

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
LEGISLATIVE SESSION, 2020
LEGISLATIVE BILL 2020-08

Introduced: August 18, 2020

BY: The County Council President.

AN ACT to establish a procedure for removal from office for violation of local laws and that such removal is not subject to judicial review and to provide for sanctions for continuing in office after removal by amending the Wicomico County Code to include in Chapter 59, Personnel Rules, an Article IV, titled "Removal from Office," and Sections 59-20 to 59-22.

WHEREAS, section 10-303(c)(3) of the Local Government Article of the Maryland Code authorizes the County Council to enact local laws to remove County personnel from office for violation of the local laws or any regulations adopted thereunder; and

WHEREAS, the Council deems that it is prudent and will serve the public interest to establish a procedure to determine whether removal is appropriate for such violation and to specify that removal is not subject to judicial review.

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, under the premises stated above and hereby incorporated by reference, that the Wicomico County Code is hereby amended by the addition in Chapter 59, Personnel Rules, an Article IV, containing the following sections:

Chapter 59
Personnel Rules

**ARTICLE IV
REMOVAL FROM OFFICE**

§ 59-20. PROCEDURE.

PURSUANT TO AUTHORITY CURRENTLY CODIFIED AS SECTION 10-303(C)(3), PART OF THE EXPRESS POWERS ACT, OF THE LOCAL GOVERNMENT ARTICLE, THE COUNCIL MAY REMOVE SOMEONE FROM HIS OR HER OFFICE FOR VIOLATION OF A LOCAL LAW OF THE COUNTY OR REGULATION ADOPTED THEREUNDER, PROVIDED THAT:

- A. THE LAW OR REGULATION EXPRESSLY PROVIDES THAT VIOLATION THEREOF IS GROUNDS FOR SUCH REMOVAL.
- B. THE COUNCIL HAS BY MAJORITY VOTE OF THE ENTIRE COUNCIL DECIDED THAT SUCH GROUNDS EXIST AND PROVIDED WRITTEN NOTICE TO THE PERSON THAT IDENTIFIES THE LAW OR REGULATION AND DESCRIBES HIS OR HER CONDUCT IN VIOLATION THEREOF, TOGETHER WITH NOTICE OF THE DATE, TIME AND PLACE WHEN THE COUNCIL WILL MEET TO CONSIDER ANY DOCUMENTARY EVIDENCE OR WRITTEN STATEMENTS THAT THE PERSON DESIRES TO SUBMIT AND, IF REQUESTED BY THE PERSON, DECIDE WHETHER TO HOLD A HEARING TO RECEIVE ORAL TESTIMONY.
- C. AT THE MEETING FOR THE PURPOSE DESCRIBED IN THE PRECEDING SUBPART AND ANY HEARING THAT THE COUNCIL MAY HOLD TO RECEIVE ORAL TESTIMONY, THE

PERSON MAY BE REPRESENTED BY LEGAL COUNSEL, WHO MAY ADDRESS THE COUNCIL, QUESTION ANY WITNESSES IN REASONABLE DETAIL AND PRESENT ARGUMENT AND WRITTEN BRIEFS OR MEMORANDA.

D. AFTER THE MEETING AND A SUBSEQUENT HEARING, IF ANY, IT MAY DECIDE TO HOLD, THE COUNCIL MAY REMOVE THE PERSON BY MAJORITY VOTE OF THE ENTIRE COUNCIL AND SHALL PRESENT A WRITTEN EXPLANATION OF THE BASIS FOR ITS DECISION IF IT DECIDES TO DO SO. AT ANY TIME THE COUNCIL MAY DECIDE BY MAJORITY VOTE OF THE ENTIRE COUNCIL NOT TO REMOVE THE PERSON FROM HIS OR HER OFFICE.

§ 59-21. FINALITY OF DECISION; NON-APPEALABLE.

A DECISION BY THE COUNCIL TO REMOVE SOMEONE FROM OFFICE SHALL BE FINAL AND NOT SUBJECT TO CHALLENGE OR APPEAL, INCLUDING BY MEANS OF JUDICIAL REVIEW, EXCEPT AS MAY BE REQUIRED BY APPLICABLE LAW.

§ 59-22. POST-REMOVAL SANCTION.

IF, AFTER BEING REMOVED FROM OFFICE, THE PERSON CONTINUES TO ACT OR PURPORTS TO ACT IN THAT OFFICE, HE OR SHE SHALL BE GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE NOT TO EXCEED \$1000.

SECTION II: BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2020-08 of Wicomico County, Maryland, and will take effect 60 days after its final passage, unless a proper Petition for Referendum is filed before then. If a timely Petition is filed, the Bill will not take effect until the expiration of 30 days following the approval of this Bill by a majority of the qualified voters of the County voting in a referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 15th day of September, 2020.

WICOMICO COUNTY, MARYLAND

Larry W. Dodd

BY: Larry W. Dodd, President

Laura Hurley

BY: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

Laura Hurley
Laura Hurley, Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out indicates material deleted from law.~~

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2020 Legislative Session

Legislative Day No. 17

LEGISLATIVE BILL NO. 2020-08

INTRODUCED BY: The County Council President

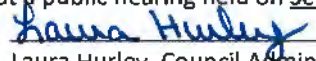
Bill No. 2020-08: AN ACT to establish a procedure for removal from office for violation of local laws and that such removal is not subject to judicial review and to provide for sanctions for continuing in office after removal by amending the Wicomico County Code to include in Chapter 59, Personnel Rules, an Article IV, titled "Removal from Office," and Sections 59-20 to 59-22.

Introduced and read first time on August 18, 2020. Ordered posted and public hearing scheduled for September 15, 2020 at 10:00 a.m.



Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on September 15, 2020.



Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 15th day of September, 2020.



Laura Hurley, Council Administrator

Presented to the Acting County Executive for approval this 16th day of September, 2020 at 10:20 a.m. (5 days §411)



Laura Hurley, Council Administrator

BY THE ACTING COUNTY EXECUTIVE:



Acting County Executive

APPROVED
Date: John D. Pate 9/17/2020
(21 days §411)

VETOED
Date: _____

BY THE COUNCIL:

Option One: This Bill, having been approved by the Acting County Executive and returned to the Council, becomes law on September 17, 2020 and effective on: November 16, 2020. (60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the Acting County Executive within 21 days of its presentation, stands enacted on _____ and becomes effective on _____ (60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)

ENROLLMENT: Legislative Bill No. 2020-08 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator