

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

LEGISLATIVE SESSION, 2024

BILL No. 2024-12

Introduced: November 19, 2024

BY: The Council President

AN ACT TO ADD CHAPTER 99 OF THE WICOMICO COUNTY CODE, TITLED "VEHICLES, COUNTY" TO ESTABLISH PROCEDURES FOR THE USE AND OPERATION OF COUNTY-OWNED OR LEASED VEHICLES.

WHEREAS, Wicomico County currently allows employees to drive vehicles while performing county business; and

WHEREAS, the County Council through the budget process controls the funding for county-owned and leased vehicles; and

WHEREAS, the County Council desires to establish guidelines for the use and operation of county-owned or leased vehicles while performing county business.

SECTION 1: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 99, titled, "Vehicles, County" shall be established as follows:

CHAPTER 99 VEHICLES, COUNTY

§ 99-1. Applicability and Definitions.

- A. Applicability. This chapter shall apply to those operators of vehicles and vehicles titled or leased in the name of the County. Notwithstanding anything to the contrary set forth herein, this chapter shall not apply to the Wicomico County Sheriff's Office AND THE WICOMICO COUNTY OFFICE OF THE STATE'S ATTORNEY'S, which ~~hAVE~~as their own written policy directives that address the matters set forth herein.
- B. Definitions.

Decal

A 10-inch diameter replica of the official seal of Wicomico County adopted on August 24, 1965 by Ordinance No. 22, or such other decal approved by the Wicomico County Council, which is permanently affixed to a vehicle.

Emergency

The actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property within this county resulting from any natural or man-made cause.

Employee

A part-time or full-time individual, whether hired or appointed, to work on behalf of Wicomico County. For the sole purpose of utilizing a vehicle, officers of Wicomico County, and independent contractors, are considered employees.

Officer

All persons identified in the Wicomico County Charter as an officer, including, but not necessarily limited to, the County Executive, the Director of each County Department and Council Members.

Vehicle

An automobile, truck or equipment, whether owned or leased by the County, that is primarily designed for the transportation of passengers and/or materials and supplies and/or is driven on public highways.

§ 99-2. Identification; assignment.

- A. The acquisition of County vehicles, including leased vehicles, shall be approved by the Wicomico County Council through the budgetary process.
- B. The County Executive may assign departments, agencies, and/or employees a vehicle for official duties. The Director of Administration shall provide to the County Council a list of all vehicles and the assigned departments, agencies, and/or employees during the annual budget process.
- C. All vehicles shall be titled in or leased by the County. At the election of the County Executive, the assigned department or agency may be listed on the title or, if a lease, the registration. All vehicles, excluding vehicles assigned to Liquor Board inspectors or for law enforcement, fire protection or emergency ambulance service use, shall, if allowed under state law, have license plates that clearly designate the plates as being issued to a political subdivision and shall have a decal placed on each side of the vehicle. A decal shall also be affixed to the rear of the vehicle when space allows, such as on the tailgate of trucks and SUVs.
- D. Before any vehicle can be assigned to a department, agency or employee, the vehicle must be compliant with paragraph C. If a decal falls off or is in need of repair, the employee shall notify the County Executive's office, which shall arrange for the decal's repair. The vehicle shall not be utilized until the repair is made. An employee that intentionally and knowingly operates a vehicle without the proper license plate and/or decal affixed to the vehicle, as required herein, shall have their vehicle driving privilege suspended and shall be subject to disciplinary action as provided for in the Wicomico County Personnel Manual.
- E. A vehicle may not be assigned to one (1) particular employee, except for the County Executive, the Director of Administration or a person who is regularly assigned to and is actually required to respond to an emergency on a twenty- four-hour basis. There is not a restriction on the type of vehicle that may be assigned to an individual.

99-3 Limitations on Operation of a Vehicle

- A. Prior to utilizing a vehicle, every employee must provide proof of their current valid driver's license and, WITH THE EXCEPTION OF AN EMERGENCY, a certified copy of their driving record, that is not more than 30 days old, to the Human Resources Department. An updated driving record must be provided within 10 days in any change to the driving record.

- B. Any employee who has six (6) or more points on his or her driving record, whose license to drive is suspended or revoked, or who may only operate a vehicle with an ignition interlock device may not utilize a vehicle. It is the employee's obligation to notify the Human Resources Department of any change in the employee's driving record or privilege to drive.
- C. An employee whose driving record reflects more than seven (7) driving convictions, to include pre-payable offenses, in the last four (4) years may not utilize a vehicle.
- D. A vehicle shall not be assigned to an employee whose personnel record indicates more than two (2) instances in the past five (5) years where an employee was reprimanded for a lack of regard for County property or who has not properly used or maintained, in a careful manner, a previously assigned vehicle.
- E. When not in use, all vehicles shall be available for other employees requiring transportation for official business. No County employee, unless approved by a Department Head in advance, shall receive mileage allowances for the use of privately-owned vehicles if a County vehicle is available. The County Executive and County Councilmembers are not required to have advance approval to receive mileage allowances for a privately-owned vehicle.
- F. A vehicle may not be operated by any person who is not an employee of the County.

§ 99-4. Rules for operation.

- A. An employee in possession, whether temporary or through assignment, of a vehicle shall be responsible for the vehicle at all times. Employees are required to follow all applicable laws and are responsible for any traffic violations incurred while operating the vehicle.
- B. In the event an employee is convicted of a traffic offense which caused, contributed to or was in relation to the vehicle being damaged, the employee shall be required to make restitution to the County for any insurance deductible cost required to be paid by the County.
- C. The employee operating a vehicle is charged with the responsibility to take all reasonable precautions to ensure the safety of the vehicle and its contents from theft and vandalism. When parked on County-owned or operated lots, keys shall either be retained by the employee or turned in to the designated custodian. When not parked on County-owned or operated lots, the employee shall always be in possession of the keys, except in those instances when parking in a commercial parking garage where the operator is required to leave the keys in the vehicle.
- D. Vehicles shall be used for official business only. When responding to an emergency, travel shall be directly to and from home and the designated place of work. Use of a vehicle for personal business is prohibited. Personal business shall include, but is not limited to, driving to and from work, transporting members of the family, transporting children to and from school, shopping, or for pleasure.
- E. County officers and employees may not accept the use, in the performance of County business, of a motor vehicle which is not titled to the County, unless the vehicle's owner receives a reasonable compensation. If such vehicles are to be operated by anyone other than a County officer or employee on official business, the additional insurance coverage and the cost thereof shall be paid by the using department through the County Finance office. A written request for such arrangements for use of a vehicle not titled to the County to conduct official business shall be submitted to the County Executive.
- F. When operating a vehicle, the employee must abide by any restrictions on the license holder.
- G. All accidents or vandalism involving a County vehicle is required to be reported, by the employee operating and/or assigned to the vehicle, to employee's Department Head immediately, regardless of whether or not another vehicle is involved or there are any apparent injuries or damages. IN ADDITION, THE DEPARTMENT HEAD AND/OR THE EMPLOYEE SHALL IMMEDIATELY

REPORT THE ACCIDENT TO THE WICOMICO COUNTY SHERIFF'S OFFICE, WHICH SHALL INVESTIGATE ACCIDENTS OR VANDALISM INVOLVING A COUNTY VEHICLE. THE EMPLOYEE SHALL FULLY COOPERATE WITH THE SHERIFF'S INVESTIGATION.

- H. ANY EMPLOYEE OPERATING A VEHICLE INVOLVED IN AN ACCIDENT, WHETHER THE EMPLOYEE IS AT FAULT IN THE ACCIDENT OR NOT, SHALL SUBMIT TO AN IMMEDIATE DRUG TEST. IF THE EMPLOYEE HAS A COMMERCIAL DRIVER'S LICENSE (CDL) THE EMPLOYEE SHALL SUBMIT TO A DRUG TEST AT AN APPROPRIATE MEDICAL FACILITY.
- I. All Departments, including the County Executive's office, are required to maintain daily travel logs and all must be available for audit for a minimum of three (3) years. Each County vehicle's travel log shall be submitted, at least once each month, to the Head of the Department that the vehicle is assigned to and the Department Head shall review the vehicle log monthly.
- J. All County-owned vehicles are to be maintained and serviced pursuant to the manufacturer's recommendations and/or contracts or leases applicable to the vehicle, including, but not limited to, oil changes and lubrication.
- K. The use of Wex cards is restricted to gasoline purchases for vehicles. Wex cards may not be left in the custody of service station attendants or other persons not employed by the County. All Wex card policies must be adhered to at all times and are not abridged or modified by this Chapter.
- L. Taxable fringe benefits shall be reported, when appropriate, in accordance with IRS regulations for employees with take-home vehicles.
- M. An employee shall not operate a vehicle while having either a measurable blood alcohol concentration, OR WITHIN EIGHT (8) HOURS OF HAVING CONSUMED ANY AMOUNT OF ALCOHOLIC BEVERAGE or in violation of Md. Ann. Code, Transportation Article, §21-902.
- N. WICOMICO COUNTY HAS A ZERO TOLERANCE POLICY FOR MEDICAL AND RECREATIONAL CANNABIS; THEREFORE, AN EMPLOYEE SHALL NOT OPERATE A COUNTY VEHICLE IF THEY CONSUME OR USE MEDICAL OR RECREATIONAL CANNABIS.
- O. Employees shall not consume alcohol or controlled dangerous substances, to include cannabis, in vehicles.
- P. Employees shall not transport alcohol or controlled dangerous substances, to include cannabis, in vehicles unless it is for County authorized business purposes. An employee may transport their prescribed controlled dangerous substance in its original prescription container.
- Q. An employee using a prescription drug, either controlled or not, or over-the counter-medication may not use a vehicle if the employee knows, or the employee should know, that the medication would affect the employee's ability to operate a vehicle. Additionally, any employee who used two times or more of the recommended dose shall be prohibited from operating a vehicle for that day.

§ 99-5. Vehicle pools; use of private vehicles for County business.

Notwithstanding anything to the contrary herein, the County Executive shall establish intra-department vehicle pools in the Executive Branch, in which all vehicles not assigned to a specific department, agency or individuals shall be maintained.

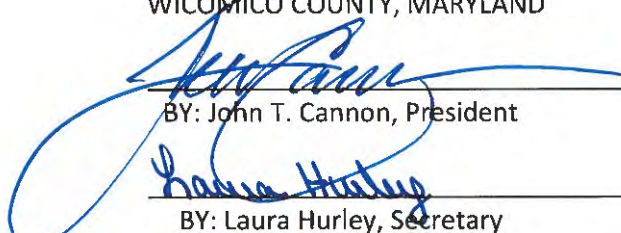
§ 99-6. Rules and procedures.

The County Executive shall submit rules, regulations or procedures to the County Council necessary to implement this Chapter. All such rules, regulations or procedures must be approved by the County Council before they are implemented.

SECTION II: BE IT ENACTED that this Legislative Bill shall be known as Legislative Bill No. 2024-12 of Wicomico County, Maryland, and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of Wicomico County voting in any such referendum.


Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 17th day of December, 2024.

WICOMICO COUNTY, MARYLAND


BY: John T. Cannon, President


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, Secretary

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2024 Legislative Session

Legislative Day No. 26

LEGISLATIVE BILL NO. 2024-12

INTRODUCED BY: The Council President

AN ACT TO ADD CHAPTER 99 OF THE WICOMICO COUNTY CODE, TITLED "VEHICLES, COUNTY" TO ESTABLISH PROCEDURES FOR THE USE AND OPERATION OF COUNTY-OWNED OR LEASED VEHICLES.

Introduced and read first time on November 19, 2024. Ordered posted and public hearing scheduled for December 17, 2024 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 December 17, 2024.



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 17th day of December, 2024.



Laura Hurley, Council Administrator

Presented to the County Executive for approval this 18th day of December, 2024, at 1:35 a.m. (p.m.) (5 days §411)



Laura Hurley, Council Administrator

BY THE COUNTY EXECUTIVE:

County Executive

APPROVED

Date: _____
(21 days §411)

VETOED

Date: 12/24/2024

BY THE COUNCIL:

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on _____ and effective on: _____
(60 days §311)

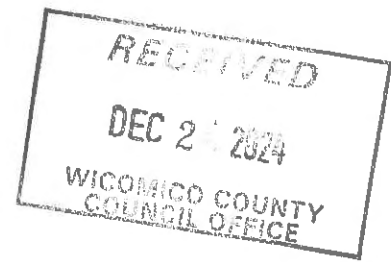
Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on _____ and becomes effective on _____
(60 days §311)

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

ENROLLMENT: Legislative Bill No. 2024-12 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.


Laura Hurley, Council Administrator

Veto Override - ¹ January 9, 2025



WICOMICO COUNTY, MARYLAND

OFFICE OF THE COUNTY EXECUTIVE

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Bunky Luffman
Director of Administration

Matt Leitzel
Assistant Director of Administration

Julie M. Giordano
County Executive

December 24, 2024

The Wicomico County Council
Government Office Building
125 N. Division Street
Salisbury, Maryland 21801

Subject: Veto of Legislative Bill 2024-12

Dear Council Members:

I am writing to formally inform you of my decision to veto Legislative Bill 2024-12, titled *"An Act to add Chapter 99 of the Wicomico County Code titled 'Vehicles, County' to establish procedures for the use and operation of County-owned or leased vehicles."* While I respect the intent behind this legislation, there are several critical reasons why it is both unnecessary and, more importantly, inconsistent with the provisions of the Wicomico County Charter.

Redundancy with the Personnel Manual:

The new Wicomico County Personnel Manual, which has been recently updated and adopted, already includes comprehensive policies and procedures governing the use and operation of County-owned or leased vehicles. These policies are clear, enforceable, and designed to provide the necessary oversight and guidance. Enacting Legislative Bill 2024-12 would result in redundant regulation, creating unnecessary layers of bureaucracy and potential confusion.

Violation of Section 314 of the Wicomico County Charter:

The legislation directly conflicts with Section 314 of the Wicomico County Charter, which explicitly prohibits the County Council from interfering with the executive branch's administration of its functions or personnel. Section 314 states:

Neither the County Council nor any of its members shall:

Attempt to supervise, direct, administer, or interfere with any of the functions or the personnel of the executive branch;

Attempt to influence the head of any department of the County government concerning the appointment of any person to, or his/her removal from, any office or employment; or in any way take part in the appointment of or removal of any officer or employee of the County except as specifically provided in this Charter.

This legislation seeks to impose oversight and procedural mandates that are, by their nature, administrative functions. These responsibilities rest solely within the purview of the executive branch. The Charter further specifies that communications or concerns regarding administrative matters should be addressed to the County Executive, rather than through legislative action that undermines the division of powers.

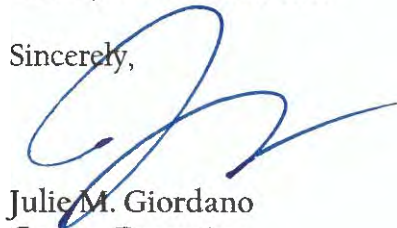
Preserving the Balance of Powers:

Legislative Bill 2024-12 oversteps the bounds of the Council's authority by attempting to legislate operational policies that are already within the executive branch's jurisdiction. It is critical to maintain the clear separation of powers established by the Charter to ensure efficient and effective governance.

For these reasons, I cannot support the enactment of Legislative Bill 2024-12. I urge the Council to defer to the policies already established in the Personnel Manual and to respect the governance framework laid out in the Wicomico County Charter.

Should you have any questions or require further clarification, I am available to discuss this matter at your earliest convenience. I remain committed to working collaboratively to serve the best interests of Wicomico County and its residents.

Sincerely,



Julie M. Giordano
County Executive
Wicomico County, Maryland