

Montgomery committee: No boot filling on county time

Andrews bill would alter firefighters' in-the-road fundraising

by Erin Cunningham, Staff Writer

Montgomery County government employees would be prevented from seeking charitable donations along county roadways during their work hours under legislation approved by a County Council committee Monday.

The legislation is opposed by county Fire Chief Richard Bowers and the county's professional firefighters union, who say it effectively would eliminate the firefighters' annual fundraiser for the Muscular Dystrophy Association in its current form. For several days each year during their fill-the-boot campaign firefighters solicit donations along county roads for the organization. Firefighters typically raise between \$200,000 and \$250,000 for local families.

The bill, which amends the county's ethics law, is sponsored by Councilman Philip M. Andrews (D-Dist. 3) of Gaithersburg. The bill will next go before the full council for a vote, but a date has not yet been scheduled.

On Monday, the measure received support from council President Valerie Ervin (D-Dist. 5) of Silver Spring and Councilwoman Nancy Navarro (D-Dist. 4) of Silver Spring. Councilman Hans Riemer (D-At large) of Silver Spring was opposed.

The legislation follows an unsuccessful attempt by the County Council this year to ban panhandling and solicitation along county roadways. The council needs authority for such a ban from the state legislature. The county's delegation to Annapolis declined to introduce enabling legislation this year.

The president of the county firefighters' union, John Sparks, who worked to defeat state legislation, declined to comment after Monday's vote.

Stephanie Goldklang, executive director of the Muscular Dystrophy Association, said altering how the firefighters raise money for the organization would eliminate services for local families.

"I'm just not sure people understand what this will do," she said.

Andrews' bill would allow the firefighters to raise money in locations other than roads, or along roads when they are not at work. However, firefighters and the association say any change will result in diminished donations.

Under state law, it is legal for people to stand in medians and along roadways, but illegal for them to step off the curb and into the road to solicit drivers.

Ervin said it appears the firefighters' campaign violates the law, because photos of firefighters fundraising showed them walking in the roadway.

Bowers said the firefighters undergo safety training specifically for the fundraising drive. He added that he supports the fill the boot campaign, but does not support people breaking the law.

Ervin said it appeared Bowers did support breaking the law in this case.

"[It's county employees] on county time, standing in he roadways," Ervin, a co-sponsor of the legislation, told Bowers. "It is prohibited by state law, but you support it anyway."

Councilman Craig L. Rice (D-Dist. 2) of Germantown agreed.

"Your men are not following the guidelines and the law," Rice told Bowers. "We know it's not safe."

County law also prohibits county government employees from soliciting at work, except if approved by the county executive, as is the case with fill the boot.

Navarro, who said she originally opposed the bill, said she changed her mind after realizing that roadside solicitation -- and its potential hazards -- had become a widespread problem in the county.

The county government is sending the wrong message to the public by allowing its employees to step into the road to solicit donations, she said.

Bowers said the department could amend its practice to make it safer for firefighters and motorists if the council directed it to.

"I don't think there's real agreement about what the problem is," Riemer said. "Outright shutting it down seems to be a needless and excessive response to the concern."

While the legislation addresses an issue of ethics, supporters of the bill say it also is a matter of public safety.

Andrews said allowing firefighters to walk in roadways and approach cars to solicit funds goes against the county government's commitment to pedestrian safety initiatives.

He also pointed out that two firefighters in other states have been injured while raising money for fill the boot.

“It is clearly against the law for firefighters or anyone else to go into the roads to solicit donations,” Andrews said. “I will keep asking the chief whether he will require that if this campaign continues that it is conducted in accordance with state law.”