

FINAL

AMENDED
October 17, 2016
November 7, 2016

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 35

Bill No. 71-16

Introduced by Mr. Fink, Chairman
(by request of the County Executive)

By the County Council, September 19, 2016

Introduced and first read on September 19, 2016
Public Hearing set for and held on October 17, 2016
Public Hearing on AMENDED BILL set for and held on November 7, 2016
Public Hearing on SECOND AMENDED Bill set for and held on November 21, 2016
Bill Expires December 23, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Article 1 – General Provisions

2
3 FOR the purpose of modifying the definition of “written” and “in writing”; clarifying
4 computation of time under the Code; clarifying interpretation of captions and taglines
5 in the Code; adding Chief of Staff to the list of County officials who may issue
6 subpoenas; modifying who can serve a subpoena and adding a requirement for an
7 affidavit of service; adding Chief of Staff, Deputy County Attorneys, and Supervising
8 County Attorneys to the list of County officials who may administer an oath;
9 repealing the definition of “special body” and addition a new definition contained in
10 State law; adopting State standards for minutes and recordkeeping; reducing the
11 length of time a special body is required to maintain minutes; modifying the duties of
12 the Central Services Officer acting as Records Management Officer; requiring record
13 retention schedules to be approved in writing by the Chief of Staff and Records
14 Retention Officer; allowing the Records Retention Officer to loan County records of
15 historical significance without approval of the Chief Administrative Officer;
16 clarifying that inspectors may be reimbursed from the Criminal Reimbursement
17 Expense Fund; amending the definition of “civil emergency” to comport to State law;
18 ~~modifying the definition of “curfew”~~; repealing “Title 8. Urban Renewal” in its
19 entirety; clarifying that fees enforced in the same manner as County real property

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 taxes must be related to or arise out of ownership or use of real property; providing
2 that all officers and employees of the County other than the County Executive and the
3 Controller shall be covered by a collective surety bond; making certain technical and
4 stylistic changes; and generally relating to the General Provisions Article of the
5 County Code.

6
7 BY repealing and reenacting, with amendments: §§ 1-1-102(e); 1-1-103; 1-1-104; ; 1-2-
8 101; 1-2-102(a); 1-2-202; 1-3-101(4); 1-3-102; 1-3-103; 1-4-101(2); 1-4-102(b); 1-4-
9 103; 1-4-104; 1-4-105; 1-5-102; 1-6-101; and 1-6-102
10 Anne Arundel County Code (2005, as amended)

11
12 BY repealing: §§ 1-8-101 through 1-8-401 and the title "Title 8. Urban Renewal"
13 Anne Arundel County Code (2005, as amended)

14
15 BY renumbering and repealing and reenacting, with amendments: §§1-9-101 and 1-9-102
16 to be §§ 1-8-101 and 1-8-102, respectively
17 Anne Arundel County Code (2005, as amended)

18
19 BY renumbering: §§ 1-9-103 and 1-9-104 and the title "Title 9. Miscellaneous
20 Provisions" to be §§ 1-8-103 and 1-8-104 and the title "Title 8. Miscellaneous
21 Provisions", respectively

22
23 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
24 *Maryland,* That Sections 1-8-101 through 1-8-401 and the title "Title 8. Urban Renewal"
25 of the Anne Arundel County Code (2005, as amended) are hereby repealed.

26
27 SECTION 2. *And be it further enacted,* That §§1-9-103 and 1-9-104 and the title
28 "Title 9. Miscellaneous Provisions" of the Arundel County Code (2005, as amended) are
29 hereby renumbered to be §§ 1-8-103 and 1-8-104 and the title "Title 8. Miscellaneous
30 Provisions", respectively.

31
32 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
33 Code (2005, as amended) read as follows:

34
35 **ARTICLE 1. GENERAL PROVISIONS**

36
37 **TITLE 1. DEFINITIONS; RULES OF CONSTRUCTION; CITATION**

38
39 **1-1-102. Rules of construction.**

40
41 (e) **Variations of "write."** The words "written" and "in writing" include printing and
42 any other mode of PHYSICALLY OR DIGITALLY representing words and letters. However,
43 if the law requires the written signature of a person or an official or public writing or
44 bond, the signature must be in the proper handwriting of the person or, if the person is
45 unable to write, by the person's proper mark. FOR PURPOSES OF THIS SECTION, AN
46 "ELECTRONIC SIGNATURE" MEANS ELECTRONIC SOUNDS, SYMBOLS, OR DATA
47 ATTACHED TO OR LOGICALLY ASSOCIATED WITH A RECORD AND EXECUTED OR
48 ADOPTED BY A PERSON AS VERIFICATION OF THE PERSON'S INTENT TO SIGN THE
49 RECORD.

1 **1-1-103. Computation of time.**

2
3 Except as otherwise expressly provided in this Code, in computing any period of time
4 prescribed by this Code, the following rules apply[:].

5
6 (1) The day of the act, event, or default after which the designated period of time
7 begins to run is not included. If the period of time allowed is more than seven days,
8 intermediate Saturdays, Sundays, and legal holidays are counted[.,]. [but if] IF the period
9 of time allowed is seven days or less, intermediate Saturdays, Sundays, and legal holidays
10 are not counted. The last day of the period so computed is included unless it is a
11 Saturday, Sunday, or legal holiday, in which event the period runs until the end of the
12 next day that is not a Saturday, Sunday, or legal holiday[.,]. [or unless] IF the act to be
13 done is the filing of some paper with a County office and that office is not open for all or
14 part of the last day of the period, [in which event] the period runs until the end of the next
15 day that is not a Saturday, Sunday, legal holiday, or a day on which the office is not open.
16

17 (2) In determining the latest day for performance of an act required by this Code
18 to be performed a prescribed number of days before a certain day, act, or event, all days
19 before the day, act, or event, including intervening Saturdays, Sundays, and legal
20 holidays, are counted in the number of days so prescribed. The latest day is included in
21 the determination unless it is a Saturday, Sunday, or legal holiday, in which event the
22 latest day is the first preceding day that is not a Saturday, Sunday, or legal holiday.
23

24 (3) Whenever a person has the right or is required to do some act or take some
25 proceeding within a prescribed period after service on the person of a notice or other
26 paper and service is made by mail, three days shall be added to the prescribed period.
27

28 **1-1-104. Captions.**

29
30 The captions AND TAGLINES printed in bold in this Code are mere catchwords to
31 indicate the contents of the sections or subsections. They may not be deemed or taken as
32 [titles or as] part of the sections or subsections when the sections or subsections are
33 adopted, amended, [or] reenacted, CITED, OR INTERPRETED.
34

35 **TITLE 2. SUBPOENAS AND OATHS**

36
37 **1-2-101. Subpoena powers.**

38
39 (a) **Authority to issue.** A subpoena to compel the attendance of witnesses and to
40 require the production of records and other materials in connection with civil
41 investigations, inquiries, or hearings may be authorized by THE:

42
43 (1) [the] County Council;

44
45 (2) [the] County Executive;

46
47 (3) [the] Chief Administrative Officer;

48
49 (4) CHIEF OF STAFF;

- 1 [(4) the] (5) Director of Inspections and Permits;
- 2
- 3 [(5) the] (6) Planning and Zoning Officer;
- 4
- 5 [(6) the] (7) Administrative Hearing Officer;
- 6
- 7 [(7) the] (8) Board of Appeals;
- 8
- 9 [(8) the] (9) Personnel Board;
- 10
- 11 [(9) the] (10) Director of Public Works;
- 12
- 13 [(10) the] (11) County Auditor;
- 14
- 15 [(11) the] (12) County Attorney; or
- 16
- 17 [(12) the] (13) Ethics Commission or [the] Executive Director of the Ethics
- 18 Commission.
- 19

20 (b) **Contents.** A subpoena shall be directed to the Sheriff and issued by THE:

- 21
- 22 (1) [the] Chair of the Board of Appeals or the Chair's designee;
- 23
- 24 (2) [the] Administrative Officer to the County Council, as directed by the County
- 25 Auditor or the County Council;
- 26
- 27 (3) [the] Chief of Staff to the County Executive, as directed by any other officer
- 28 or the Personnel Board; or
- 29
- 30 (4) [the] Chair or [the] Executive Director of the Ethics Commission.
- 31

32 (c) **Service. [by Sheriff.** Except as provided in subsection (d), the Sheriff shall serve

33 the subpoena in the same manner as a subpoena issued by a clerk of court and is entitled

34 to a fee for service as provided by State law.

35

36 (d) **Service by adult non-party.** In the case of a subpoena from the County Council,

37 the Board of Appeals, or the Ethics Commission, instead of service by the Sheriff, the

38 Chair of the County Council, the Chair of the Board of Appeals, or the Chair or the

39 Executive Director of the Ethics Commission, on request, may authorize service of a

40 subpoena by personal delivery by an adult individual] A SUBPOENA MAY BE SERVED BY

41 THE SHERIFF OR BY ANY PERSON NOT LESS THAN 18 YEARS OF AGE who is not a party to

42 the proceedings for which the subpoena is issued[, with an affidavit attesting to delivery].

43 THE PERSON EFFECTING SERVICE SHALL PREPARE AND SIGN AN AFFIDAVIT ATTESTING

44 TO PERSONAL DELIVERY. The County Council or the Board of Appeals may supplement

45 the provisions of this subsection by rule.

46

47 [(e)] (D) **Failure to obey.** If a person fails to obey a subpoena, the individual

48 authorizing the issuance of the subpoena may authorize the individual issuing the

1 subpoena to certify the default to the Clerk of the Circuit Court. The Clerk shall promptly
2 issue a body attachment directed to the Sheriff against the person named, compelling the
3 person to obey the subpoena, returnable on the day named in the attachment.
4

5 **1-2-102. Administration of oath.**

6
7 (a) **Authority to administer.** The County Council, [the] County Executive, [the]
8 Chief Administrative Officer, Chief of Staff,[the] Director of Inspections and Permits,
9 [the] Planning and Zoning Officer, [the] Administrative Hearing Officer, [the] Board of
10 Appeals, [the] Personnel Board, [the] Director of Public Works, [the] County Auditor,
11 [the] County Attorney, [the] Deputy COUNTY ATTORNEYS, SUPERVISING COUNTY
12 ATTORNEYS, [and] Assistant County Attorneys, [the] Ethics Commission, and [the]
13 Executive Director of the Ethics Commission may administer oaths to and take the
14 testimony of any witness before them in a civil matter.
15

16 **1-2-202. Administration of oath.**

17
18 The State's Attorney may administer an oath to and take the testimony of any witness
19 who appears before the State's Attorney PURSUANT TO A SUBPOENA ISSUED UNDER § 1-2-
20 101. The form and effect of an oath administered under this section shall be the same as
21 an oath administered in a court of law.
22

23 **TITLE 3. MINUTES AND RECORD OF PROCEEDINGS**

24
25 **1-3-101. Definitions.**

26
27 In this title, the following words have the meanings indicated.
28

29 (4) "Special body" means a [board, commission, committee, or similar body
30 consisting of two or more persons appointed by the County Executive, County Council,
31 Chair of the County Council, or jointly by the County Executive and the County Council.
32 "Special body" includes a citizen committee appointed by the County Executive; an ad
33 hoc committee appointed by the County Council or the Chair of the County Council; to
34 the extent not prohibited by State law, a body appointed pursuant to requirements of State
35 law whose duties and powers relate to the policies or operations of County government;
36 and the Fire Advisory Board] "PUBLIC BODY" AS DEFINED BY THE MARYLAND OPEN
37 MEETINGS ACT.
38

39 **1-3-102. Minutes and record of proceedings.**

40
41 (a) **Generally.** A special body shall keep and approve minutes and record the
42 proceedings of each meeting at which it performs advisory, investigative, legislative, or
43 quasi-legislative functions, AS DEFINED BY THE MARYLAND OPEN MEETINGS ACT, IN THE
44 MANNER AND FORM REQUIRED BY THE MARYLAND OPEN MEETINGS ACT.
45

46 (b) **Who retains.** The [Chief of Staff to the County Executive]CENTRAL SERVICES
47 OFFICER shall keep approved minutes and recordings of meetings of special bodies
48 appointed by the County Executive or jointly by the County Executive and the County
49 Council. The Administrative Officer to the County Council shall keep approved minutes

1 and recordings of meetings of special bodies appointed by the County Council or the
2 Chair of the County Council.

3
4 (c) **Length of time retained.** Approved minutes shall be maintained for [20] 5 10
5 years from the date of the meeting at which the minutes were taken OR FOR SUCH
6 GREATER TIME REQUIRED BY LAW, REGULATION, OR STATE ARCHIVES. Recordings of
7 meetings shall be maintained for five years from the date of the meeting at which the
8 recording was made, or for such longer period as may be directed by executive order or
9 by resolution or ordinance of the County Council.

10
11 (d) **Public review.** Approved minutes and recordings shall be available for public
12 review during normal business hours under the supervision of the [Chief of Staff to the
13 County Executive] CENTRAL SERVICES OFFICER or the Administrative Officer to the
14 County Council, or their respective designees.

15
16 **1-3-103. Supplies, equipment, and clerical assistance.**

17
18 Except as otherwise provided by law, each special body shall be provided with the
19 necessary supplies, equipment, and clerical assistance by:

20
21 (1) the County Executive for those SPECIAL bodies appointed by the County
22 Executive[,] AND those appointed jointly by the County Executive and the County
23 Council[, and the Fire Advisory Board]; or

24
25 (2) the Administrative Officer to the County Council for those SPECIAL bodies
26 appointed by the County Council or the Chair of the County Council.

27
28 **TITLE 4. RECORDS MANAGEMENT**

29
30 **1-4-101. Definitions.**

31
32 In this title, the following words have the meanings indicated.

33
34 (2) "Record" means any documentary material[, regardless of physical] IN ANY
35 form [or characteristic, that is] created or received by any unit [in pursuance of law or] in
36 connection with the transaction of public business [and preserved by that unit as evidence
37 of the organization, functions, policies, procedures, decisions, or operations of the unit or
38 because of the documentary material's informational value].

39
40 **1-4-102. Records Management Officer.**

41
42 (b) **Responsibilities.** The Records Management Officer has primary responsibility for
43 the development and administration of a continuing records management program for the
44 records of each unit. The Records Management Officer shall:

45
46 (1) establish standards, procedures, and techniques for the effective management
47 of County records;

48
49 (2) ENSURE AND OVERSEE THE [prepare] PREPARATION OF record retention

1 schedules providing for the retention of County records of continuing value and for the
2 prompt and orderly disposal of County records no longer possessing sufficient
3 administrative, legal, or fiscal value to warrant their further preservation;

4
5 (3) [review proposals for the purchase or rental of filing equipment and microfilm
6 or photocopying devices, and make recommendation to the unit heads;

7
8 (4) review all proposals to microfilm records, whether or not the ultimate
9 destruction of the original records is involved;

10
11 (5)] consult with and advise units in an effort to achieve uniformity of new forms;

12
13 [(6)](4) inspect records and records management practices of all units;

14
15 [(7) organize and administer a records storage center for the inactive records of
16 the County;

17
18 (8) develop, publish, and enforce standards of classifying, indexing, and filing
19 records; and]

20
21 [(9)](5) assist heads of units in training personnel in handling records; AND

22
23 (6) ENSURE COMPLIANCE WITH LAWS AND REGULATIONS RELATED TO LOCAL
24 GOVERNMENT RECORDS AND THE STATE ARCHIVES.

25
26 **1-4-103. Duties of unit heads.**

27
28 The head of each unit shall:

29
30 (1) cooperate with the Records Management Officer in the preparation of records
31 retention schedules;

32
33 (2) comply with the rules, regulations, standards, and procedures issued by the
34 Records Management Officer with respect to the [retention, storage, disposal, or
35 photographic reproduction] HANDLING of records; and

36
37 (3) designate an employee [to provide] AS a liaison [with] TO the Records
38 Management Officer [and] to assist in carrying out the RECORDS MANAGEMENT program.

39
40 **1-4-104. Approval of record retention schedules required.**

41
42 Record retention schedules [prepared by the Records Management Officer] are not
43 effective until APPROVED IN WRITING BY the [Chief Administrative Officer] RECORDS
44 MANAGEMENT OFFICER [, the State Hall of Records Commission, and the State Board of
45 Public Works provides written approval of them] AND AS REQUIRED BY STATE LAW AND
46 REGULATIONS.

47
48 **1-4-105. Loan of records.**

1 The Records Management Officer, IN HIS OR HER SOLE DISCRETION [with the
2 approval of the Chief Administrative Officer], may loan records of the County that are
3 considered to have historical significance to any responsible person. The person to whom
4 records are loaned shall provide for the proper preservation, display, and indexing of the
5 records and SHALL make the records available for reference purposes.
6

7 TITLE 5. REIMBURSEMENT FOR CERTAIN EXPENSES

9 1-5-102. Criminal Reimbursement Expense Fund.

10
11 There is a Criminal Reimbursement Expense Fund for the County.. The Fund shall be
12 used to pay reasonable defense expenses incurred by public safety employees AND
13 INSPECTORS in defending criminal prosecutions and internal investigations, as provided
14 in this title.
15

16 TITLE 6. CIVIL EMERGENCIES

17 18 1-6-101. Definitions.

19
20 In this title, the following words have the meanings indicated.
21

22 (1) "Civil emergency" means ~~THE THREAT OR OCCURRENCE IN THE COUNTY OF~~ a
23 riot or unlawful assembly characterized by the use of actual force or violence or any
24 threat to use force without the authority of law; {or} a natural disaster or human- made
25 calamity, [including flood, catastrophe, cyclone, tornado,] ~~STORM, DROUGHT, FIRE,~~
26 earthquake, snowfall, or explosion[, within the limits of the County]; ~~AN ENEMY ATTACK~~
27 ~~OR ACT OF TERRORISM; A PUBLIC HEALTH CATASTROPHE, INCLUDING EXPOSURE TO A~~
28 ~~DEADLY DISEASE, BIOLOGICAL TOXIN, OR BIOLOGICAL OR CHEMICAL AGENT CAPABLE~~
29 ~~OF CAUSING EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY; AN ACUTE SHORTAGE OF~~
30 ~~ENERGY RESOURCES; OR ANY OTHER SITUATION THAT COULD RESULT OR RESULTS~~
31 [resulting] in the death or injury of persons or the destruction of property so that
32 extraordinary measures must be taken to protect the public health, safety, and welfare.
33

34 (2) "Curfew" means a prohibition against persons walking, running, loitering,
35 standing, bicycling, or driving {on any road, public property, or vacant premises} in ~~ANY~~
36 ~~AREA OF~~ the County.
37

38 1-6-102. Proclamation.

39
40 Whenever the County Executive finds that a civil emergency exists, the Executive
41 shall proclaim in writing its existence, INCLUDING THE BASIS THEREFOR.
42

43 TITLE [9]8. MISCELLANEOUS PROVISIONS

44 45 [1-9-101]1-8-101. Manner of collection of amounts owed to the County.

46
47 When an owner of REAL property is responsible to the County for the payment of
48 [money] A TAX, FEE, OR OTHER CHARGE RELATED TO OR ARISING OUT OF THE
49 OWNERSHIP OR USE OF THE REAL PROPERTY, the amount shall be levied, collected, and
50 enforced in the same manner as County real property taxes and have the same priority

1 rights, bear the same interest and penalties, constitute a lien on the real property so
2 assessed, and be treated the same as County real property taxes.

3
4 **[1-9-102]1-8-102. Surety bonds.**

5
6 (A) The Controller[,] AND the County Executive[, all officers and employees
7 subordinate to the County Council, and all other officers and employees of the Executive
8 Branch] shall [furnish] EACH BE COVERED BY a surety bond[, the penalty of which shall
9 be] in [the amount of] AN AMOUNT OF AT LEAST \$300,000 to ensure the faithful
10 performance of their duties. [The bond shall be let in accordance with authorized
11 purchasing procedures.]

12
13 (B) ALL OFFICERS AND EMPLOYEES OF THE COUNTY OTHER THAN THE CONTROLLER
14 AND THE COUNTY EXECUTIVE SHALL BE COVERED COLLECTIVELY BY SURETY BONDS IN
15 ~~THE AMOUNT OF~~ AN AMOUNT OF AT LEAST \$300,000 TO ENSURE THE FAITHFUL
16 PERFORMANCE OF THEIR DUTIES.

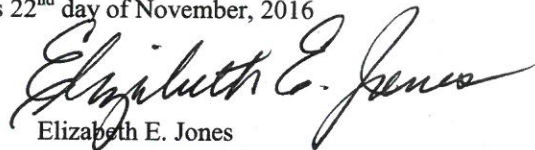
17
18 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
19 from the date it becomes law.

READ AND PASSED this 21st day of November, 2016


By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 22nd day of November, 2016



Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 22 day of November, 2016


Steven R. Schuh
County Executive

EFFECTIVE DATE: January 6, 2017

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
71-16 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer