

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

3 **1A-104. Heds 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.~~

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

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

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

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

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

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

5-101. Definitions.

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

* * *

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

* * *

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

(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	/S/	4/6/00
Michael L. Subin, President, County Council		Date

13 *Approved:*

14	/S/	4/14/00
Douglas M. Duncan, County Executive		Date

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

16	/S/	4/17/00
Mary A. Edgar, CMC, Clerk of the Council		Date