



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, May 7, 2019

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:37 A.M. on Tuesday, May 7, 2019.

### PRESENT

Councilmember Nancy Navarro, President  
Councilmember Gabe Albornoz  
Councilmember Evan Glass  
Councilmember Will Jawando

Councilmember Sidney Katz, Vice President  
Councilmember Andrew Friedson  
Councilmember Tom Hucker  
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

**REFLECTION** - Reflection given by Mr. Brian Kramer, Senior from Northwood High School.

### PRESENTATIONS

- A. Proclamation was presented by Mr. Katz, Mr. Friedson and Mr. Glass recognizing Holocaust Remembrance Day Commemoration.
- B. Proclamation was presented by Mr. Katz and Mr. Rice recognizing ALS Awareness Month.
- C. Proclamation was presented by Mr. Katz and County Executive Elrich recognizing National Small Business Week.

## GENERAL BUSINESS

### A. **Announcements** - Agenda and Calendar Changes

Ms. Limarzi, Clerk of the Council, announced an addendum to the agenda, adding Councilmembers Rice, Jawando, Friedson, Navarro, Katz, Riemer and Hucker as co-sponsors to **Bill 13-19**, County Property - Disposition - Reuse Analysis; deleting action on the County Executive's appointment of Vennard Wright as Director of the Department of Technology Services; and correcting the Council Committee associated with the review of the FY20 Operating Budget and FY19-24 Capital Improvements Program (CIP) amendments for the Department of Housing and Community Affairs.

### (1) B. **Acknowledgement** - [Receipt of Petitions](#)

There were no petitions received this week.

C. There were no minutes for approval this week.

### (2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.  
Mr. Riemer made the motion, which carried unanimously.

- A. [Adopted \*\*Resolution 19-90\*\*, confirming the County Executive's appointment to the Bethesda Urban Partnership, Inc. Board of Directors: Marian Block.](#)
- B. [Introduced a resolution to amend the Council's contract for audit services.](#)  
Action is tentatively scheduled for May 14, 2019.
- C. [Introduced a supplemental appropriation to the FY19 Operating Budget, Montgomery County Public Schools \(MCPS\), \\$4,000,000 for new curriculum.](#) Public hearing/action is tentatively scheduled for May 16, 2019, at 9:30 A.M.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #10**

(3) **Introduction of Bills:**

A. **Bill 10-19, Legislative Branch - Economic Impact Statements - Amendments**

Introduced draft #5 of the subject bill, sponsored by Councilmembers Friedson, Alborno, Navarro, Katz, Rice, and Glass. A public hearing is scheduled for June 11, 2019, at 1:30 P.M.

Councilmembers Hucker, Riemer, and Jawando requested to be added as co-sponsors of the bill.

B. **Bill 11-19, Administration - Internal Audit - Inspector General - Amendments**

Introduced draft #3 of the subject bill, sponsored by the Audit Committee. A public hearing is scheduled for June 11, 2019, at 1:30 P.M.

C. **Bill 12-19, Human Rights and Civil Liberties - Building Maintenance Worker - Minimum Work Week**

Introduced draft #1 of the subject bill, sponsored by Councilmembers Riemer, Jawando, and Hucker. A public hearing is scheduled for June 18, 2019, at 1:30 P.M.

Councilmembers Navarro and Rice requested to be added as co-sponsors of the bill.

D. **Bill 13-19, County Property - Disposition - Reuse Analysis**

Introduced draft #1 of the subject bill, sponsored by Councilmembers Alborno, Rice, Jawando, Friedson, Navarro, Katz, Riemer, and Hucker. A public hearing is scheduled for June 18, 2019, at 1:30 P.M.

Councilmember Glass requested to be added as a co-sponsor of the bill.

(4) **Call of Bills for Final Reading:**

A. **Bill 2-19, Health - Lead in Drinking Water - Schools**

Mr. Rice, Chair of the Education and Culture (E&C) Committee, reviewed the recommendations of the joint Health and Human Services (HHS) and E&C Committee, as contained in the staff report.

Enacted draft #4 of **Bill 2-19**, as introduced.

The joint HHS/E&C Committee made the motion and the bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Hucker, Riemer, Albornoz, Rice, Friedson, Katz, Navarro.

B. **Bill 7-19, Environmental Sustainability - Commercial Property Assessed Clean Energy Program - New Construction**

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, reviewed the Committee's recommendation, as contained in the staff report.

Unanimously approved Mr. Hucker's motion to amend the bill beginning on page 2, lines 12-33, by changing paragraphs (4) and (5) to read:

(a) *Eligibility.*

(4) For new commercial construction, the property must be designed to exceed the [[current]] [[County energy conservation building code performance requirement]] energy performance required by the County building code that is in effect at the time a property owner applies to participate in the Program.

(5) The loan amount under this Program must meet the following criteria:

(A) For existing commercial construction:

(i) The loan amount must be at least \$5,000 and[[, for existing commercial property,]] not more than 20% of either the full cash value or the appraised value of the qualified property. [[The full cash value is determined by the Maryland State Department of Assessments and Taxation. The appraised value must be determined by a Certified General Real Estate Appraiser and must have been certified no more than 12 months before the date of the loan application.]]

- [[~~(B)~~]] (ii) The loan amount, together with the outstanding balance of the mortgage or deed of trust, must be no more than 90% of either the full cash value or the appraised value of the qualified property.
- (iii) The full cash value is determined by the Maryland State Department of Assessments and Taxation. The appraised value must be determined by a Certified General Real Estate Appraiser and must have been certified no more than 12 months before the date of the loan application.
- [[~~(C)~~]] For new commercial construction, the maximum loan amount must not exceed 20% of the total construction costs.]]
- (B) For new commercial construction:

  - (i) If a qualified property is designed to exceed the energy performance required by the County building code by no more than 5%, the maximum loan amount must not exceed 15% of the full cash value or appraised value of the qualified property.
  - (ii) If a qualified property is designed to exceed the energy performance required by the County building code by 5% or greater, the maximum loan amount must not exceed 20% of the full cash value or appraised value of the qualified property.
  - (iii) The loan amount, together with the outstanding balance of the mortgage or deed of trust, must be no more than 90% of either the full cash value or the appraised value of the qualified property.
  - (iv) The full cash value and appraised value of the property must be determined based on the estimated value of the property if construction is completed. The appraised value must be determined by a Certified General Real Estate Appraiser and must have been certified no more than 12 months before the date of the loan application.

Enacted draft #4 of **Bill 7-19**, as amended and shown at the end of these minutes.

The T&E Committee made the motion and the bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Hucker, Riemer, Albornoz, Rice, Friedson, Katz, Navarro.

C. **Bill 4-19, Personnel - Merit System - Requesting Salary History Prohibited**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the Committee's recommendation as contained in the staff report.

Enacted draft #9 of **Bill 4-19**, as introduced.

The GO Committee made the motion and the bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Hucker, Riemer, Albornoz, Rice, Friedson, Katz, Navarro.

D. **Bill 1-19, Police - Officer Involved Death - Independent Investigation**

Mr. Katz, Chair of the Public Safety (PS) Committee, reviewed the Committee's recommendation as contained in the staff report.

Enacted draft #7 of **Bill 1-19**, as shown at the end of these minutes.

The PS Committee made the motion, and the bill was enacted by a roll call vote:

**YEAS:** Glass, Jawando, Hucker, Riemer, Albornoz, Rice, Friedson, Katz, Navarro.

(5) **COUNCIL SITTING AS BOARD OF HEALTH:**

*The Board of Health will meet with Dr. Travis Gayles, County Health Officer, at a future date. There are no issues for the Board to address at this time.*

A. **Action - Resolution to adopt Bill 2-19, Health - Lead in Drinking Water – Schools, as a Board of Health Regulation**

Adopted **Resolution 19-91**, approving **Bill 2-19**, Health, Lead in Drinking Water - Schools, as a Board of Health Regulation.

The HHS/E&C Committee made the motion, which carried unanimously.

(6) **STATUS REPORT - Overview of Committee recommendations on FY20 Operating Budget**

Ms. Michaelson, Council Executive Director, provided an update on the current status of the committee recommendations pertaining to tax-supported funds, the reconciliation list, and revenues and expenditures. The Council is scheduled to vote on the reconciliation list on May 16, 2019.

**BUDGET CONSENT CALENDAR - FY20 Operating Budget and FY19-24 CIP Amendments:**

*Approval of the Consent Calendar adopts the Committee recommendations.*

Approved the budget consent calendar items listed below. Mr. Katz made the motion, which carried unanimously.

- (7) Department of Permitting Services
- (8) Board of Appeals
- (9) Office of Zoning and Administrative Hearings
- (10) **CIP:** General Government Economic Development projects: White Flint Redevelopment Program, Wheaton Redevelopment Project
- (11) NDA: Housing Opportunities Commission
- (12) **CIP:** Demolition Fund
- (13) **CIP:** Department of Housing and Community Affairs (DHCA)
  
- (15) Office of Human Resources
- (16) NDA: Public Elections Fund
- (17) Public Information Office
- (18) MC 311
- (19) NDA: Interagency Technology Policy and Coordination Committee (ITPCC)
- (20) Cable Television and Communications Plan
- (21) Department of Technology Services
- (22) NDA: Device Client Management
- (23) NDA: Telecommunications
- (24) Office of Consumer Protection
- (25) Emergency Management and Homeland Security
- (26) Liquor Control
- (27) Fire and Rescue Service
- (28) Circuit Court
- (29) State's Attorney
- (30) Sheriff

- (32) [Community Use of Public Facilities](#)
- (33) [NDA: Montgomery Coalition for Adult English Literacy](#)
- (34) [Housing Initiative Fund, PILOT, update on Homelessness](#)
- (35) [CIP: Affordable Housing Acquisition & Preservation](#)
- (36) [General Services: Fleet Mgmt and NDA: Motor Pool Fund](#)
- (37) [General Services: Facilities](#)
- (38) [Finance, Risk Management and NDA for Risk Management](#)
- (39) [Debt Service](#)
- (40) [NDAs: Leases, Working Families Income Supplement, State Property Tax Services, Grants to Municipalities, Future Grants, Takoma Park Police Rebate, Municipal Tax Duplication](#)

(41) **ACTION** - County Executive Appointments

A. [Director, Public Information Office: Barry Hudson](#)

**Resolution 19-92** was adopted, approving the appointment of Mr. Barry Hudson as Director, Public Information Office.

Mr. Katz made the motion, which carried unanimously.

B. [Director, Department of Technology Services: Vennard Wright](#)

[This item was deleted from the agenda.](#)

**WORKSESSION - FY20 Operating Budget and FY19-24 CIP Amendments**

(41.5) [Department of Correction and Rehabilitation \(DOCR\)](#)

Legislative Analyst Farag reviewed the recommendations of the PS, E&C and PHED Committees, as contained in the staff report.

Mr. Green, Director, DOCR, participated in the discussion.

Approved, without objection, staff's recommendation to shift \$69,000 from the WorkSource Montgomery NDA to DOCR to fund three part-time positions within the American Job Center. Requested Worksource Montgomery actively pursue Workforce Innovation and Opportunity Act (WIOA) funding for the three positions.

In a straw vote, approved the FY20 operating budget for DOCR, as recommended by the PS Committee, as amended.

(41.6) [NDA: WorkSource Montgomery](#)

In a straw vote, approved the FY20 NDA for WorkSource Montgomery, as amended to reflect the \$69,000 shift to DOCR, without objection.

The meeting recessed at 11:33 A.M. and reconvened at 1:33 P.M.

(42) **PUBLIC HEARING** - [Additional amendments to the FY20 Operating and Capital Budgets and amendments to FY19-24 CIP received on Thursday, April 11, 2019.](#)

The public hearing was conducted. Mr. Glass, Mr. Hucker and Mr. Riemer were temporarily absent.

(43) **PUBLIC HEARING** - [Supplemental appropriation to the County Government's FY19 Capital Budget and amendment to the FY19-24 CIP, Department of Transportation \(DOT\) - \\$3,885,000 for Resurfacing: Residential/Rural Roads](#)

The public hearing was conducted. Mr. Glass and Mr. Hucker were temporarily absent.

(44) **PUBLIC HEARING/ACTION** - [Supplemental appropriation to the County Government's FY19 Operating Budget, DOT - \\$11,584,423 and Department of General Services \(DGS\) - \\$3,641,663 for Snow Removal/Wind and Rain Storm Cleanup](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-93**, approving the subject supplemental appropriation.

The T&E Committee made the motion, which carried without objection. Mr. Glass and Mr. Hucker were temporarily absent. Later in the meeting, Mr. Glass stated that had he been present he would have voted in the affirmative.

(45) **PUBLIC HEARING/ACTION** - [Special appropriation to the FY19 Operating Budget, MCPS - \\$369,520 for Safety Survey Grant](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-94**, approving the subject special appropriation.

Mr. Rice made the motion, which carried without objection. Mr. Hucker was temporarily absent.

- (46) **PUBLIC HEARING/ACTION** - [Supplemental appropriation to the County Government's FY19 Operating Budget, Department of Health and Human Services \(DHHS\), \\$291,473 for the Kresge Foundation Opportunity Ecosystem Grant](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-95**, approving the subject supplemental appropriation.

The HHS Committee made the motion, which carried without objection. Mr. Hucker was temporarily absent.

**WORKSESSION - FY20 Operating Budget and FY19-24 CIP Amendments**

- (47) [Transportation and related NDAs](#)

Ms. Navarro noted that Mr. Hucker, Chair of the T&E Committee, had to leave to take care of a sick child. Mr. Riemer and Dr. Orlin, Deputy Director, reviewed the Committee recommendations, as contained in the staff report.

Discussed the importance of several items on the reconciliation list, including pedestrian safety audits, restoring proposed Ride On service cuts, expanding hours for Kids Ride Free, and restoring funding to the FareShare program.

Dr. Orlin reviewed a technical amendment, as contained in the staff addendum, for the FY19-24 CIP on Bicycle-Pedestrian Priority Area Improvements. Staff agreed with DOT's recommendation that for ease of accounting and for better transparency, to retain all the Silver Spring Central Business District (CBD) subprojects, except the Fenton Street Cycletrack, in the new Bicycle-Pedestrian Priority Area Improvements – General PDF, and to spread the administrative costs across all five PDFs.

In a straw vote supported, without objection, the Committee recommendations and staff addendum for DOT's FY20 operating budget, selected FY19-24 CIP projects, and FY19 supplemental appropriation. Mr. Hucker was temporarily absent.

- (48) [Department of Housing and Community Affairs \(DHCA\)](#)

Mr. Riemer, Chair of the Planning, Housing and Economic Development (PHED) Committee, and Ms. McMillan, Senior Legislative Analyst, reviewed the Committee recommendations, as contained in the staff report and addendum.

Majority supported Mr. Jawando's motion recommending Scenario #3 and conducting a multi-year analysis of Scenario #3 for the FY20 Landlord Tenant

Activity Fund, as outlined on page 3 of the addendum. Scenario #3 would fund three Housing Code Inspectors and increase fees on top of the Executive's recommended increases by \$2 for the Condo License Fee, and by \$10 for the Single Family License Fee. The fund balance is estimated to be \$275,019. Mr. Friedson was opposed, and Mr. Hucker was temporarily absent.

Discussed the \$218,000 noncompetitive award in new funding for the Renters Alliance for tenant advocacy and support services. Supported, without objection, Mr. Friedson's motion to approve FY20 funds of \$218,00 for tenant advocacy and support services but not to authorize a noncompetitive award at this time. Requested DHCA pursue a process that would solicit proposals from any organization in the County that does similar work. Noted that it is possible that ultimately the funding could go to more than one provider. Mr. Hucker was temporarily absent.

In a straw vote, supported without objection, the PHED Committee recommendations for the FY20 operating budget for DHCA, as amended. Mr. Hucker was temporarily absent.

The meeting adjourned at 3:45 P.M.

This is a correct copy of Council action.

*Approved/Signed by the Clerk*

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Megan Davey Limarzi, Esq.  
Clerk of the Council

Bill No. 7-19  
 Concerning: Environmental  
Sustainability – Commercial Property  
Assessed Clean Energy Program –  
New Construction  
 Revised: 5/7/2019 Draft No. 5  
 Introduced: March 5, 2019  
 Enacted: May 7, 2019  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: None  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Hucker  
 Co-Sponsors: Councilmember Friedson, Council President Navarro, Councilmember Riemer,  
 Council Vice-President Katz, Councilmembers Jawando, Rice, Glass and Alborno

**AN ACT to:**

- (1) expand the Commercial Property Assessed Clean Energy Program to new construction; and
- (2) generally amend County laws related to the Commercial Property Assessed Clean Energy Program and environmental sustainability.

By amending

Montgomery County Code  
 Chapter 18A, Environmental Sustainability  
 Sections 18A-33 and 18A-35

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1 **Sec. 1. Sections 18A-33 and 18A-35 are amended as follows:**

2 **18A-33. Definitions.**

3 (a) *Definitions.* In this Section, the following words have the meanings indicated:

4 \* \* \*

5 *Qualified property* means any new or existing commercial real property that meets  
6 the eligibility criteria for the Program.

7 \* \* \*

8 **18A-35. Eligibility.**

9 In order to be eligible for this Program, the following criteria must be met:

10 \* \* \*

11 (a) *Eligibility.*

12 \* \* \*

13 (4) For new commercial construction, the property must be designed to exceed  
14 the ~~[[current]]~~ ~~[[County energy conservation building code performance~~  
15 requirement]] energy performance required by the County building code that  
16 is in effect at the time a property owner applies to participate in the Program.

17 (5) The loan amount under this Program must meet the following criteria:

18 (A) For existing commercial construction:

19 (i) The loan amount must be at least \$5,000 and~~[[, for existing~~  
20 commercial property,]] not more than 20% of either the full  
21 cash value or the appraised value of the qualified property.  
22 ~~[[The full cash value is determined by the Maryland State~~  
23 ~~Department of Assessments and Taxation. The appraised~~  
24 ~~value must be determined by a Certified General Real Estate~~  
25 ~~Appraiser and must have been certified no more than 12~~  
26 ~~months before the date of the loan application.]]~~

27 ~~[[B)]]~~ (ii) The loan amount, together with the outstanding balance of  
28 the mortgage or deed of trust, must be no more than 90% of  
29 either the full cash value or the appraised value of the  
30 qualified property.

31 (iii) The full cash value is determined by the Maryland State  
32 Department of Assessments and Taxation. The appraised  
33 value must be determined by a Certified General Real Estate  
34 Appraiser and must have been certified no more than 12  
35 months before the date of the loan application.

36 ~~[[C)]]~~ For new commercial construction, the maximum loan amount must  
37 not exceed 20% of the total construction costs.]]

38 (B) For new commercial construction:

39 (i) If a qualified property is designed to exceed the energy  
40 performance required by the County building code by no  
41 more than 5%, the maximum loan amount must not exceed  
42 15% of the full cash value or appraised value of the qualified  
43 property.

44 (ii) If a qualified property is designed to exceed the energy  
45 performance required by the County building code by 5% or  
46 greater, the maximum loan amount must not exceed 20% of

- 47 the full cash value or appraised value of the qualified  
48 property.
- 49 (iii) The loan amount, together with the outstanding balance of the  
50 mortgage or deed of trust, must be no more than 90% of either  
51 the full cash value or the appraised value of the qualified  
52 property.
- 53 (iv) The full cash value and appraised value of the property must  
54 be determined based on the estimated value of the property if  
55 construction is completed. The appraised value must be  
56 determined by a Certified General Real Estate Appraiser and  
57 must have been certified no more than 12 months before the  
58 date of the loan application.

Bill No. 1-19  
 Concerning: Police – Officer Involved  
 Death – Independent Investigation  
 Revised: 4/12/2019 Draft No. 7  
 Introduced: January 15, 2019  
 Enacted: May 7, 2019  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: None  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Jawando  
 Co-Sponsors: Councilmembers Rice, Riemer, Council President Navarro, Councilmember  
 Albornoz, Council Vice President Katz, Councilmembers Friedson, Glass, and Hucker

**AN ACT** to:

- (1) require an independent investigation of an officer involved death;
- (2) establish qualifications for an independent investigation of an officer involved death;
- (3) require the independent investigators to submit a final written report to the State’s Attorney;
- (4) make the written report public under certain circumstances; and
- (5) generally amend the law governing investigations of an officer involved death.

By amending  
 Montgomery County Code  
 Chapter 35, Police  
 Section 35-2

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

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**Sec. 1. Section 35-2 is amended as follows:**

**35-2. [Reserved] Law Enforcement Trust and Transparency Act.**

- (a) Definitions. As used in this Section:
  - Department means the Montgomery County Department of Police.
  - Law enforcement agency means a government agency charged with enforcing Federal, State, or County law.
  - Officer involved death means the death of an individual resulting from an action by a police officer or while the individual is in police custody.
  - Police officer means a sworn officer employed by the County Department of Police.
  - State's Attorney means the State's Attorney for Montgomery County.
- (b) Independent investigation required. ~~[[The]]~~ Except as provided in subsection (f), the Executive must ensure that an independent investigation is performed for each officer involved death. The independent investigation must be ~~[[performed]]~~ led by at least 2 sworn independent investigators:
  - (1) who are not employed by the County or the State's Attorney;
  - (2) who have significant experience and expertise in conducting [complex criminal] homicide and law enforcement officer use of force investigations;  
and
  - (3) work for a:
    - (A) local law enforcement agency located outside of the County;
    - (B) Federal law enforcement agency; or
    - (C) State law enforcement agency.
- (c) Report. The independent investigators must submit a final written report to the State's Attorney.
- (d) Publication of the investigation report.
  - (1) ~~[[If no criminal charges are filed against the police officer,]]~~ Except as provided in paragraph (2), the written report must be released to the public to the extent permitted by law:
    - (A) if no criminal charges are filed against the police officer; or
    - (B) after the conclusion of any criminal case against the police officer.
  - (2) The custodian of the report may deny inspection of any part of the written report if it would:
    - (A) interfere with a valid and proper law enforcement proceeding;
    - (B) deprive a person of a right to a fair trial or an impartial adjudication;
    - (C) constitute an unwarranted invasion of personal privacy;
    - (D) disclose the identity of a confidential source;
    - (E) disclose an investigative technique or procedure;
    - (F) prejudice an investigation; or
    - (G) endanger the life or physical safety of an individual.
  - (3) This subsection must apply to a written investigation report prepared by the independent investigators or a report prepared by the Department if the Executive is unable to obtain an independent investigation.
- (e) Internal ~~[[administrative review]]~~ investigation. This Section must not be interpreted to prohibit:
  - (1) an internal administrative review of the incident by the Department for possible discipline of a police officer pursuant to the Law

- 47 Enforcement Officers' Bill of Rights, MD Public Safety Code, §§3-101 to 3-113,  
48 as amended or;  
49 (2) the Department from:  
50 (A) responding to the crime scene to perform routine police duties to  
51 protect members of the public and members of the Department; or  
52 (B) providing support and assistance to the independent investigators  
53 leading the investigation as requested by the independent  
54 investigators.
- 55 (f) Reporting. If, after making good faith efforts, the Executive is unable to enter into  
56 an agreement with another law enforcement agency to perform the required  
57 independent investigation, the Executive must submit:  
58 (1) a report to the Council on or before January 1, 2020:  
59 (A) explaining all efforts made to secure an agreement with another law  
60 enforcement agency; and  
61 (B) recommending changes to the law to support its goals; and  
62 (2) updates to the Council every 90 days beginning on April 1, 2020 explaining  
63 continuing efforts to secure an agreement.

64 **Sec. 2. Effective date.**

65 This Act must take effect on January 1, 2020. The amendments in Section 1 must apply to  
66 each officer involved death occurring after the Act takes effect.

