

**COUNTY COMMISSIONERS OF CARROLL COUNTY**

**RESOLUTION NO. 1143 -2022**

**WHEREAS**, Chapter 59 Laws of Maryland 2021, Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures, (the “Act”), makes various changes that generally relate to law enforcement including altering requirements for police officers during traffic stops, establishing higher education financial assistance programs for police officers, increasing civil liability limits applicable to police misconduct lawsuits repealing the Law Enforcement Officer’s Bill of Rights (“LEOBR”), and establishing provisions that relate to a statewide accountability and discipline process for police officers;

**WHEREAS**, in accordance with the Act, each county shall establish a police accountability board.

**WHEREAS**, the Act requires each county to have one administrative charging committee to serve local law enforcement agencies within the county.

**WHEREAS**, the Board of County Commissioners desires to conform to the requirements of the Act by July 1, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the County Commissioners of Carroll County, Maryland that there shall be a Carroll County Police Accountability Board (“CCPAB”) and a Carroll County Administrative Charging Committee (“CCACC”) applicable to countywide law enforcement agencies and local enforcement agencies within the County in accordance with the following:

**I. Police Accountability Board**

A. There shall be a Carroll County Police Accountability Board (“CCPAB”) to serve local

law enforcement agencies as defined in MD. Ann. Code Public Safety Art., § 3-201, as amended hereafter from time to time.

B. The CCPAB shall:

1. Hold not less than quarterly meetings with heads of law enforcement agencies and work to improve matters of policing;
2. Appoint civilian members to the charging committee and trial boards as described in the Act;
3. Receive complaints of police misconduct filed by members of the public. Each complaint of misconduct received by the CCPAB shall be forwarded within three (3) days of receipt by the CCPAB to the appropriate law enforcement agency. If no meeting of the CCPAB is scheduled within that timeframe, the Chairperson of the CCPAB shall ensure that such complaint is forwarded and report the transfer of such report to the CCPAB at its next meeting.
4. On at least a quarterly basis, review outcomes of disciplinary matters considered by the charging committee;
5. By December 31 each year, submit a report to the County Commissioners that identifies any trends in the disciplinary process of police officers in Carroll County and include recommendations on changes to policy that would improve police accountability in Carroll County.

## **II. Administrative Charging Committee**

A. There shall be a Carroll County Administrative Charging Committee (“CCACC”) to serve countywide law enforcement agencies and local law enforcement agencies.

B. The CCACC shall:

1. Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process, which may be amended from time to time as a majority of the CCACC may deem necessary and appropriate.
2. Review the findings of a law enforcement agency's investigation conducted and forwarded to the CCACC.
3. Make a determination that the Sheriff's deputy or municipal police officer ("law enforcement officer") who is subject to investigation shall be:
  - a. Administratively charged; or
  - b. Not administratively charged.
4. If the law enforcement officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix developed by the Maryland Police Training and Standards Commission pursuant to MD. Ann. Code, Public Safety Art., § 3-105 and § 3-106..
5. Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct.
6. Authorize a law enforcement officer called to appear before an administrative charging committee to be accompanied by a representative.
7. Issue a written opinion that describes in detail its findings, determinations, and recommendations, and
8. Forward the written opinion to the chief of the law enforcement agency, the law enforcement officer, and the complainant.
9. Within 15 days of receipt of the written opinion and recommended discipline of the CCACC, the Sheriff or Chief of the Law Enforcement Agency shall offer the

recommended discipline (or a higher discipline) to the officer. (A lower discipline may not be offered to the officer.)

10. TRIAL BOARD. If the officer refuses the proposed discipline, a trial board must be convened by the Office of the Sheriff or the Chief of the Law Enforcement Agency (whichever is applicable), which must consist of:

(a) An active or retired administrative law judge, or a retired district or circuit court judge appointed by the County Commissioners.

(b) A civilian who is not a member of the CCACC, appointed by the Carroll County Police Accountability Board.

(c) A police officer of equal rank to the accused officer, appointed by the Sheriff or Chief of Police, whichever is applicable.

C. In executing its duties, the CCACC may:

1. Request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas;

2. If the law enforcement officer is not administratively charged, make a determination that:

a. The allegations against the law enforcement officer are unfounded; or

b. The law enforcement officer is exonerated; and

3. Record, in writing, any failure of supervision that caused or contributed to a Law Enforcement Officer's misconduct.

### **III. Membership.**

A. To the extent practicable, the membership of the CCPAB and CCACC shall reflect the

racial, gender, and cultural diversity of Carroll County.

B. No active law enforcement officer may be a member of the CCPAB or CCACC.

C. Member(s) shall hold their position until their successor(s) are selected and qualified.

D. All members of the CCPAB and the CCACC are subject to the applicable provisions of the Carroll County Code of Ethics, Ch. 34 of the Code of Public Local Laws and Ordinances of Carroll County.

E. All members of the CCPAB and CCACC shall be Carroll County residents and shall not have been convicted in a federal or state court of record of a crime punishable by imprisonment exceeding one (1) year and received a sentence of imprisonment for more than one (1) year, unless pardoned.

F. No member of the CCPAB and CCACC shall have a charge pending in a federal or state court of record for a crime punishable by imprisonment exceeding one (1) year.

G. Members of the CCPAB and CCACC shall maintain confidentiality regarding all matters before the respective Board and Committee.

H. Members of the CCPAB and CCACC shall comply with the Maryland Open Meetings Act, MD. Ann. Code, *General Provisions Art.*, §3-101, *et seq.*, as amended hereafter from time to time.

I. With regard to the CCPAB

1. The CCPAB shall be composed of five (5) members appointed by the Board of County Commissioners of Carroll County, including the Chairperson designated by the Board of County Commissioners.

- 2., Members shall serve a term of two (2) years and shall not be eligible for reappointment after a total of four (4) years of service.

3. The Chairperson of the CCPAB shall have experience relevant to the position.
4. Two (2) members may be sworn law enforcement officers who retired in good standing.
5. Two members shall be selected from a list of five names forwarded to the Board of County Commissioners from the County Chapter of the Maryland Municipal League.

J. With regard to the CCACC:

1. The CCACC shall be composed of five (5) members.
2. The Chairperson of the CCPAB, or a member designated by the Chairperson of the CCPAB shall serve as a Member of the CCACC.
3. The Board of County Commissioners for Carroll County shall appoint two (2) Carroll County civilians as members of the CCACC.
4. The CCPAB shall appoint two (2) Carroll County civilians to the CCACC by majority vote.
5. The members of the CCACC shall elect a Chairperson from among its members by a majority vote each year at the first meeting occurring on or after July 1.
6. The Chairperson of the CCACC shall serve no more than two (2) consecutive terms as the Chairperson.
7. Members shall serve a term of two (2) years and shall not be eligible for reappointment after a total of four (4) years of service on the CCACC.
8. Before serving as the CCACC, every individual shall receive training on matters relating to police procedures promulgated by the Maryland Police Training and Standards Commission.

## **V. Resignation and Removal**

A. Any member of the CCPAB or CCACC may resign at anytime by providing written notice to the Board of County Commissioners.

B. In addition to the grounds set forth above, a member of the CCPAB or CCACC may be removed in accordance with the following provisions.

1. The Board of County Commissioners may remove any member on its own initiative based on a recommendation of a majority vote of the CCPAB, when, in its discretion, the best interest of the community would not be served by continued membership.

2. The Chairperson shall notify the Board of County Commissioners if a member of the CCPAB or of the CCACC misses three (3) scheduled meetings in any twelve (12) month period without an excused absence. The Board of County Commissioners shall remove and replace such member.

## **VI. Special Meetings and Reporting.**

A. The CCPAB and the CCACC may meet in Special Meetings at the call of the Chairperson, or in the absence of the Chairperson, at the request of a majority of the members.

B. Matters considered at a Special Meeting are limited to the purpose and agenda listed in the notice of the meeting.

C. Adequate notice of all Special Meetings will be provided to all CCPAB or CCACC members.

D. Meetings of the CCPAB and the CCACC may be conducted by telephone or video conference call provided that such meetings are in compliance with the Maryland Open

Meetings Act.

## **VII. Budget**

A. The Board of County Commissioners shall approve a budget for the CCPAB that may include:

1. An annual appropriation for studies and contracted services relevant to the mission of the CCPAB supported by grant assistance from the Governor's Office of Crime Control and Prevention; and
2. A quarterly stipend to members in such amount the Board of County Commissioners deems appropriate.

B. The Board of County Commissioners shall approve a budget for the CCACC that may include:

1. An annual appropriation for studies and contracted services relevant to the mission of the CCPAB supported by grant assistance from the Governor's Office of Crime Control and Prevention; and
2. A meeting stipend for members with a maximum annual amount set by the Board of County Commissioners.

## **VIII. Rules, Record Keeping, and Support**

A. Rules.

1. A quorum shall consist of a majority of the voting members.
2. All meetings shall be conducted in accordance with *Roberts Rules of Order* unless they are inconsistent with the approved rules or this Resolution.
3. There shall be one (1) vote per member of the CCPAB and CCACC. Any member serving both the CCPAB and the CCACC shall have one vote in each body.



The Chair is entitled to vote on any item unless precluded by operation of the Carroll County Code of Ethics.

4. A tie vote for or against a motion means that a motion fails.

B. Record Keeping.

1. The Custodian of all records, of any form, including, without limitation, paper, media, and electronic, of the CCPAB shall be the Chairperson of the CCPAB with:

- a. Records pertaining to any administrative investigation being deposited and secured by the Office of the County Attorney; and
- b. Records pertaining to any criminal investigation being deposited and secured by the Office of the State's Attorney.

C. Support.

1. The Carroll County Department of Human Resources shall provide support personnel as may be required by the CCPAB and CCACC.
2. The Department of the County Attorney shall provide legal support to the CCPAB and, if requested, the CCACC.
3. The Board of County Commissioners shall provide such meeting space, supplies, equipment, and support, including without limitation technology support and storage, as may be required by the CCPAB and CCAC to perform their respective duties.

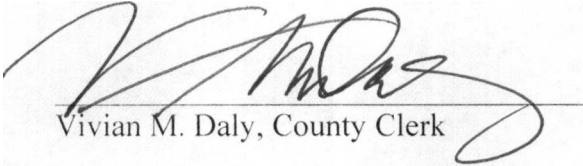
**BE IT FURTHER RESOLVED** by the Board of County Commissioners of Carroll County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion

or provision, and that the remainder of the Resolution shall be enforceable and valid.

**BE IT FURTHER RESOLVED** by the Board of County Commissioners of Carroll County, Maryland that this Resolution shall be effective on July 1, 2022.

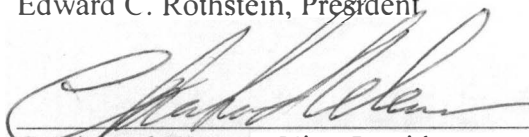
ADOPTED this 5<sup>th</sup> day of May, 2022.

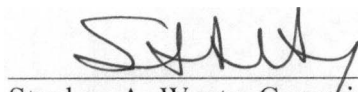
ATTEST:

  
Vivian M. Daly, County Clerk

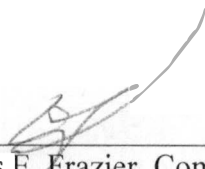
THE COUNTY COMMISSIONERS  
OF CARROLL COUNTY, MARYLAND,  
a body corporate and politic of the  
State of Maryland

  
Edward C. Rothstein, President (SEAL)

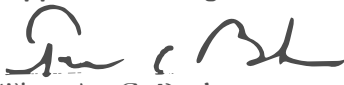
  
C. Richard Weaver, Vice-President (SEAL)

  
Stephen A. Wantz, Commissioner (SEAL)

Absent (SEAL)  
C. Eric Bouchat, Commissioner

  
\_\_\_\_\_  
Dennis F. Frazier, Commissioner (SEAL)

Approved for legal sufficiency:

  
Timothy C. Burke  
Acting County Attorney

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00/00/22



# Board of Carroll County Commissioners

County Office Building  
Westminster, MD 21157  
<https://carrollcountymd.gov>

## Open Session

### ~ Voting Record ~

Admin

Thursday, May 5, 2022

9:00 AM

County Office Building Rm 311

## I. Call to Order

Attendee Name	Organization	Title	Status	Arrived
Ed Rothstein	Board of Carroll County Commissioners	President	Present	
Richard Weaver	Board of Carroll County Commissioners	Vice-President	Present	
Stephen Wantz	Board of Carroll County Commissioners	Commissioner	Present	
Dennis Frazier	Board of Carroll County Commissioners	Commissioner	Present	
Eric Bouchat	Board of Carroll County Commissioners	Commissioner	Absent	

## II. Priority Carroll

### III. Approval to Submit the Application and Accept the Award for the FY23 Homeless Solutions Program Grant Through the MD Department of Housing and Community Development

The MD Department of Housing and Community Development (DHCD) provides annual state and federal funding for homeless services. Funding available for FY 23 includes the county's allocation of \$401,200 and an opportunity to apply for up to an additional \$401,200 in competitive funds, for a total request of \$802,400.

As the grantee, the County subgrants funding to HSP to carry out several components of the programs. As part of the competitive request, the Department of Citizen Services is proposing to continue Housing Stability and Homeless Prevention services with staff currently working under the Emergency Rental Assistance Program (ERAP). The positions have been critical in assisting clients with significant barriers to obtain and maintain housing. The Department of Citizen Services provides fiscal and programmatic oversight and also operates the Youth Rapid Rehousing program

- Motion To:** approve the submission of the FY23 Homelessness Solutions Grant application and accept the award.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Frazier, Commissioner
<b>SECONDER:</b>	Richard Weaver, Vice-President
<b>AYES:</b>	Ed Rothstein, Richard Weaver, Stephen Wantz, Dennis Frazier
<b>ABSENT:</b>	Eric Bouchat

**IV. Maryland Association of Counties (MACo)**  
**V. Acceptance of Congressional Earmark: Body Worn Cameras and In Car Cameras**

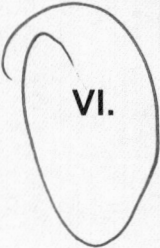
The Carroll County Sheriff's Office has been awarded, in full, the Congressional Earmark request to fund the purchase of body worn cameras, in car cameras, video storage and related equipment for all Sheriff Deputies.

Budget - Equipment Only

Federal	\$1,429,000
Required County Match for Equipment	0
Total Project	\$1,429,000

- Motion To:** accept the Congressional Earmark for the Sheriff's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Weaver, Vice-President
<b>SECONDER:</b>	Stephen Wantz, Commissioner
<b>AYES:</b>	Ed Rothstein, Richard Weaver, Stephen Wantz, Dennis Frazier
<b>ABSENT:</b>	Eric Bouchat



**VI. The Police Accountability Board/Administrative Charging Committee Resolution**

The Maryland General Assembly enacted legislation in 2021 that requires all counties to create and staff local police accountability boards and administrative charging committees by July 1, 2022, to administer certain aspects of police discipline. A County Resolution on the matter was presented to the Board and a public hearing was held on April 21, 2022. Two questions asked by the Board at the hearing are addressed below.

- 1) Is there a minimum residency requirement in State law for citizens to serve on the Police Accountability Board or Administrative Charging Committee?  
No.
- 2) Does the State law prohibit those with pending charges or corrections punishable by up to 1 year in prison from serving on either board?  
No.

- Motion To:** adopt the proposed Resolution creating the Police Accountability Board and Administrative Charging Committee.

<b>RESULT:</b>	<b>ADOPTED [3 TO 1]</b>
<b>MOVER:</b>	Dennis Frazier, Commissioner
<b>SECONDER:</b>	Stephen Wantz, Commissioner
<b>AYES:</b>	Richard Weaver, Stephen Wantz, Dennis Frazier
<b>NAYS:</b>	Ed Rothstein
<b>ABSENT:</b>	Eric Bouchat

## VII. The Carroll County Noise Ordinance Revision/Replacement

Attached is a proposed revision/replacement of Carroll County's Noise Ordinance. At the public hearing held on April 21, 2022, the Board directed staff to retain the provision in the current law prohibiting the operation of off-road, internal combustion engine powered, recreational vehicles closer than 300 feet from a neighboring residence. The requested language has been inserted into the new Ordinance.

- Motion To:** adopt the proposed revision and replacement of the Carroll County Noise Ordinance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Frazier, Commissioner
<b>SECONDER:</b>	Stephen Wantz, Commissioner
<b>AYES:</b>	Ed Rothstein, Richard Weaver, Stephen Wantz, Dennis Frazier
<b>ABSENT:</b>	Eric Bouchat

## VIII. Warfieldsburg Road Headwall Replacement Bid # 80-F-1-21/22

The Office of Procurement in conjunction with the Bureau of Engineering requests your approval to award a contract for the Warfieldsburg Road Headwall Replacement to SMI Services, Inc. in the amount of One Hundred Sixty-Nine Thousand Seven Hundred Nineteen Dollars and Zero Cents (\$169,719.00). This project consists of extending the existing 60-inch RCP by 4-foot, construction of a new 'E' Endwall, stream diversion and maintenance of stream flow; traffic detours, repair damage pavement and shoulder; stabilization of all disturbed areas. The amount is within the approved budget and no additional funds will be necessary.

Vendors & Bid Results:

- |    |                        |                 |              |
|----|------------------------|-----------------|--------------|
| 1. | SMI Services, Inc.     | Bowie, MD       | \$169,719.00 |
| 2. | Brawner Builders, Inc. | Hunt Valley, MD | \$199,750.00 |

- Motion To:** award the contract for Warfieldsburg Road Headwall Replacement to SMI Services, Inc. in the amount of \$169,719.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stephen Wantz, Commissioner
<b>SECONDER:</b>	Richard Weaver, Vice-President
<b>AYES:</b>	Ed Rothstein, Richard Weaver, Stephen Wantz, Dennis Frazier
<b>ABSENT:</b>	Eric Bouchat

**IX. Letter of Intent to purchase eight (8) new Chevrolet Tahoe Utility vehicles**

The Office of Procurement in cooperation with the Bureau of Fleet Management requests your approval to send Hertrich Fleet Services a Letter of Intent to purchase eight (8) new Chevrolet Tahoe Utility vehicles at the estimated cost of \$325,608.00. These vehicles will be purchased from the State of Maryland contract #001B1600353 which was competitively bid. This Letter of Intent will allow Hertrich Fleet Services to put these vehicles on their assembly schedule, which will reduce wait time. This amount was requested in the FY23 Budget, and no additional funds should be necessary. The vehicles will be issued to the following agencies:

- Four (4) Department of Fire/EMS
- Three (3) Sheriff's Office
- One (1) State's Attorney's Office

1. **Motion To:** approve the Office of Procurement to issue a Letter of Intent to Hertrich Fleet Services for the impending purchase eight (8) new Chevrolet Tahoe Utility vehicles at the estimated cost of \$325,608.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stephen Wantz, Commissioner
<b>SECONDER:</b>	Dennis Frazier, Commissioner
<b>AYES:</b>	Ed Rothstein, Richard Weaver, Stephen Wantz, Dennis Frazier
<b>ABSENT:</b>	Eric Bouchat

**X. Approval to Use a Term Contract to Reline Three Stormwater Drainage System Pipes**

The Bureau of Roads Operations (Roads) is seeking approval to use a term contract to reline three stormwater drainage system pipes using a cured-in-place fiberglass liner process at the intersection of Jeffrey Lori South Drive and Gracie Drive in Finksburg, MD 21048.

These pipes (1 - 48-foot long / 24-inch diameter, 1 - 22-foot long / 15-inch diameter, 1 - 42-foot long / 24-inch diameter) are part of the County's stormwater drainage system. Said pipes have open voids in the bottoms which are causing erosion around the pipes and leading to road failures. The quote submitted by Pleasants Construction, Inc. for this project is \$33,310.35. Pleasants Construction, Inc. has a term contract, which was competitively bid and awarded, with the County and funding for this work is available. No permits are required for this work. The road will remain open during construction. The estimated time to complete this project is three working days, weather permitting.

1. **Motion To:** approve the Bureau of Roads Operations to install a cured-in-place fiberglass liner in the failing stormwater drainage system pipes near the intersection of Jeffrey Lori South Drive and Gracie Drive in Finksburg, MD. 21048 for \$33,310.35.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Weaver, Vice-President
<b>SECONDER:</b>	Ed Rothstein, President
<b>AYES:</b>	Ed Rothstein, Richard Weaver, Stephen Wantz, Dennis Frazier
<b>ABSENT:</b>	Eric Bouchat

**XI. Public Comment**

**XII. Administrative Session ~ Open**

- 1. **Motion To:** adjourn

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Frazier, Commissioner
<b>SECONDER:</b>	Richard Weaver, Vice-President
<b>AYES:</b>	Ed Rothstein, Richard Weaver, Stephen Wantz, Dennis Frazier
<b>ABSENT:</b>	Eric Bouchat