

Emergency Bill No. 2-00  
Concerning: Police Department  
Reorganization  
Revised: Apr. 4, 2000 Draft No. 6  
Introduced: February 1, 2000  
Enacted: April 4, 2000  
Executive: April 14, 2000  
Effective: April 14, 2000  
Sunset Date: None  
Ch. 6, Laws of Mont. Co. 2000

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

### AN EMERGENCY ACT to:

- (1) make the position of the Director of the Division of Animal Control and Humane Treatment a merit position;
- (2) create three positions of Assistant Chief of Police as non-merit positions and allow an Assistant Chief who was appointed from a Department merit position to return to the merit system; [[and]]
- (3) abolish certain obsolete job classifications in the Police Department;
- (4) prohibit a Police Department employee from representing the Department or County in any administrative, quasi-judicial, or judicial proceeding; and
- (5) generally amend County law regarding the organization of the Police Department.

### By amending

Montgomery County Code  
Chapter 1A, Establishing the Structure of County Government  
Section 1A-104  
Chapter 2, Administration  
Section 2-43  
Chapter 5, Animal Control  
Section 5-101

### By adding to the Laws of Montgomery County

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.**Added to existing law by original bill.**Deleted from existing law by original bill.**Added by amendment.**Deleted from existing law or the bill by amendment.**Existing law unaffected by bill.*

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

1        **Section 1.** Sections 1A-104, 2-43, and 5-101 of the County Code ~~[[is]]~~ are  
 2 amended as follows:

3 **1A-104. Heads of departments and principal offices; other positions**  
 4 **designated as non-merit.**

5        (a) *Names.* The head of a department or principal office is called the  
 6 Director of the department or principal office, except that:

- 7            (1) the Director of Police is also called the Chief of Police; and  
 8            (2) the Director of the Office of the County Attorney is called the  
 9 County Attorney.

10        (b) *Qualifications.*

- 11            (1) Each head of a department or principal office should be  
 12 professionally qualified.  
 13            (2) A person holding any other position in the Executive Branch  
 14 designated by law as a non-merit position must be professionally  
 15 qualified for the position under a position description established  
 16 by regulation under method (1).

17        ~~[[(3) An Assistant Chief of Police must meet any additional~~  
 18 ~~qualifications required under Section 2-43.]]~~

19        (c) *Status.* Heads of departments and principal offices, and holders of any  
 20 other position in the Executive Branch designated by law as a non-merit  
 21 position, are County employees but are not merit system employees.

22        (d) *Special reinstatement rule.* A person who was a merit system employee  
 23 of the Police Department when appointed as an Assistant Chief of  
 24 Police may return to the merit system in the Department at the same  
 25 rank that the person last held in the merit system. The person must elect  
 26 to return to the merit system within 10 days after leaving the Assistant  
 27 Chief position, by notifying the Chief Administrative Officer in writing.

1 If the previous rank was abolished, the person must be assigned to the  
2 closest equivalent rank, and must receive the salary and benefits that  
3 would apply if the person had remained in the merit system at the  
4 previous rank and the rank still existed.

5 **2-43. [County police;] Organization and functions[; superintendent].**

6 The Department of Police includes the County police and the Division of  
7 Animal Control and Humane Treatment. The Department has the authority,  
8 functions, and activities prescribed by law.

9 [The position of the director of the Division of Animal Control and Humane  
10 Treatment is a non-merit position.]

11 Three positions of Assistant Chief of Police are non-merit positions.

12 [[Whenever all three positions are filled, at least one Assistant Chief must have at  
13 least 5 years of experience as a sworn officer in the Department.]]

14 Any reference in this Code or in [[rules, regulations, or orders]] regulation or  
15 other document to "superintendent of police" or "superintendent" means "Director of  
16 Police" or "Director", respectively.

17 **5-101. Definitions.**

18 In this Chapter, the following words and phrases have the following meanings:

19 \* \* \*

20 **Animal control officer:** The Director of the Division [[acting under the  
21 immediate direction of the Director of the Department of Police]], or the Division  
22 Director's designee.

23 \* \* \*

24 **Sec. 2.** The Chief Administrative Officer must abolish the following  
25 occupational classes on the date that the County Council confirms the third Assistant  
26 Chief of Police:

27 (a) police lieutenant colonel; and


1 (b) police major.  
2 Until the classes are abolished, the Chief of Police must not appoint any other person  
3 to a position in these classes.

4 Sec. 3. An employee of the Department of Police must not represent the  
5 Department or the County as an attorney in any administrative, quasi-judicial, or  
6 judicial proceeding.

7 **Sec. 4. Emergency Effective Date.**


8 The Council declares that an emergency exists and that this legislation is  
9 necessary for the immediate protection of the public health and safety. This Act  
10 takes effect on the date on which it becomes law.

11 *Approved:*

12   
Michael L. Subin, President, County Council

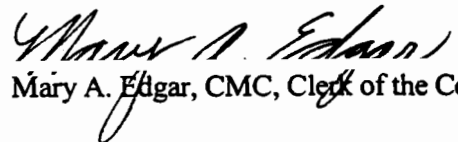
4/6/00  
Date

13 *Approved:*

14   
Douglas M. Duncan, County Executive

April 14, 2000  
Date

15 *This is a correct copy of Council action.*

16   
Mary A. Edgar, CMC, Clerk of the Council

April 17, 2000  
Date