

13.1. This Ordinance shall take effect on July 1, 2023 if approved by the Town.