

Montgomery workers get word out on ambulance fee

Effort raises question of government's role in election issues

by Erin Cunningham | Staff Writer

Uniformed firefighters in Montgomery County, according to County Executive Isiah Leggett (D), are allowed to distribute information during their shifts about ambulance fees — an issue that is the subject of a general election ballot question.

Leggett's viewpoint is backed by the county attorney and Maryland Attorney General Douglas F. Gansler (D), but is drawing criticism from at least one County Council member, who says it is inappropriate and a waste of taxpayers' money.

An attorney, representing a group opposed to the fees, says the action violates a state law that prohibits government employees from campaigning while on the job.

"This is highly inappropriate," said Councilman Philip M. Andrews (D-Dist. 3), referring to Leggett's actions. "It's an abuse of taxpayer dollars, and I think the public would agree."

County spokesman Patrick K. Lacefield said he was unsure how much money and time had been spent to educate voters, but admitted that efforts had increased since it was determined that the issue would be on the ballot.

Voters will decide in November whether to approve a county ambulance fee. The County Council approved the fee in May, but the county's volunteer firefighters, who oppose it, led a drive to place the question on the ballot.

On Tuesday, a coalition of elected leaders and others announced the formation of the "Vote For Question A Committee," which supports the fee. Leggett, Montgomery County Fire Chief Richard Bowers and community leaders announced its formation at an afternoon news conference held at the Montgomery County Fire and Rescue Service central fleet maintenance facility. State Del. Sheila Ellis Hixson (D-Dist. 20) of Silver Spring will chair the committee, according to a news release.

County Attorney Marc Hansen says the government can spend time and resources advocating Leggett's position that the fees should stand. The county government has the right to free speech, he said.

But John Bentivoglio, lead attorney for the county's Volunteer Fire-Rescue Association on the ambulance fee issue, says it's not about free speech, rather whether county officials are violating state law.

Maryland law states that "an employee of a local entity may not engage in political activity while on the job during working hours."

The crux, according to county officials, is that the paid firefighters are not campaigning — they are educating the public about a law already on the books.

Bentivoglio calls that claim laughable.

"There are on-duty, career people every day going out and passing out the information for people to vote for Question A [regarding ambulance fees]," said Eric N. Bernard, executive director of the county's volunteer firefighters association. "Is it electioneering?"

Uniformed firefighters have been seen distributing fliers — paid for and produced by county government — at high school football games, shopping malls and county events, including an Oct. 10 political rally for Gov. Martin O'Malley and other statewide Democrats.

Assistant Chief Scott Graham, of the county's fire and rescue services, says he hopes that all 1,200 career firefighters are educating voters about the ambulance fee, which is county law.

Opponents say the law was stayed after the Maryland Court of Appeals ruled that voters should decide the issue.

Graham said firefighters have included ambulance fee education as part of their education campaign for October, which is Fire Safety Month. He instructed firefighters to dispense information, but not try to persuade voters to support the fee, he said.

However, the firefighters could go further and advocate for the fee, Hansen said.

While the county's actions might hold up in a court of law, Andrews says they are unlikely to hold up in the court of public opinion.

"I would think that most voters would find this an abuse of government that their own tax dollars are being used to influence their vote," said Andrews, the council's leading opponent of the fee.

During early voting — which begins Friday — and on Election Day, no uniformed firefighters will work the polls, Graham said. However, firefighters are planning to use their off-duty time to distribute information about the fees, he said.